



Committee and date
Central Planning Committee
22 June 2017

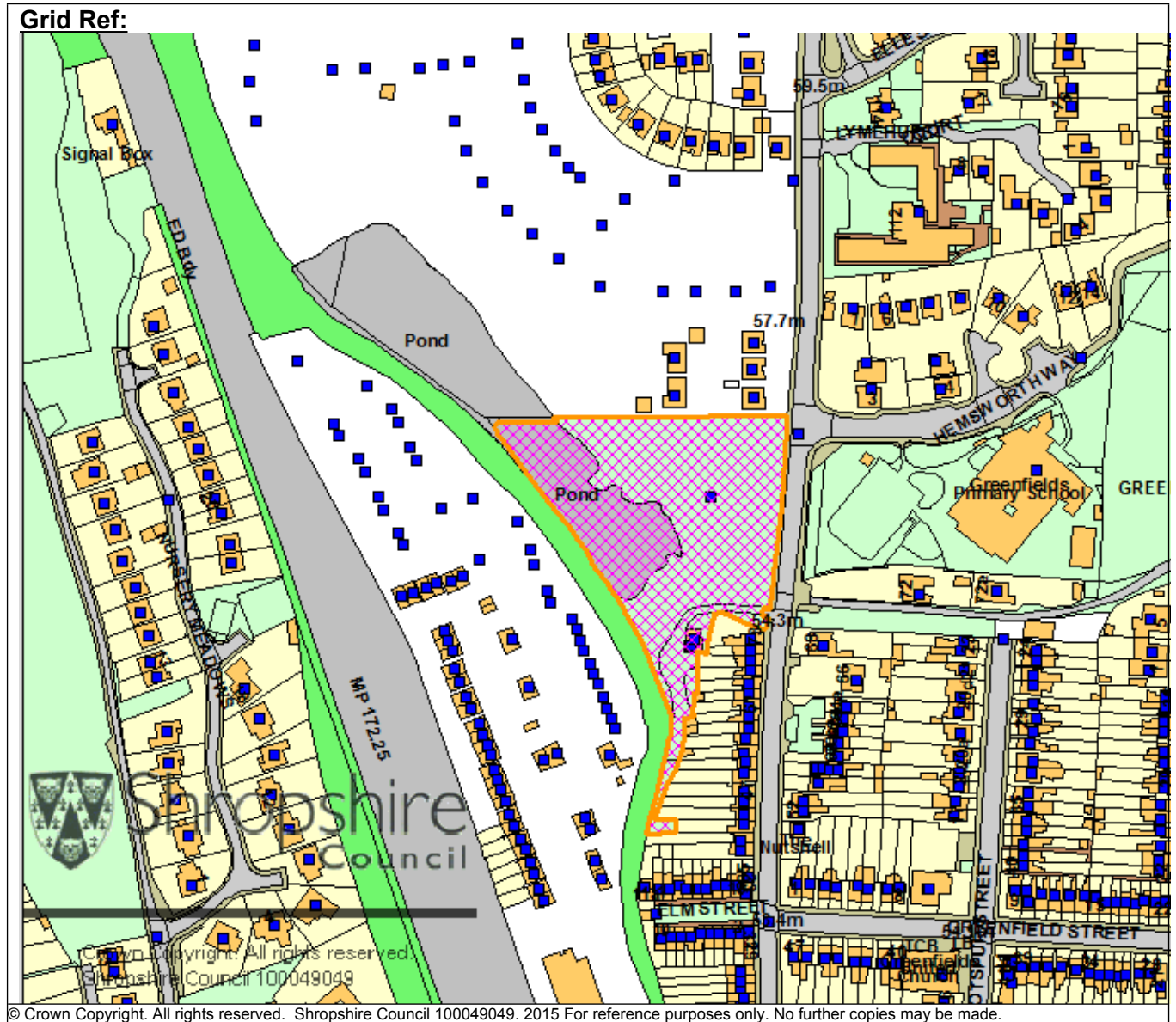
Item
5
Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

<u>Application Number:</u> 16/03225/OUT	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure		
<u>Site Address:</u> Land at Ellesmere Road, Shrewsbury, Shropshire		
<u>Applicant:</u> The Saxonby Group		
<u>Case Officer:</u> Mark Lynch	<u>email:</u> planningdmc@shropshire.gov.uk	



Recommendation: - Grant outline planning permission subject to a S106 Planning Obligation and to the conditions set out in Appendix 1.

REPORT

1	THE PROPOSAL
1.1	This application seeks outline planning permission for a residential development originally comprising 48 apartments but reduced to 38 following negotiations. All matters are to be considered as part of this application with the exception of landscaping, which remains a reserved matter. Detailed plans and drawings have been submitted showing three residential blocks arranged on the site. Two of the blocks front the highway on Ellesmere Road ('Blocks A and C') with the third block ('Block B') set behind Block A facing the existing pond on the western edge of the

	site.
1.2	The site slopes from east to west and the height and scale of the three blocks follow the topographical variations on the site. Blocks A and B are two storeys in height where they face the road with an additional floor of accommodation within the roof space. Block A is subdivided into three individual component blocks each separated from its neighbour by a recessed three storey partition in a contrasting brick. At the rear, the block steps down the slope so that it is three storeys in height with a fourth floor of accommodation provided.
1.3	The block is relatively wide and the same intervening partition device is employed in an attempt to break up the massing of the building. The rear elevation has a number of balconies added at first and second floor levels. Car parking is provided underneath two of the buildings at ground floor level. It contains 15 apartments.
1.4	The second building Block C is located to the south west of Block A and is of similar design. It is two storeys in height facing Ellesmere Road and three storeys in height at the rear with an additional floor of accommodation within the roof space. It was initially arranged east/west on the site with the building set back from the Ellesmere Road frontage behind the access. Balconies were shown added to the side and rear elevations at first and second floor levels. This orientation and design has since been changed so that balconies to the side have been removed and it now sits just behind the frontage line and has been turned through 90 degrees to create a traditional frontage development. It contains 10 apartments and the base level contains a number of car parking bays.
1.5	The third building, Block B, was initially the largest of the three and is sited at the back of Block A. It once extended westwards almost as far as the existing pond at the western part of the site. It is of similar style to the others and initially contained four individual blocks separated by three full height glazed partitions. As originally submitted, the sub-block at the rear of Block A was three storeys with a fourth floor in the roof. The remaining three sub-blocks were four storeys with a fifth floor of accommodation within the roof space. Car parking was shown provided within the base level of these three sub-blocks. A number of balconies were included on the rear and side elevations. The height and size of the block have been reduced following discussions so that they are more in keeping with the other two blocks. It contains 13 apartments and car parking on part of the ground floor level.
1.6	The blocks share common design features, including the aforementioned glazed and brick partitions and balconies. They also include a number of flat roofed dormers, roof lights and chimneys. Materials remain to be agreed but the drawings suggest that they will be common to each block and comprise red facing brick and a dark roofing material, such as slate or tile.
1.7	Access will be via a new site entrance onto Ellesmere Road located in the central part of the frontage. The access road leads to the rear of the site in front of Block B. An arm leads off this road to the south in front of Block C where it winds around to the rear of the existing two storey terraced dwellings along Ellesmere Road. The development proposes an additional 8 off street car parking spaces in this part of

	the site to meet the needs of existing residents.
1.8	<p>Since initial submission, there has been a sustained programme of negotiation over this scheme between the local planning authority and the applicant that has resulted in a series of amendments. The current scheme now consists of the following:</p> <ul style="list-style-type: none"> • A reduction in numbers of apartments from 48 to 38 • Block B at the rear being reduced in size to set it away from the pond and constructing the western part of the building on columns to protect the biodiversity interests of the pond margins and creating an enhanced habitat and green corridor area under and around the building • A redesign to remove several chimneys and changes to the fenestration to reduce its bulk and institutionalised appearance, including omission of balconies on Block B facing the Redrow Homes development and existing dwellings to the south and west • Omission of balconies on those parts of Block A closest to the new Redrow Homes development to the north • Resiting of Block B so that it is a minimum of 21m away from the nearest dwelling on the adjacent Redrow Homes development • Reorientation of Block C so that it now faces Ellesmere Road • Reduction in the footprint of the buildings to create more space around the pond • Introduction of dormer windows to roadside elevations • S106 contribution of £32,000 towards a traffic signal controlled crossing on Ellesmere Road • An increase in the numbers of affordable housing units from 10% to 20% • An offer of £45,000 towards the North West Relief Road
2.0	SITE LOCATION/DESCRIPTION
2.1	<p>The application site is roughly triangular in shape and extends to 0.8 of a hectare in area. It is located in the open countryside on the edge of Shrewsbury. The site lies adjacent to a row of two storey terraced dwelling houses fronting Ellesmere Road. To the north is a new development under construction by Redrow Homes. This development comprises 75 dwelling houses on a 4 hectare site. To the west is a row of trees on the west bank of the pond beyond which a new development by Lovell's is for 147 residential units including an extra care block (69 units) and 78 dwelling houses.</p>
2.2	<p>The site is currently unused and is largely laid to rough grass with a pond occupying part of the western area of the site. The front of the site facing Ellesmere Road is marked with a hedge. Adjacent to the terraced dwellings is an existing vehicular access that leads to the rear of those houses. The site slopes from east to west towards the pond.</p>
2.3	<p>The wider area is predominantly residential in character consisting of a range of different dwelling types and development patterns. As mentioned, the land to the</p>

	north is being developed as a housing estate by Redrow Homes and the land to the west has been developed for residential purposes by Lovell's. To the south is a row of two storey terraced houses that front directly onto Ellesmere Road. On the opposite side of the road are a number of larger dwelling houses, some set back from the highway frontage behind mature hedges. In addition, there is Greenfields School and its grounds and further to the north east is a small modern housing development and a nursing home.
2.4	Ellesmere Road is classified A528 and is one of the main arterial routes into and out of Shrewsbury.
2.5	The site lies outside the defined settlement boundary for Shrewsbury and is categorised as open countryside, notwithstanding the presence of new development to the north and west.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The proposed development is contrary to adopted planning policy and has attracted objections from the Town Council the local elected Member has also called the application in for determination by the Planning Committee. It is considered that the proposals should be determined by the Planning Committee in view of the controversial and complex issues involved.
4.0	Community Representations
4.1	- Consultee Comments.
4.1.1	<p>SC Public Protection – Comments</p> <p>The noise assessment completed by SMB Safety Solution Ltd dated 29th June 2016 concludes that mitigation is necessary to habitable rooms. As a result I recommend a condition as follows should this application be granted approval:</p> <ol style="list-style-type: none"> 1. A glazing and ventilation specification to be installed into each habitable room shall be submitted to the local planning authority for approval in writing prior to the installation of any windows into the structure. The glazing and ventilation shall provide at least a 30 dB reduction between the internal and external fabric of the building. The approved design shall be incorporated into all windows into habitable rooms. Reason: to protect the health and wellbeing of future residents. <p>Having considered the contaminated land report carried out by GIP reference CEB/23460 it is noted that high levels of CO2 were recorded in one location. The report recommends further investigation of this area. I would recommend that this</p>

area is investigated further prior to any remediation option being finalised. As a result I propose the following condition is placed should this application be granted approval:

2. 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 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.

Comments on amended plans 03/05/2017:

Previously proposed conditions still stand. In addition to previous comments it is noted that the application proposes car parking for the residential units. This will encourage car users in proximity of a declared Air Quality Management Area where significant reductions are required in order to meet legislative requirements for pollution. In addition there are pollutants produced by vehicles that are persistent in the environment such as particulate pollution. Particulate pollution can remain suspended for a prolonged time and move great distances.

In order to address the above points I recommend a condition to ensure that sustainable transport options are encouraged in future by providing infrastructure required to charge electric vehicles which are considered the future of small vehicles in the UK in order to help achieve reductions in both air pollution and carbon dioxide:

Prior to use, a minimum of one electric vehicle (EV) plug ready charging point shall be installed for every 10 parking spaces or part thereof provided.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

4.1.2 SC Ecologist – Comments:

I have read the above application and the supporting documents including the;

- Preliminary Ecological Assessment conducted by Turnstone Ecology (May 2016)
- Natural England DAS response. Reference DAS/11746/207322 dated 3rd March 2017.
- Great Crested Newt Mitigation & Management prepared by Turnstone Ecology (15th May 2017)
- Site Plan – Ecology, drawing number LO14E. Prepared by aip architects ltd dated 28th February 2017

Recommendation:

Please include the following conditions and informatives below on a planning decision notice. Planning Officer to complete tests 1 and 2 on the European Protected Species 3 tests matrix and include the finished matrix in their site report.

Great Crested Newts

A medium population of great crested newts has been recorded in the pond within

the development site boundary (max count 22).

Turnstone Ecology and the applicant have used Natural England's Discretionary Advice Service to inform an appropriate mitigation strategy at this site.

The pond and associated marginal vegetation, hedgerows, trees and scrub around the site will be retained. Proposed access will be via a new road directly off Ellesmere Road, resulting in the loss of a short section of poorly connected hedgerow.

A Natural England European Protected Species Licence will be required prior to the commencement of development.

In order to avoid killing and injuring of great crested newts the following reasonable avoidance measures will be put in place;

- Translocation program that will last a minimum of 60 days between April – October inclusive and when overnight temperatures are over 5 degrees
- Temporary Amphibian Fencing
- Permanent log piles will be created to the south of the pond, acting as an area for translocation
- Vegetation within the exclusion area will be maintained short to minimise suitable habitat for great crested newt and aid capture

In order to mitigate for the loss of great crested newt habitat;

- The total area of the development is 0.8 ha, of which the pond makes up 0.211 ha and hard-standing makes up 0.078 ha.
- All optimal GCN terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148 ha of dense ruderal and grass habitat around the edges of the pond) and 0.042 ha of sub-optimal habitat will be temporarily lost during works but then recreated and enhanced post-construction.
- Unit B will be constructed on columns to raise it up to the levels of the eastern half of the site and although there will be temporary loss of sub-optimal habitat during construction, the area under the unit will be recreated as habitat suitable for foraging and hibernating GCN.
- A new hedgerow and an associated earth, wood and rubble bund vegetated with tall herb and shrubs will be recreated along part of the northern boundary.
- The proposal within the 0.8 ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078 ha of unsuitable hard-standing with 0.54 ha of optimal great crested newt habitat (pond, dense vegetation around and beyond the pond and hibernaculas/refuges) being retained, created and/or enhanced.

In order to enhance the site and mitigate for the loss of great crested newt habitat;

- Enhancements to the pond
- Improved terrestrial habitat around the boundaries
- Drainage during and post construction will ensure the water table and pond

will not be effected

- The pond will be fenced (post and wire) to prevent and deter human and dog disturbance other than for monitoring or management purposes.

Monitoring of the pond will be completed on an annual basis for 10 years and include survey for great crested newts to monitor the breeding population and also check on water quality, diversity of aquatic life and presence of any fish. If a notable negative change in the GCN population is recorded and/or it is clear water quality and aquatic life has deteriorated, then the source of the cause will be established and appropriate measures put in place under guidance from a suitably qualified ecologist. If fish are found to be present measures will be put in place to remove them.

Natural England

Natural England has provided discretionary advice regarding this proposal and its potential to impact on the favourable conservation status of great crested newts. Natural England was able to conclude that the favourable conservation status of great crested newts can be maintained, and that a licence from Natural England is likely to be granted.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

REM Condition 1:

1. The first submission of reserved matters shall include a detailed ecological mitigation strategy submitted to the local planning authority for approval. The proposed Great Crested Newt mitigation shall be no less than the area shown on the 'Site Plan – Ecology, drawing number LO14E, Prepared by aiparchitects ltd dated 28th February 2017' and as detailed in the 'Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)'. An area of 0.54ha of great crested newt habitat shall be retained and fenced off from the public open space and managed as great crested newt habitat. The updated ecological mitigation strategy, recommendations and method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

Reason: To ensure the protection and enhancement of biodiversity and protected species, including Great Crested Newts, a European Protected

Species and Badgers, Protected by the Badgers Act.**REM Condition 2:**

The first submission of reserved matters shall include a Construction Environmental Management Plan (CEMP) for approval in writing by the local planning authority. The plan will be implemented as approved and shall include:

- a) An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices, including lighting) to avoid impacts during construction (may be provided as a set of method statements);
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when specialist ecologists need to be present on site to over-see works;
- e) The role and responsibilities on site of an ecological clerk of works (EcCoW) or similarly competent person;
- f) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be adhered to and implemented strictly in accordance with the approved CEMP unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

REM Condition 3 Landscape Plan

At first submission of reserved matters a scheme of landscaping should be submitted and approved in writing by the local planning authority. 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. integrated bird, bat boxes, 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.

The first submission of reserved matters shall include a habitat management plan. The plan shall include:

- a) Description and evaluation of the features to be managed (no less than 0.54ha of land should be retained and fenced off from the public open space and managed as great crested newt habitat as indicated in 'Figure Site Plan – Ecology, dated 28th February 2017',
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.
- i) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

Planning Condition

1. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species

Badgers

The bare earth and patchy vegetation that dominates the site could be used by foraging badgers. No badger setts were recorded. Despite the lack of evidence found during the survey it is recommended a pre-construction check for setts is completed approximately 8 weeks prior to the start of works. Mitigation measures should also be put in place to ensure foraging/dispersing Badgers do not become trapped within any excavation works associated with construction works. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).

Bats

The site has the potential to support foraging and commuting bats. Enhancements for roosting bats should be included in suitable locations on site. SC Ecology would recommend integrated bat boxes are used.

The existing gaps in hedgerows and along the northern and eastern boundaries of the site should be replanted to add to the ecological value of the landscaping around the boundaries of the site. Lighting will need to be controlled on site.

Nesting Birds

In order to minimise potential impact on nesting birds vegetation should be removed outside of the nesting bird season. Integrated swift bricks should be included within the site design in appropriate locations.

The following conditions and informatives below should be on a planning decision notice;

Condition 1:

No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies

immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. If the survey indicates the presence of any Badger Setts within 30 metres of the site then prior to the commencement of the development an updated mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan.

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

REM Condition

As part of the Reserved Matters details for the provision of nesting opportunities for swift, house martin and house sparrow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the *dwelling(s)/building*.

Reason: To ensure the provision of nesting opportunities for swifts

REM Condition

As part of the reserved matters details of the location and design of a minimum of 5 bat boxes or bat bricks 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. 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

Condition

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 booklet *Bats and Lighting in the UK*

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

4.1.3

SC Highways:

Recommendation

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

Observations/Comments: [s/v 29th September 2016]

Following the previous Highway Advice Note dated 6th January 2017, amended drawings have been submitted which show a reduction in the number of apartments within the site to 38. Some minor adjustments are still considered necessary to the apartment block boundaries fronting the A528 Ellesmere Road to provide an appropriate footway width and visibility splays commensurate with the 30mph speed limit.

It is understood that a financial contribution towards a controlled pedestrian crossing on Ellesmere Road has been secured from the adjacent development site to the north and it is considered that the principle of a contribution is also appropriate from this development to enable the controlled crossing to be delivered and provide safe access to the primary school and the wider network of pedestrian and cycle routes.

It is also considered that the future of the existing on-street parking bays fronting No's 57-73 Ellesmere Road should be determined in conjunction with the location of the controlled pedestrian crossing and in light of the use of the improved access and parking arrangements to the rear of the terraced houses.

The revised drawings show 73 or 74 parking spaces depending on whether the dimensions of the parking bays to the north of Block B are marked as standard or disabled. Based upon the current mix of apartment units and applying a rate of parking based upon 200% parking for the 3-bedroom units and 150% parking for the 1 and 2-bedroom units (plus 9 spaces for the existing terraced houses) the total parking requirement would be 68 spaces. Based upon 38 apartments, the number of parking spaces within the submitted drawings is therefore, considered to be acceptable.

Within the revised Site Plan (Drawing No. L015 Rev C) however, the parking layout shows 4 disabled parking spaces to the north of Block B, which are considered to be remote from the southern end of Block A and Block C. It is suggested that further consideration is given to the location of disabled parking spaces and the accommodation of some disabled parking bays within the under-croft parking areas in close proximity to the lift, in view of the above parking calculations.

The Site Plan also requires some minor adjustments to the boundaries of the apartment blocks fronting the A528 Ellesmere Road to ensure that minimum 2.4 x 43 metre visibility splays are safeguarded and a 2 metre wide footway can be provided.

As no revised swept-path analysis drawing appears to have been provided, the previous comments relating to the clarity and demarcation of the potentially adoptable and private areas are still considered to be valid. At present, the area suggested by the banding at the end of the access road does not appear to meet the minimum standard for a refuse collection vehicle to manoeuvre. It is considered that the areas of the internal road required for access from the A528 and turning for

a Refuse Collection Vehicle should be defined and distinct from the private access roads serving the parking for the apartment blocks and the rear of the terraced units.

Confirmation of the principle of a contribution from the development towards the traffic signal controlled pedestrian crossing on Ellesmere Road appears not to have been provided to date and, based upon the contribution from the adjacent site, can be revised to £25,333 with the reduced number of residential units.

It is considered that the information provided is acceptable to enable an approval of the application in Highway terms, however, in view of the above access, layout and parking concerns specific conditions are recommended below:

1. Prior to the commencement of development a revised site frontage layout shall be submitted to, and approved in writing by, the Local Planning Authority to show a minimum frontage footway width of 2 metres and 2.4 x 43 metre visibility splays clear of any development block boundaries. The approved details shall be fully implemented before any of the apartments are first occupied.

Reason: In the interests of Highway safety.

2. Prior to the commencement of development a revised internal access road and turning head layout, supported by a swept-path analysis, shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that a large refuse collection vehicle can enter the site, turn and exit in a forward gear clear of any defined pedestrian routes and private driveways. The approved layout shall be fully implemented before any of the apartments are first occupied.

Reason: In the interests of Highway safety.

3. Prior to the commencement of development details of the site parking arrangements as they relate to the individual apartment blocks and including appropriately located disabled parking provision for each of the apartment blocks shall be submitted to, and approved in writing by, the Local Planning Authority. The approved parking layout shall be fully implemented before any of the apartments are first occupied.

Reason: In the interests of Highway safety.

4. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before any of the apartments are first occupied.

Reason: To ensure a satisfactory access to the site.

5. 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 and 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

	<ul style="list-style-type: none"> <input type="checkbox"/> the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate <input type="checkbox"/> wheel washing facilities <input type="checkbox"/> measures to control the emission of dust and dirt during construction <input type="checkbox"/> a scheme for recycling/disposing of waste resulting from demolition and construction works <input type="checkbox"/> a traffic management and HGV routing plan <p>Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.</p> <p><u>Section 106 Agreement</u></p> <p>It is considered that contribution of £25,333 is appropriate from this development towards the provision of a controlled pedestrian crossing on the A528 Ellesmere Road.</p>
4.1.4	<p>SC Archaeology – Comments</p> <p>We have no comments to make with respect to archaeological matters.</p>
4.1.5	<p>SC Drainage – No objection</p> <p>The proposed drainage details, plan and calculations should be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. Conditions and informatives that cover the following matters are recommended:</p> <ol style="list-style-type: none"> 1. The surface water drainage proposals in the FRA are acceptable in principle. The Environment Agency has updated the guidance on Climate Change in March 2016 and 35% should be used for residential development in the Severn catchment. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. 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 catch pit prior to entering the soakaway to reduce sediment build up within the soakaway. 2. Details of the highway drainage should be provided. Highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period. Confirmation is required that the gullies will be able to convey the 100 year plus 35% storm to the proposed surface water drainage system. Soakaways and attenuation drainage structures should not be located under the highway. Alternatively, a contoured plan of the finished road levels should be provided together with <p>confirmation that the design has fulfilled the requirements of Shropshire Councils 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</p>

	<p>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. Exceedance flow path should be provided 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.</p> <p>3. Shropshire Council will not be maintaining the proposed surface water soakaways and existing pond. Information on the proposed maintenance regime for any sustainable drainage system proposed should be provided, including details of who will take responsibility to ensure that the drainage system remains in good working order throughout its lifetime.</p>
4.1.6	<p>SC Conservation and Design Officer - Comments:</p> <p>The site is an area of former agricultural land, together with the rear of garden plots which have served as community allotments in the past century. There are no previous applications on the site.</p> <p>The proposal is not within the Conservation Area, so this comment is provided in relation to design matters, and policy MD2 and MD13 of the SAMDEV plan apply. In addition to the above policies, due regard to the following local and national policies and guidance has been taken, including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, as well as national policies and guidance, including the relevant sections of the National Planning Policy Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 do not apply.</p> <p>Assessment:</p> <p>The design and layout of the development has been amended over the course of the past few months, and in response to concerns regarding overdevelopment and density. The reduction of the footprint and height of the block to the rear of the site is a clear enhancement to the version of the scheme which we were previously consulted upon. Although elements of the previous design have been amended and create less interest through a lack of texture, the re-orientation of the block adjacent to the road to the south of the site creates a continuation of the terracing which is a historic townscape feature of this area and is welcomed. Should an approval be granted, details of materials should be dealt with as part of any reserved matters application.</p>
4.1.7	<p>SC Planning Policy – Comments:</p> <p>This policy comment seeks to address the principle of permitting residential use on this land.</p> <p>The application site adjoins the development boundary for Shrewsbury but lies outside the built form of the town as illustrated on the Policies Map: Shrewsbury S16 INSET 1 of the Site Allocations and Management of Development (SAMDev)</p>

Plan. The application site therefore forms part of the countryside and the principle of permitting development on this land must be determined against Core Strategy, Policy CS5. This policy seeks to strictly control new development in accordance with national policies protecting the countryside.

The application site is an area of countryside which will now be enclosed within the built form of the town. The existing development to the south is terraced housing along the built edge of the Greenfields neighbourhood. To the west, the site is bounded by a significantly elevated, new residential development brought forward as a housing allocation in the superseded Shrewsbury Borough Local Plan (2001). This process of enclosure still requires proper consideration of the different roles and character of these areas, recognising the intrinsic character and beauty of the countryside including the application site, in relation to the core principles of national policy.

To the north, the development which is now under construction will enclose the application site within the built form of the town. This development received permission under the provisions of the National Planning Policy Framework paragraphs 49 and 14, at a time when the authority could not demonstrate a five year supply of deliverable housing sites. The current Five Year Housing Land Supply Statement (2016) demonstrates a deliverable housing supply of 5.97 years including a considerable supply of deliverable sites in Shrewsbury. Consequently, the justification for permitting the development to the north of the application site is not held to weigh in favour of the proposed development. The adopted Local Plan therefore remains the primary consideration in determining this application.

In this context, Core Strategy Policy CS2: Shrewsbury – Development Strategy recognises that sustainable housing releases will occur on the edges of Shrewsbury. However, Policy CS2 places priority on brownfield sites first before green field sites like the application site and expects land releases on the edges of Shrewsbury to be those sites identified for residential development in SAMDev Policy S16: Shrewsbury area and this also does not include the application site.

Core Strategy Policy CS5, in being used to determine the application, only permits limited types of residential development in the countryside. The proposed development for open market housing does not comply with the permissible uses in Policy CS5, in particular, it does not propose accommodation for essential countryside workers or affordable housing to meet an identified local need and the form of development does not include conversion of buildings. The proposed development is therefore considered to be inappropriate in the context of Policy CS5.

It is recognised that the application site now has a close connection with the built form of Shrewsbury. However, this enclosure of the countryside into the townscape is not an uncommon feature within the town of Shrewsbury. The townscape is characterised by 'wedges' of open land within its built form and some of these areas penetrate deep into the town with many becoming part of the urban 'green' infrastructure.

The application site has the potential to perform this function especially as it is

already designated within the environmental network for Shrewsbury. The application site extends to 0.8 hectares and visually, is not wholly contained by the surrounding built development. The view from the undeveloped road frontage on Ellesmere Road provides an open aspect into the surrounding countryside especially as the site slopes downwards away from Ellesmere Road. It is considered that if the application site remained undeveloped, it would continue to form part of the environmental network and would merit the protection of Core Strategy, Policy CS17.

This outline application, whilst seeking approval in principle, presents a significant level of detail including the means of access and the scale, layout and appearance of the proposed development, only reserving the landscaping details to a later application. It is therefore considered that the proposed development provides sufficient detail to warrant consideration of a broad range of material matters in reaching a decision. In particular, it is possible to consider the degree to which the proposed layout, scale, form and design of the proposed development conforms to Policies CS6, CS7, CS8, CS9, CS17 and MD2, MD8, and MD12 in relation to the character, features and qualities of the application site and the location, character and amenities of the neighbourhood and existing developments surrounding the application site.

In this assessment, it is recognised that SAMDev Policy S16 for the Shrewsbury area is worthy of further consideration. The relevant section of Policy S16 lies in paragraph 4.169 in relation to the infrastructure of the town and the ambition for the provision of the North West Relief Road. This section of Policy S16 recognises that land off Ellesmere Road could be a potential long term direction for growth but that such growth should be linked to three material considerations. Firstly, any proposed development should be linked to the delivery of the Relief Road with the development helping to bring forward the road itself or providing contributory finance for this strategic infrastructure. Secondly, any such development proposals should accord with SAMDev Policy MD3 and thirdly, where there are a number of such development proposals they should not cumulatively lead to adverse effects on the capacity of Ellesmere Road to serve as a major approach into Shrewsbury and its town centre.

It should be recognised that SAMDev Policy MD3 does address the material considerations identified in this policy comment. In Policy MD3 (1) requires that regard be had to the Local Plan policies for land in the countryside, where appropriate, and also to the development strategy for Shrewsbury. In Policy MD3(1)(i), proposals for residential development are required to meet the design requirements of other relevant Local Plan policies and that, in the round, regard may also be had to the cumulative impacts of development in the settlement. In relation to the latter point, clearly, the settlement housing guideline figure for Shrewsbury would not be the primary consideration in this context, so early in the plan period. However, SAMDev Policy S16 does indicate that the provisions in relation to cumulative development in Policy MD3 (2) may be taken in the round in relation to developments along Ellesmere Road. This must consider both the capacity of the highway to serve the town and the need to facilitate the delivery of the North West Relief Road in balancing the sustainability of the proposed development.

	<p><u>Conclusion:</u></p> <p>In this context, it is considered that the current proposals would not be acceptable in principle in relation to the Local Plan.</p>
4.1.8	<p>SC Housing Officer – Comments:</p> <p>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 Reserved Matters application.</p> <p>The current prevailing target rate for affordable housing in this area is 10% this would mean a provision of 4 Affordable units on site along with a financial sum for the remaining percentage. The assumed tenure split of the affordable homes would be for at least 2 affordable/discounted rent and the remaining being low cost home ownership and these 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. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application.</p>
4.1.9	<p>SC Learning and Skills – Comments:</p> <p>Shropshire Council Learning and Skills reports that the local primary school has no excess capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary at those schools. It is recommended that capacity pressures from this development are addressed by way of a financial contribution from CIL or S106 (since confirmed that this will be via CIL). Access to Greenfields school is via a Hemsworth Way off Ellesmere Road opposite the proposed site. The safety of pupils should be considered during and after the construction.</p>
4.1.10	<p>Shrewsbury Town Council – Comment:</p> <p>Shrewsbury Town Council objects to this application on the following Grounds:</p> <ol style="list-style-type: none"> 1. Members expressed their concerns about the cumulative impact of the proposal for another residential development off Ellesmere Road which is already undergoing extensive redevelopment. 2. Traffic is already problematic on the Ellesmere Road and these additional residential buildings will exacerbate the problem. 3. Members are also concerned that the access and egress will be within close proximity to a school, thereby triggering community concern as to road safety.

4. The four storey apartment blocks are not in-keeping with the original properties on the Ellesmere Road and members feel the site is being overdeveloped.

Comments on amended plans 04/05/2017:

Members considered the amended plans to the residential development. Members felt that these amendments failed to address any of the original concerns regarding over-crowding, flood potential, traffic as well as design. Members discussed the cumulative impact of this development on Ellesmere Road and whether the road could accommodate any further development to the extensive plans already being implemented. Furthermore, this land is part of the flood zone and developing this site would further exacerbate the parking and traffic issues in the area. Should a development on this land be approved by Shropshire Council, members asked that the design of these buildings be reconsidered as three and a half/four storey apartment blocks are not in-keeping with the existing, original properties on Ellesmere Road.

4.1.11 Councillor Dean Carroll – Comments:

Before I layout my objections I would like to say that I don't have a problem with the site, I believe it to be sustainable and developable as a location, it is the current proposal that I am objecting to.

Firstly I consider that 48 apartments in three blocks would be significant overdevelopment of this site which is only 0.8 hectares. There would be insufficient amenity space as much of the site outside of the three blocks is indicated as road and parking space.

Secondly the surrounding properties on either side of Ellesmere Road are small Victorian terraces, large Victorian and later villas and modern detached and semi-detached properties. All of the modern apartment developments are further down Ellesmere Road closer to town, and significantly on the other side of Greenfields. These proposed apartment blocks would be out of place in this location.

Finally, when the Redrow development to the immediate north was approved the Highways officer (Richard Harman) stated that this was the last major development that could be permitted along Ellesmere Road due to the capacity of the surrounding highways network. The local road network is acknowledged to be at or above capacity currently, particularly the critical junctions at Coton Hill and the Chester Street gyratory.

As I said initially, I consider that in principle I don't object to the site being developed in the right way, in a way that would complement and enhance the local area. Unfortunately this proposal does neither, and I would not be able to support it. If it were to get to the decision making stage I would request that it be determined by the Central Planning Committee for the above listed reasons.

4.1.12 Councillor Alex Phillips – Comments:

	<p>The revised plans do nothing to address my previous concerns (which still stand), made prior to my election as a Councillor, which in summary are on:</p> <ul style="list-style-type: none"> - Density - Flood plain and wildlife issues - Pollution - Pressure on roads and public services - Safety - Visual impact (on this point the balconies are of poor design and will allow the properties to overlook neighbouring properties, harming the right to privacy of neighbouring properties). <p>If this application is approved it will be going against SAMDev. It will also go against other Council documentation saying that there should be no significant development in this immediate area (following the Redrow and Lovell's Developments) until/unless the North West Relief Road is built.</p> <p>Given the widespread concerns from residents and myself I ask that this application comes before the Central Planning Committee before any decision is made.</p>
4.1.13	<p>- <u>Public Comments:</u></p> <p>31 objections have been received from 18 local residents and are summarised as follows:</p> <p><u>Principle</u></p> <ul style="list-style-type: none"> • The proposed development is contrary to the SAMDev that was prepared and accepted by the Council to meet the required site provisions for development. • Development on the adjacent Redrow site was only granted on the grounds that Shropshire council could not demonstrate a 5 year land supply, which it now can. <p><u>Density</u></p> <ul style="list-style-type: none"> • The density of the development at 48 units on a site of this size is too much. The scale of the development is overdevelopment. • The proposed development of nine blocks of flats, built in three sections consisting of 48 dwellings of up to five stories is overbearing and would be unacceptably high density for the area. In short, it would be an overdevelopment of the site. <p><u>Design, Character, Appearance and Amenity</u></p> <ul style="list-style-type: none"> • The scale and appearance of the development does not appear to be in keeping with either the adjacent row of Victorian terraces or the Redrow development of large detached properties. • The nature of the proposed build is entirely at odds with the existing architecture of the area, even including the new building development. • The visual impact of the development would be significantly adverse, with a proposed style that is not in-keeping with the local traditional Victorian

terrace houses and soon to be completed semidetached and detached houses by both Lovell and Redrow (and existing detached properties opposite the site). The proposed flats will be separated by glass stairwells and have balconies - these are very modern styles that are completely different to the existing traditional style housing in the neighbourhood. Given the balcony design which would overlook neighbours, I also think privacy and amenity of neighbours would be negatively impacted. As such I believe the effect on the character of the neighbourhood would be very negative.

- The visual impact of the development is totally out of character with the surrounding buildings and therefore out of keeping with the existing Victorian terraces and the on-going semi-detached and detached house developments. The proposed four storey high blocks are overbearing and will be in visual conflict with the existing and developing surroundings.
- The developer is squeezing as much as possible into the space with total disregard for the neighbouring properties, the aesthetics of the build, and the ecology.
- The proposed development is inappropriate for the area. It is very modern and high density unlike the adjacent terrace.
- Redrow Homes object in the strongest possible terms to the form, scale and massing of the proposed apartment blocks. The subject application adjoins plots 67 to 71 of Redrow Homes consented development – Decision reference 13/05124/FUL.
- The indicative scheme proposed creates an unacceptable relationship in planning terms and fails all known space around dwelling and amenity standards and would if approved result in Redrow Homes being compelled to challenge the decision.
- Specific concern is raised in respect to the proximity of the proposed blocks to the adjacent consented dwellings. The relationship between the proposal and the homes will be overbearing and will result in overlooking of private gardens from windows and the proposed balconies of the 4/5 storey blocks. This will also result in a significant loss of light, with this being particularly relevant in the winter months due to the sun's path from east to west. This will result in these plots and their gardens being in permanent shadow all year round.
- Although in outline no sections have been provided with the application to demonstrate the impact of this relationship and as to justify if the proposal could in anyway be considered to be acceptable in planning terms.
- It appears that the distance from the proposed block to the side elevations and rear gardens is around 12 meters. This would not be considered acceptable between two storey homes situated gable to frontage, where a distance of around 21 metres is widely accepted as the normal distance. Here a 12 metre separation distance it is proposed between a five storey block and a 2 storey home this is unacceptable.

Traffic and Access

- Previous comments made by Shropshire highways with regards to further development on this corridor into the town centre recommended that no further large developments take place on this corridor until the North West relief road is constructed.
- 48 units will bring in excess of 75 vehicles entering and exiting the site

leading to additional traffic congestion in this area at peak times which is currently awful.

- Currently many vehicles from the existing row of terraces park their vehicles in the area currently in ownership of the developer and have done for many years this will need to be addressed before planning is granted for a development of this scale.
- The development will add even more traffic to a road which is already struggling to cope with congestion, particularly at work/school times. This will already worsen as a result of the Redrow development and to add more housing will push traffic flow from mere congestion into almost continuous severe delays.
- There is no bus serving this section of the Ellesmere Road.
- This development proposes 96 car parking spaces which will obviously add to the current major traffic congestion between Chester Street and Battlefield Enterprise Park.
- Traffic on Ellesmere Road and consequent additional congestion, noise and air pollution will be increased by this development. It will adversely affect highway safety and the convenience of road users on Ellesmere Road which is a key artery into / out of Shrewsbury with the development seriously impeding the natural flow of traffic. There is very little public transport available along Ellesmere Road - it is not served by a frequent bus route nor is it a safe road for cyclists due to the number of cars parked along the road (the proposal only deals with a small number of these next to the site) and lack of cycle lanes. The only way most residents will be able to get into town is by car, further causing congestion (it is a ~30 minute walk into town which will put off many people from walking). A junction to enter/exit the development would undoubtedly slow traffic. Pupil drop off / pick up time at the school opposite already causes traffic gridlock on Ellesmere Road/Hemsworth Way.
- The Highways Department has already acknowledged that Ellesmere Road is already overloaded as we, as residents, are all too aware. The additional traffic on Ellesmere Road and resulting further congestion will again be significantly increased by this development and therefore exacerbate the existing traffic problems. Even with the proposed 'ghost junction', the proposal will adversely affect safety on Ellesmere Road which is now a primary traffic artery for Shrewsbury, used increasingly by Emergency Services vehicles. Currently there is minimal public transport in this area of Shrewsbury and therefore, despite the site's location near to the centre of town, the new development will add significantly to increased vehicle numbers using Ellesmere Road.
- The proposed access to the site will create a bottleneck if any vehicles bigger than a car meet at the pinch point. Ellesmere Road is used increasingly by lorries, emergency vehicles, horse boxes etc so any extra obstacles to the traffic flow will cause major issues.
- Development needs to be curtailed until the North West relief road is built, otherwise this part of Shrewsbury will become gridlocked following massive expansion of the Battlefield Enterprise Park and the other large scale residential developments recently approved.
- What will happen to the existing access to the rear of the terrace? This provides off-street parking reducing obstruction to traffic using Ellesmere

Road.

Ecology and Environment

- The proposed site was cleared despite documents in the planning applications for Lovell's and Redrow clearly showing that the pond and surrounding area was a sensitive site due to the presence of Great Crested Newts. It's surprising and unfortunate that this developer didn't read these planning applications before trashing the excellent habitat that supported the newts. The workmen continued to clear the site despite being informed that the protected newts were present. Work only stopped when the wildlife officer from West Mercia Police attended. Unfortunately, by this time much of the habitat had been destroyed.
- It was our understanding that there was to be a preserved green area and pond development when the first housing development was proposed - that seems to have been completely squeezed and marginalized now, and I object strongly to this lack of concern about environmental considerations.
- The proposals lack natural spaces, and there seems to have been little thought given to wildlife or encompassing gardens or green areas for the residents of the proposed flats. Should these properties be marketed at families where would children or any of the residents have access/provision to outdoor space? Paved areas are unyielding and will lead to further flooding during bad weather as the water is unable to soak into the ground. The pond at the bottom of the proposed building site regularly floods during the winter, the Redrow development will be further supplementing to this as it will be an outlet for their surface water drainage. The ecological report for the Redrow development also listed a number of serious ecological concerns (e.g. bats, Great Crested Newts), which I would assume would also apply here, yet these potential concerns have not been addressed by the proposals.
- Three surveys carried out in the spring revealed that the pond contains great crested newts.
- The pond and wetland covers a third of the site, has been expanding for years and is a haven for wildlife.
- The loss of further green space to housing development and the associated loss of visual and environmental amenity of the neighbourhood will have a negative impact on us all.
- The current proposals will destroy what little remaining natural space there is in the area. There has been minimal thought given to preserving the existing wildlife habitats. As we all know, the pond at the bottom of the proposed site regularly floods during the winter and with the additional load coming from the approved adjoining development this will potentially cause further difficulties to the wildlife in this area.
- The total discard shown to the ecology of the site prior to submitting the planning application and its design which is completely at odds with the local architecture does not bode well for the local residents if this application is granted.
- Destruction of the frontage hedgerow which will harm local wildlife.

Flooding

- The site has a natural pond located at the bottom which has recently been banked up from landfill at the site. This has historically always flooded the areas to the rear of the row of terraces on the Ellesmere road where proposed parking for some of the units will be. The adjacent Redrow site are using this natural pond for some of their surface water runoff.
- Further building will mean that former fields and woods in the area that have disappeared are no longer available to absorb heavy rainfall.

Infrastructure

- The local primary school is at full capacity before the Redrow development and Lovell development have even been completed.
- There is no secondary school in this area to serve all of the recent residential developments approved and proposed.
- Existing amenities such as the number of school places at Greenfields, are already under pressure from the Redrow development and will not cope with even more development.
- It was our understanding that the Redrow development represented the limit of building work being considered without the north-west relief road being built - clearly any new build would take the area's capacity to cope well beyond this. I have already lobbied relevant councillors to support these objections and will continue to do so. These new plans are in danger of turning our end of town into a complete no-go area in terms of transport, environment and amenities.
- There have recently been approved plans and construction started for 222 new homes in the immediate vicinity, with both the Redrow and Lovell developments. I don't believe the local infrastructure can support another 48 high density new homes in such a small space of land.
- The site is, we understand, designated for possible future use when the necessary infrastructure (e.g. NW Relief Road, Schools, Transport, Healthcare, etc.) is in place to support further development. Why are the SAMDev plans being ignored? If these are ignored time and time again what is its purpose?
- The recently approved plans and on-going construction of over 200 new homes in this area are already having a serious impact on the neighbourhood. Clearly the local infrastructure was not planned and currently cannot sustain another high density development of this nature at this time.

Comments received concerning the amendments:General

- We continue to object to this proposal as the issues raised in our previous comments on the development still stand. None of the extensive work that has clearly been carried out for the amended scheme addresses the

fundamental reasons for rejecting this over development of this site and the area in general.

- Serious concerns over whether the existing infrastructure can cope with the additional residents this proposed development will bring. The local primary school is at capacity and secondary school is cutting numbers by 25%
- This proposal is contrary to the SAMDev prepared for and accepted by the Council.
- It will result in poorer air quality generated by extra vehicle movements.
- It will place greater burdens on sewers and the flood plain.
- What contributions are to be made towards Greenfields School which is currently at capacity?
- The proposals for high density housing in a multi-storey apartment style are significantly different to neighbouring houses, and given the small size of the site would clearly represent an overdevelopment.
- Ideally this site should be kept as is - it is one of the few green spaces for wildlife in an already highly developed area of Shrewsbury. If this site is ever to be developed, it would need to be far lower density (e.g similar to the adjacent Lime Tree Meadows development).

Transport and Traffic

- We continue to be extremely concerned at the existing traffic conditions on Ellesmere Road and the additional pressures that this project, and the still to be completed residential developments off Ellesmere Road, will have on the area.
- We observe that the Scoping Note produced by Phil Jones Associates to justify this scheme is based on a traffic survey carried out in 2013 with an applied "national growth factor". In our experience of living on Ellesmere Road for the past 22 years these calculations in no way accurately reflect the current existing traffic conditions even before the situation is further exacerbated by the addition of the traffic that will be generated by the developments at Limes Walk and Abbey View.
- The HGVs that now use Ellesmere Road, and particularly the heavy aggregate haulage lorries that are now using this route between Haughmond Hill and the railway sidings, have clearly not been accurately reflected in the calculations!
- There are already two current developments which have had a major impact on the traffic flow of Ellesmere Road as well as the increased housing in Coton Hill. This is before the development is fully occupied.
- The proposed development is directly opposite the school which already creates parking and traffic issues daily. Further residential development, certainly on this scale, will significantly increase journey times and air pollution next door to a primary school.
- Already severe traffic jams on Ellesmere Road and this development will only worsen that problem leading to delays to emergency vehicles and risk to school children.
- What road improvements will be made as regularly at peak times this corridor leading into the town centre backs up with traffic as far back as Herongate?
- Ellesmere Rd already experiences the worst traffic flow of any road in

Shrewsbury, particularly at peak times, due to the narrow railway bridge at the bottom. It cannot sustain what it already has, never mind when the new housing is completed and fully inhabited. In addition, during quieter times and at night, the lack of speed cameras leads to vehicles travelling at ridiculous speeds. The accident rate for the road over the last few years is poor, and will only get worse the more vehicles needing to use it.

Flood Risk

- There is a substantial pond that is known to rise significantly (this will be exacerbated by the Redrow development when completed given surface water run-off into the shared pond), looks extremely high risk in this regard.
- There is a major issue with flooding on the proposed site, and that the surrounding developments of over 200 units has also added to the problems of surface water backing up in this location.
- Local flooding will only get worse once surrounding developments are completed, and I would be interested in how the developer proposes to deal with this.

Impact on Residential and Visual Amenity

- The proposed balconies on block A will look directly down on to the neighbouring Redrow homes, impacting their right to privacy. The windows (many of which are almost floor to ceiling) on the north side of block B will also look directly into the Redrow homes.
- The scale of this site is completely out of keeping, both in terms of height, scale and materials, with the Victorian terraces adjacent to this development.
- This visual impact along a main gateway to Shrewsbury Town Centre also creates a poor initial visual impression for the town, contrary to the Council's aims to encourage tourism.
- The proposed design remains completely out of keeping with the neighbouring detached, semi-detached and Victorian terraced housing. For instance, no other properties in the immediate area have open balconies.

5.0 THE MAIN ISSUES

The main planning issues concern the following:

1. Principle of development
2. Sustainable development
3. Impact upon the character and appearance of the area
4. Highways and Traffic
5. Impact on residential amenity
6. Impact on trees
7. Impact on biodiversity and ecology
8. Drainage and flood risk
9. Heritage impact
10. Contamination and Pollution
11. Developer Contributions

6.0	OFFICER APPRAISAL
6.1	Principle of Development
6.1.1	The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
6.1.2	Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy and the adopted Site Allocations and Management of Development (SAMDev) Plan.
6.1.3	The National Planning Policy Framework promotes sustainable development and states that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.
6.1.4	The relevant planning policies are contained in the adopted Core Strategy and SAMDev Plan. The application site lies outside the defined settlement boundaries for the County; therefore, the following Policies are considered to be most relevant.
6.1.5	Policy CS1 of the adopted Core Strategy sets out the strategic approach that will be used to guide and manage new development over the lifetime of the Core Strategy. The emphasis is on creating sustainable places that are socially inclusive and economically vibrant and which are resilient and adaptable to change. It will direct the majority of new development to places that already have good infrastructure, services and facilities.
6.1.6	Policy CS1 establishes a settlement hierarchy with Shrewsbury and the Shropshire Market Towns being the primary focus for new development. Other identified Key Centres will also accommodate growth with rural areas being catered for through the establishment of Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth. The application site does not fall within Shrewsbury, the defined Market Towns, the Key Settlements or Community Hubs or Clusters. Outside of these settlements, new housing development within the countryside will be controlled and is intended to meet the needs of local communities for affordable

	housing or other dwellings that justify a countryside setting. Development outside of these settlements will not be permitted unless it complies with Policy CS5.
6.1.7	Policy CS5 is concerned with new development in the countryside, especially in respect of new economic development, which will be strictly controlled in accordance with national planning policies. Housing should be located where it will enhance or maintain the vitality of rural communities and isolated homes in the countryside should be avoided unless there are special circumstances such as, <i>inter alia</i> , the essential need for a rural worker to live permanently at or near their place of work in the countryside.
6.1.8	The Core Strategy policies are complimented by the adopted SAMDev Plan, which provides additional detail to the over-arching policies contained in the Core Strategy.
6.1.9	The application site lies outside the defined settlement boundary for Shrewsbury and Policy MD7a of the SAMDev Plan is considered to be particularly relevant to this case. This policy is concerned with managing the development of land in the countryside for market housing and it clearly states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres, the Community Hubs and Community Clusters. Outside of these areas, exception site dwellings such as affordable housing to meet a local need and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. In other instances new development will not normally satisfy the exception test and should not be approved.
6.1.10	Pragmatically, it could be argued that the application site has a stronger relationship with Shrewsbury urban area rather than with the wider rural area, now that the recently approved developments to the north and west have been substantially completed. The terraced housing to the south, the new development to the west (Lovell's site) and the development on the opposite side of the road all lie within the defined settlement development boundary. For all intents and purposes, it appears to be contained within the urban area of the town. This is recognised in the consultation response from the Planning Policy Team above. However, as they explain, this enclosure of the countryside into the townscape is not an uncommon feature within the town of Shrewsbury. The townscape is characterised by 'wedges' of open land within its built form and some of these areas penetrate deep into the town with many becoming part of the urban 'green' infrastructure.
6.1.11	The Policy Team consider the application site has the potential to perform this function especially as it is already designated within the environmental network for Shrewsbury. The application site extends to 0.8 hectares and visually, is not entirely contained by the surrounding built development. The view from the undeveloped road frontage along Ellesmere Road provides an open aspect into the surrounding countryside especially as the site slopes downwards away from Ellesmere Road. It is considered that if the application site remained undeveloped, it would continue to form part of the environmental network and would merit the protection of Core Strategy, Policy CS17. However, this should be tempered by the reality that the roadside boundary is mostly lined with a mature hedge and trees

	that obstruct public views over the site. Only a small part of the frontage is open where the access drive enters Ellesmere Road adjacent to the terraced dwellings to the south.
6.1.12	The principle of residential development on this site remains contrary to the adopted development plan. It will be necessary for the developer to demonstrate other material planning considerations that outweigh the fact that the site lies outside the settlement.
6.1.13	Policy S16 of the adopted SAMDev Plan sets out the settlement policy for Shrewsbury. It states that appropriate development and redevelopment that accords with the Strategy contained in Policy CS2 will be encouraged on suitable sites within the town's development boundary, which is identified on the Policies Map.
6.1.14	Policy CS2 states that Shrewsbury will be the primary focus for new development providing around 25% of additional housing for the Plan period 2006-2026 (approximately 6500 new homes). The Shrewsbury Northern Corridor within which the application site lies will be improved in accordance with the aims of the Northern Corridor Regeneration Framework. In terms of housing development, the priority is to make the best use of previously developed land within the built up area. Policy S16 makes it clear that new housing development will be delivered through a combination of existing brownfield sites and a range of new greenfield sites, including both sites allocated for development and those that represent windfall opportunities.
6.1.15	The development plan policies expect new market residential development to take place within the settlements rather than outside of them. Exceptions to this may be acceptable through MD3 where the housing guideline for the settlement is unlikely to be realised, subject to the requirements of Policy CS5. The Plan is only halfway through its lifetime and there is no evidence that demonstrates the guideline of 6500 new dwellings within Shrewsbury will not be delivered through the adopted strategy.
6.1.16	Policy MD3 of the SAMDev Plan, amongst other things, supports sustainable housing development on sites not allocated for development having regard to other local plan policies. It confirms that the housing guideline figures for settlements are a significant policy consideration and states that, where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries may be acceptable.
6.1.17	The exception allowed by Policy MD3 for additional sites outside development boundaries in the event of the S16 guideline figures not being met, is not applicable at the present time. However, it should be acknowledged that not all land that is envisaged for new development will come forward during the course of the Development Plan. As such, the Framework calls for greater choice to be made available in case of obstructed supply.
6.1.18	In terms of housing land supply, the Council's position (as published in an amended

	Five Year Housing Land Supply Statement on 31 st August 2016) is that it has identified a housing supply of c.5.97 years for Shropshire which is sufficient to address the Framework's 5 year housing land supply requirements.
6.1.19	The policy position is relatively clear and the proposed development is not in accordance with it. In principle, therefore, there is no obvious policy support for the proposal.
6.1.20	As the Council is also able to demonstrate more than a five year supply of housing land and, in respect of paragraph 49 of the Framework, its policies for the supply of housing are considered to be up to date. The proposals are not consistent either with the limited exceptions set out in paragraph 55 of the Framework. It is concluded, therefore, that the principle of the proposed development is inappropriate for the above reasons.
6.1.21	However, as mentioned in paragraph 6.1.2, simply because a development proposal does not accord with the development plan does not mean that it should be automatically refused planning permission. If there are other material planning considerations that weigh in the development's favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals.
6.2	Whether the development constitutes Sustainable Development
6.2.1	Paragraph 14 of the Framework states that the presumption in favour of sustainable development should be seen as the 'golden thread' running through both plan-making and decision-taking. For decision-taking the Framework states that this means that unless material considerations indicate otherwise development proposals that accord with the development plan should be approved. In this case the proposal is contrary to the development plan policies set out in paragraph 6.1.18 above. It is for the decision maker to decide whether there are material considerations and/or additional benefits to the proposed development that would override this conflict with the adopted Local Plan.
6.2.2	One important material consideration is the Framework which establishes there are three dimensions to sustainable development, namely an economic role, a social role and an environmental role. The nearest settlement is the town of Shrewsbury which, being the main settlement in Shropshire, has significant sustainability credentials. The application site is situated close to the edge of the town and is considered to be in a relatively sustainable location. It is possible to access local services, shops and other facilities, including public transport, reasonably easily without having to rely upon private transport. The benefits/mitigating factors of the scheme are discussed below.
	Economic Role
6.2.3	The Framework states that significant weight should be placed on the need to support economic growth through the planning system. The delivery of housing is a

	contributor to economic growth. The proposal would provide construction jobs, New Homes Bonus, increased council tax payments, and additional local expenditure by future residents, although none of this has been quantified. Nevertheless, these are considered to weigh in favour of the development.
6.2.4	However, as illustrated in a number of recent appeal decisions in Shropshire concerning new residential development in the open countryside, Planning Inspectors concluded that such benefits would be common with developments situated within the development boundary in any case and are not, in themselves, considered to carry substantial weight. Something above and beyond the minimum required or expected under policy and guidance would therefore appear to be necessary to tip the balance in favour of such development.
6.2.5	Initially, the proposed development offered nothing more than the minimum expected. Although little has been quantified in the applicant's submissions, there will be economic benefits in the form of new construction work that will have spin-offs for builders, suppliers and professions related to the construction industry. There will also be additional Council Tax generated for the local authority, CIL payments for infrastructure improvements as well as New Homes Bonus income. However, as mentioned above, new development taking place within the settlement boundary would deliver the same benefits and it is necessary for a proposal that is contrary to policy to offer something more that may tip the scales of sustainability in its favour. In this case, the applicant is offering £45,000 towards the delivery of the North West Relief Road.
6.2.6	This offer is above and beyond what would normally be expected and therefore carries some weight in economic terms.
6.2.7	<p>Social Role</p> <p>Paragraph 69 of the Framework states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities.</p>
6.2.8	In social terms the proposed development would provide 38 dwellings of which 20% would be affordable homes (7 dwellings plus an additional financial contribution of £45,900), in order to meet the requirements of CS11 of the adopted Core Strategy. The precise tenure of these units has yet to be finalised and will be determined at the reserved matters stage should outline planning permission be granted. The proposals have received the support of the Housing Officer in that regard. This overprovision, therefore, also carries weight in the planning balance.
6.2.9	Policy CS6 requires development that is likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. For reasons explained above it is considered that the proposed development would meet this requirement. In addition, the proposals will provide 9 off-street car parking spaces for use by existing residents of the dwellings to the south on Ellesmere Road.

6.2.10	The third requirement is for new development to be designed to be adaptable, safe and accessible to all and to respond to the challenge of climate change and to adapt to lifestyle needs over the lifetime of the development. There is no reason to believe that the development could not be designed to meet these requirements and there is no objection to the scheme on this basis.
6.2.11	This remains a predominantly open market-led housing development on a site that lies outside the defined settlement boundary. The adopted Development Plan includes a set of policies that would lend support for a residential development outside but close to the edge of the settlement but it would have to provide 100% affordable housing that meets an identified local need. The current application is not such a scheme and is therefore not compliant with Policies CS5, CS11, MD3 and MD7a. Nevertheless, the proposed development would provide some social benefits which should be attributed some weight in the planning balance.
6.2.12	<p>Environmental Role</p> <p>(i) Design, Layout and Scale</p> <p>The application is in outline form with only landscaping a reserved matter for future consideration. It is accompanied by a layout plan that shows how the site will be developed. The scheme has been amended several times since the initial submissions. It has been significantly reduced in size with two of the three blocks repositioned on the site to overcome specific issues. The design has been altered to take account of the presence of neighbouring residential properties by omitting balconies and side windows that would have resulted in overlooking. The reduction in the numbers of chimneys has produced a less complicated appearance that also masks the bulk of the buildings which are larger than their neighbours. The frontage now reflects more closely the domestic scale of neighbouring two storey development and incorporates a range of dormer windows similar to others in the surrounding area. Compared to the original design the current scheme is considered to be more in keeping with its setting.</p>
6.2.13	In reducing the density and scale of development, more space has been created around the three blocks which has helped reduce the sense of overdevelopment that afflicted the initial proposals. The reduction in car parking and hard surfaced areas on the site has further assisted in this respect. It is considered that the amended proposals strike an acceptable balance and accord with the general thrust of Policies CS6 and MD2.
6.2.14	<p>(ii) Landscape</p> <p>The application site lies within the open countryside, albeit on the edge of the settlement of Shrewsbury. The site slopes from east to west towards the existing pond. It is predominantly covered in grass with the pond occupying the north western part of the site. The northern boundary lies adjacent to a new residential</p>

	development under construction by Redrow Homes and the eastern boundary is marked by a semi-mature hedge. The access to the south serving the rear of the terraced properties affords views into the site from Ellesmere Road.
6.2.15	For sites that lie outside settlements Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of CS6 requires new development to protect, restore, conserve and enhance the natural, built and historic environment. It should also be appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies.
6.2.16	The site is currently undeveloped and appears historically to have been farmland. The new development will change that appearance and in doing so would not protect or conserve the natural environment locally. It retains a distinctly rural character and appearance and development of this site would adversely affect its rural character. Its development will alter its current appearance.
6.2.17	An important document in respect of assessing the landscape impact of the proposal is the Shrewsbury and Atcham Landscape Sensitivity and Capacity Study (2007), which resulted from a commission in respect of a landscape sensitivity and capacity assessment for defined areas around the main settlements of the Borough. It also provided an information source in support of the local development framework. Overall, the study found that there were different patterns of sensitivities around Shrewsbury compared to the other settlements, with the latter being generally more sensitive and with less capacity for development. Areas of higher sensitivity and lower capacity have tended to be those of intrinsically higher value or in open countryside, associated with conservation areas or listed buildings, in valley corridors, on steep or prominent slopes or those forming gaps between settlements.
6.2.18	The application site is listed as being in the southern part of a much larger area designated 'Shrewsbury Zone 17'. It is described as an area of land lying on the western side of a gentle ridge consisting of small scale pasture to the south with arable to the north (now being developed by Redrow Homes) bordering the Bagley Brook valley. Fields are relatively open with low hedges or fences and sporadic trees. The majority of existing development lies to the east of Ellesmere Road although a small estate and ribbon development lies to the west. The area to the south is in a relatively poor condition.
6.2.19	Sensitivity is taken to mean the sensitivity of the landscape itself to change irrespective of the type of change which may be under consideration. Capacity is taken to mean the ability of a landscape to accommodate different amounts of change for a development of a specific type, such as housing. The landscape sensitivity of Zone 17 is categorised as being Medium, the key characteristic of which is a landscape susceptible to change and which has value as a landscape resource.
6.2.20	The capacity of Zone17 to accommodate residential development is Medium, which

	means the thresholds for change are intermediate with some ability to accommodate development in some parts. The Study considered the site to have “some capacity for housing in the south”, due to its less sensitive characteristics.
6.2.21	Importantly, the application site is located within this less sensitive area and in principle the site could be developed for residential purposes (subject to appropriate design, scale and layout) without causing material harm to landscape sensitivity. The site equates to the retained vestige of the wider Zone 17 area, following the approval of new residential development on the land to the north. Nevertheless, the Capacity and Sensitivity Study does envisage some development taking place on the site without introducing an intrusive change to the otherwise semi-rural appearance of the area.
6.2.22	The proposed development will alter the existing character of the area by introducing new built form, lighting and additional residential paraphernalia. That being the case, the Landscape Sensitivity and Capacity Study that informed the SAMDev Plan and has concluded that the application site is capable of accommodating new development without adversely affecting the undeveloped character of the area. This needs to be balanced against the general aims of the over-arching but non-site specific policies CS6 and MD2.
6.2.23	In addition, the landscaping proposals for mitigating the effects of the development on this green field site remain a reserved matter for future consideration. However, it considered that a bespoke scheme that integrates with the strategy necessary to improve biodiversity enhancements across the site will be capable of adding environmental value to the development.
	(iii) Impact on Residential Amenity
6.2.24	The application is submitted as an outline proposal but only landscaping is a reserved matter. The design and appearance of the development are matters to be considered as part of this application.
6.2.25	Policies CS6 and MD2 require new developments to respect their surroundings to ensure they do not cause unreasonable effects upon the character of the surrounding areas. This approach involves ensuring that the amenities of occupiers of existing development are also taken into account.
6.2.26	Block A is located close to the new dwellings to the north on the Redrow Homes development. There are two dwellings on the southern edge of this development that are particularly affected by this proposal. Plot 68 contains a two storey detached dwelling house set back from Ellesmere Road within the site. It is accessed from within the site and it faces west so that its rear garden faces east towards Ellesmere Road. The side elevation of this property faces across the application site but is blank. The rear elevation contains a centrally positioned pair of patio doors serving the dining room flanked by windows on either side serving the lounge and kitchen. The rear garden is bordered with a 1.80m close boarded fence.

6.2.27	The dwelling is set at a lower ground level than Block A which will be a full three storeys in height with additional living accommodation within the roof at the rear and a set of external balconies at first and second floor levels. The degree of separation from the house on Plot 68 is approximately 22m and approximately 12m from the corner of the private curtilage. Previously, it was considered that the occupiers of that dwelling would be likely to experience the perception of being overlooked by Block A. This has now been reduced through the removal of the external balconies and the obscure glazing treatment applied to the windows in the flank wall of Block A.
6.2.28	Block A would also potentially affect the dwelling on Plot 69. This detached dwelling house is set a similar level to Block A but its rear garden steps back down the slope and the dwelling is set only 5m or so away from Block A. There is a range of windows on the side wall of Block A serving habitable rooms (kitchen/living rooms) at each floor level and these would directly overlook the side and rear of Plot 69. Following negotiations, these windows will be obscure glazed which will prevent overlooking of that dwelling house. In addition, the removal of the external balconies on the rear will help avoid direct overlooking of the rear garden area.
6.2.29	The amended scheme has relocated Block C towards the site frontage from its previous position which would have had an adverse impact on the amenities of the immediate neighbour to the south. The revised arrangement together with obscure glazing to the side windows has largely overcome that effect and is considered, on balance to be more respectful and less harmful to their outlook and amenity.
6.2.30	The amendments have also reduced the size of Block B at the rear and resulted in it being resited further away from the Redrow and Lovell's developments. A sectional drawing has been provided that demonstrates the relative heights of the Redrow and proposed buildings. The block is now approximately 21 - 23 metres away from the nearest dwellings on the Redrow Homes site. These amendments show the degree of separation to be acceptable and, with the removal of the external balconies from Block B, the impact of potential overlooking is reduced to an acceptable degree. The two dwellings most affected within the Redrow scheme also have end elevations facing the application site with no windows serving habitable rooms affected. The impact is further lessened by the reduction in the projection of the block. The dwellings on the Lovell's site to the west are on higher ground on the opposite side of the pond. The degree of separation and elevational differences mean there is unlikely to be any loss of privacy or loss of light arising from the development.
6.2.31	The Public Protection Officer has commented that the future occupiers of the apartments, especially in those facing Ellesmere Road, are likely to experience noise disturbance. He has recommended mitigation through a system of glazing and ventilation to be installed into each habitable room, the precise specification for which shall be submitted to the local planning authority for approval in writing prior to the installation of any windows into the structure. The glazing and ventilation should provide at least a 30 dB reduction between the internal and external fabric of the building and shall be incorporated into all windows into habitable rooms.
6.2.32	It is considered that the proposals can be designed to provide satisfactory amenity for existing and proposed residents in accordance with Policies CS6 and MD2.

	(iii) Highways and Traffic Safety
6.2.33	Policy CS6 of the Core Strategy states that new development should accommodate additional traffic safely and make appropriate provision for access to public transport and other alternative means of transport to the car. Paragraph 32 of the Framework states that decisions should ensure safe and suitable access to the site can be achieved, opportunities for sustainable transport modes have been taken up and improvement can be made within the transport network that cost effectively limits the significant impacts of the development. The Framework clarifies that ‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe’.
6.2.34	The site will generate new traffic within the surrounding road network. The existing traffic flows along Ellesmere Road, an important arterial route into and out of the town centre, are relatively high. The site is close to the key intersection at Ellesmere Rod/Chester Street and Castle Foregate to the south. A considerable number of objections have been received from within the local community on this issue alone.
6.2.35	A brief Highway Access Statement accompanied the initial application and was assessed by the Highways Officer. The site will be served by a new vehicular access off Ellesmere Road. A right turn ‘ghost island’ is proposed. The existing parking bays on the road outside the adjacent terraced houses are to be removed and the bus stop retained. These parking bays will be replaced within the new development for use by existing residents. The site will provide an amended total of approximately 72 car parking spaces, including nine for existing Ellesmere Road residents, which is considered to be acceptable. The Highway Authority was initially critical of the Statement which did not provide any traffic counts for Ellesmere Road nor included any visibility splays at the entrance.
6.2.36	Following discussions with the applicant, a revised Statement was submitted and this has now received the approval of the Highway Authority. The reduced scale of the development and the addition of visibility splays has largely overcome the earlier concerns. The applicant has confirmed that there will be a financial contribution towards provision of a controlled pedestrian crossing on Ellesmere Road close to the site and the primary school and this will need to be secured through a S106 agreement. The Highway Officer has calculated that this may be reduced to reflect the lower number of apartments now proposed. The revised figure is £25,333 and will also be secured via the S106 agreement.
6.2.37	The Highways Officer has suggested a small number of specific planning conditions which should be added to any grant of outline planning permission. Subject to those, there is no objection to the proposals on highway grounds.
	(v) Impact on Biodiversity and Ecology
6.2.38	The Framework places high importance on protection of biodiversity interests and

	<p>new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.</p>
6.2.39	<p>The site contains an important natural asset in the form of a pond which has been recorded as supporting a medium population of Great Crested Newts (GCNs). There has been an extensive series of negotiations and submission of additional ecological information that has also involved Natural England involving the issue of accommodating the newts. A number of specific reports and surveys have been provided by the applicant and these have been assessed by the Council's Ecologist and by Natural England.</p>
6.2.40	<p>The Conservation of Habitats and Species Regulations 2010 requires local authorities to give due weight to the presence of protected species on a development site. Planning permission may be granted provided there is no detriment to the maintenance of the species population at favourable conservation status in their natural range. The Regulations advise that if any detriment would be caused by the proposed development, planning permission should only be granted provided:</p> <ul style="list-style-type: none"> • There is no satisfactory alternative; and • The development is in the interests of public health and safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
6.2.41	<p>Development works that would contravene the protection afforded to European Protected Species, such as bats and Great Crested Newts, requires a Habitats Directive Licence and these applications are considered by Natural England on behalf of the Secretary of State. Before such a licence can be granted, several tests must be satisfied. Local planning authorities must also consider these tests prior to determination of the application. Authorities would risk breaching the requirements of the Directive and Regulation 9 (5) if the three tests were not considered during the determination of the application. The three tests and the relative assessments are considered below.</p>
6.2.42	<p>Test 1: “that there is no satisfactory alternative”</p> <p>The site is a largely undeveloped parcel of land located in the countryside on the edge of the largest settlement in the county. It has not been allocated for any specific use in the adopted local plan. The local planning authority is currently able to demonstrate a 5 year housing land supply, as required by the Framework.</p>

	<p>However, the Framework requires other material planning considerations that may weigh in favour of the development to be assessed in the planning balance. The assessment has been set out above in this report. The land to the north and west has recently been developed for housing and the site is now a relict of what once had been a substantial tract of open countryside. There are a number of allocations contained within the local plan for new housing development but these are primarily to the south and west of the town. Within the area around the application site there are no other similar sized land parcels capable of delivering new residential development of similar scale. The proposed development would make a modest but important contribution towards meeting the Council's housing requirements. As such, it is considered that no other satisfactory alternatives exist and the first Test has been satisfied.</p>
6.2.43	<p>Test 2: Is the development in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment?</p> <p>The development will not cause harm to interests of public health and safety, subject to the recommended suite of planning conditions and completion of a S106 obligation. It will also deliver a range of economic and social benefits, all as explained in detail in this report.</p>
6.2.44	<p>The proposed development would affect some identified features of nature conservation value, as explained in the Ecologist's observations. However, as described within the supporting Ecological Report, enhancements within the site area would not only serve as compensation but would also enhance habitat and landscaping features in the locality, benefiting the local protected species as a whole, in particular the bat and Great Crested Newt population.</p>
6.2.45	<p>Therefore, it is considered that although the construction period may temporarily harm habitats and species, any such harm could be managed and the long term landscaping strategy would result in acceptable enhanced and replacement habitats to the benefit of the local environment.</p>
6.2.46	<p>The assessments carried out by the applicant submitted with the planning application have been carefully assessed by the Ecologist and Natural England and it has been concluded that the development will not cause unacceptable harm to any statutory or non-statutory designated nature conservation sites. The proposal therefore accords with the provisions of the Conservation Regulations 2010 and the relevant advice and guidance set out in the Framework. Therefore, it is considered that the third Test has been satisfied.</p>
6.2.47	<p>Test 3: "the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range"</p> <p>The Council's Ecologist's comments are set out in detail above. She informs us that a Natural England European Protected Species Licence will be required prior to the commencement of development. A system for the avoidance of harm to the GCN</p>

	<p>population has been identified and which has to be implemented, namely:</p> <ul style="list-style-type: none"> • Translocation program that will last a minimum of 60 days between April – October inclusive and when overnight temperatures are over 5 degrees Temporary Amphibian Fencing Permanent log piles will be created to the south of the pond, acting as an area for translocation • Vegetation within the exclusion area will be maintained short to minimise suitable habitat for great crested newt and aid capture
6.2.48	<p>In order to mitigate for the loss of great crested newt habitat, agreement has been reached on the following strategy;</p> <ul style="list-style-type: none"> • The total area of the development is 0.8 ha, of which the pond makes up 0.211 ha and hard-standing makes up 0.078 ha. • All optimal GCN terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148 ha of dense ruderal and grass habitat around the edges of the pond) and 0.042 ha of sub-optimal habitat will be temporarily lost during works but then recreated and enhanced post-construction. • Unit B will be constructed on columns to raise it up to the levels of the eastern half of the site and although there will be temporary loss of sub-optimal habitat during construction, the area under the unit will be recreated as habitat suitable for foraging and hibernating GCN. • A new hedgerow and an associated earth, wood and rubble bund vegetated with tall herb and shrubs will be recreated along part of the northern boundary
6.2.49	<p>The proposal within the 0.8 ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078 ha of unsuitable hard-standing with 0.54 ha of optimal great crested newt habitat (pond, dense vegetation around and beyond the pond and hibernaculas/refuges) being retained, created and/or enhanced.</p>
6.2.50	<p>In order to enhance the site and mitigate for the loss of great crested newt habitat, the following steps are required to be taken;</p> <ul style="list-style-type: none"> • Enhancements to the pond • Improved terrestrial habitat around the boundaries • Drainage during and post construction will ensure the water table and pond will not be effected • The pond will be fenced (post and wire) to prevent and deter human and dog disturbance other that for monitoring or management purposes.
6.2.51	<p>Monitoring of the pond will be completed on an annual basis for 10 years and include survey for great crested newts to monitor the breeding population and also check on water quality, diversity of aquatic life and presence of any fish. If a notable negative change in the GCN population is recorded and/or it is clear water quality and aquatic life has deteriorated, then the source of the cause will be established and appropriate measures put in place under guidance from a suitably qualified ecologist. If fish are found to be present measures will be put in place to remove</p>

	them.
6.2.52	Natural England has provided discretionary advice regarding this proposal and its potential to impact on the favourable conservation status of great crested newts. Natural England was able to conclude that the favourable conservation status of great crested newts can be maintained, and that a licence from Natural England is likely to be granted.
6.2.53	The Ecologist in conjunction with Natural England has recommended a series of planning conditions related to biodiversity interests. Subject to these being included on a grant of planning permission there is no objection to the proposals on ecological grounds.
	(vi) Trees and Woodland
6.2.54	The site is bounded along the road frontage by a mature hedgerow and some semi-mature trees which will have to be removed in order to accommodate the development. Within the main part of the site itself there are no trees or hedges although there is some scrub around the fringes of the pond and some trees which could be affected located to the south along the access track to the back of the existing Ellesmere Road dwellings. However, the physical development associated with the proposals does not appear to extend as far back into the site as the existing trees to the south, the scrub around the pond or the broken hedge line to the north. The building is set back from the pond and northern boundary and the access track to the south follows the existing unmade track at the back of the Ellesmere Road dwellings.
6.2.55	The hedge line and semi-mature trees along the roadside will be removed as part of the development. This hedge forms an important natural feature on the roadside and is a continuation of the hedge line that fronts the Redrow Development and which has been largely retained along the frontage of that development. It is a notable feature of the western side of Ellesmere Road from the development site northwards.
6.2.56	Due to the sloping nature of the site and the constraints posed by the retained pond at the rear, it will be almost impossible to retain the hedge as part of this development. The lay out plan show some compensatory planting along the frontage. However, there is no doubt that the development will transform the roadside in this location. It will follow a similar pattern established by the existing terraced properties. The difference is the proposals will be recessed from the roadside thereby enabling a softening of the urban impact through a degree of planting and landscaping. The loss of this hedge weighs negatively in the planning balance but this needs to be considered against the benefits of the scheme, including the additional biodiversity benefits such as the creation/enhancement of GCN habitat in and around the pond. Whilst the hedge is of some local importance, the development will result in a small proportion of the overall hedge being lost. On balance, this is not considered to be sufficient to justify a refusal of planning permission in its own right.
	(vii) Flooding and Drainage

6.2.57	Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.
6.2.58	The application was accompanied by a Flood Risk Assessment and the site is considered to fall within Flood Zone 1, which is the least susceptible to flood risk. The finished floor slab level of the development will be at least 54.00m above ordnance datum in any case, which is the recommended 600mm ceiling over the modelled flood level. The FRA and application form state that the foul drainage will be connected into the existing foul sewer with surface water disposal being via a soakaway system.
6.2.59	The Drainage Engineer has considered the proposals and has concluded that the Flood Risk Assessment submitted with the application is acceptable and a number of conditions have been recommended for inclusion on a grant of outline planning permission, as set out in Section 4 above. It is concluded that the site can be safely drained and serviced without giving rise to unacceptable risk of flooding.
	(viii) Historic Environment
6.2.60	The site does not lie within a conservation area or an area of archaeological significance. Nor does it contain any listed buildings and nor would the proposed development result in an adverse impact on the setting of a heritage asset. There is no objection to the proposal on heritage grounds.
	(ix) Land Contamination
6.2.61	The Framework places significant emphasis on minimizing pollution risks and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any remediation proposals. Policy CS6 of the Core Strategy requires all development proposals to take proper account of potential hazards and to undertake necessary remedial measures to ensure that development is safe.
6.2.62	The Public Protection Officer has considered the contents of the Contaminated Land Report submitted with the application and has concluded that the site could have potential contaminants, especially as high levels of CO2 were recorded in one location on the site. The report recommends further investigation of this area and this is endorsed by the Officer who has recommended a suitable condition. Subject to this approach it is considered that the proposals are acceptable.
	(x) Developer Contributions
6.2.63	Policy CS9 and CS11 of the Core Strategy seeks to secure provision of affordable housing either on the development site or, where appropriate, as an off-site financial contribution. The applicant is offering to exceed the required 10% contribution by providing 20% in the form of 7 dwellings on the site and an additional financial contribution of £45,900. The nature of tenure split and

	management will be determined at the reserved matters stage and will meet the Housing Officer's requirements. This will be delivered through a Section 106 planning obligation.
6.2.64	Furthermore, the applicant has responded to requests for a contribution towards the North West Relief Road and has offered a payment of £45,000. In addition, there is also a contribution of £25,333 to be made towards provision of a new pedestrian crossing near the school on Ellesmere Road. These will also be secured via the S106 obligation.
6.2.65	It is considered that the above contributions are in line with the provisions of policies CS9 and CS11.
7.0	CONCLUSIONS
7.1.1	Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
7.1.2	The relevant local plan policies are set below and the proposed scheme has been assessed against them. Other material planning considerations have also been considered in the assessment of the merits of the case. The proposed development lies outside the built-up edge of Shrewsbury in open countryside. As such, it fails to comply with Policy CS5 of the Development Plan. However, the assessment of planning merits requires consideration of other material factors that may, in certain circumstances, tip the planning balance in favour of the proposals. In order to be considered favourably, the proposals must deliver significant benefits across the three elements of sustainable development.
7.1.3	It is the applicant's view that the scheme will deliver a number of benefits which would outweigh the policy presumption against the proposal. These benefits, as identified by the applicant, are: redevelopment of a landlocked site close to the edge of the built up part of the town; erection of 38 new homes including twice as many (20%) affordable homes as required by policy; provision of new off-street car parking bays for existing dwellings on Ellesmere Road; a financial contribution towards funding the North West Relief Road and a pedestrian crossing on Ellesmere Road; and an enhanced habitat for Great Crested Newts around the existing pond.
7.1.4	The erection of a mix of new homes including affordable homes should not ordinarily be considered benefits of the scheme, but are rather necessary in planning terms to help mitigate the negative effects of the development. Such provisions would be required for any housing development subject to similar site constraints, regardless of whether the site lies within the settlement or outside and for which material considerations would need to be demonstrated to override any

	policy harm. This approach has been followed by several appeal inspectors in recent months. What will be considered a genuine benefit is to what extent the development contributes above that minimum expectation. In this case, the amended scheme offers 20% affordable housing contributions and this is considered to be a benefit.
7.1.5	The new development would also make a contribution towards meeting the Council's housing aspirations for Shrewsbury and would assist in meeting the Government's ambition of boosting the supply of housing.
7.1.6	In addition, the proposals offer to enhance the quality of Great Crested Newt habitat on the site which should be regarded as an environmental gain and in accordance with Policy CS17.
7.1.7	Other benefits include CIL payments towards improving local infrastructure including local schools and New Homes Bonus, additional Council Tax payments in the future and financial contributions towards a new pedestrian crossing on Ellesmere Road and towards the North West Relief Fund.
7.1.8	The application site remains a greenfield site within the open countryside as defined in the Shropshire Core Strategy. The development of the site for housing would conflict with policies CS1, CS4 and CS5 of the Core Strategy and Policies MD1, MD3, MD7a and Settlement Policy S16 of the SAMDev Plan. This conflict should be given significant negative weight in the decision-making process.
7.1.9	A significant question is how harmful to local visual amenity would the development of this vestige of open space be? In reality, the site is not particularly visible from public vantage points, as it is largely bordered along the street frontage by a hedge and trees. It is only really visible at an angle from the entrance serving the access track leading around to the rear of the neighbouring properties on Ellesmere Road. Its value as an amenity space is thereby reduced.
7.1.10	The site is also closely associated with the built-up part of Shrewsbury being bordered on all sides by development. Connectivity with the town centre and surrounding development is considered to be good thereby increasing the likelihood that future occupiers of the development will not be dependent on use of private motor cars in order to make short trips.
7.1.11	The sensitivity and development potential of the site have previously been assessed in some detail as part of the Shrewsbury and Atcham Landscape Sensitivity and Capacity Study and was considered to have development potential whereas the land to the north was not. Since then, the opposite has happened with the land to the north being developed despite the recommendations of the Study. It is considered that the characteristics of the site have not altered materially since then and that it retains some development potential. The application as it now stands following substantial amendments is a development that is appropriate for the site. This document informed the Core Strategy and SAMDev Plan and is an important material consideration.
7.1.12	The amended scheme is considered to offer a range of community benefits. The

	relatively limited harm that would arise to the local landscape is capable of being mitigated through a comprehensive landscaping scheme, which remains a reserved matter.
7.1.13	This proposal is delicately poised and finely balanced. Without the range of increased community benefits and a reduction in scale and impact the recommendation would be to refuse outline planning permission. As it stands, it is considered that the improved benefits package and design refinements are material considerations of sufficient gravity to tip the planning balance in favour of a recommendation for approval. This is subject to the list of recommended conditions set out in Appendix 1 and to the successful completion of a S106 planning obligation.
7.1.14	The proposals are on balance considered to represent sustainable development in accordance with the provisions of the Framework and the Policies set out below. For these reasons the proposal, as amended, is recommended for approval.
	<p>RECOMMENDATION:</p> <p>That outline planning permission be GRANTED subject to a S106 Planning Obligation for 20% affordable housing and financial contributions towards provision of a pedestrian crossing on Ellesmere Road and the North West Relief Road and to the conditions set out below.</p>
8.0	Risk Assessment and Opportunities Appraisal.
8.1	<p>Risk Management</p> <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ▫ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ▫ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>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.</p>
8.2	Human Rights

	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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.</p>

1. Background

RELEVANT PLANNING POLICIES

National Planning Policy Framework:

The following paragraphs are considered to be relevant:

2, 7, 9, 14, 17, 32, 35, 47, 49, 50, 56, 58, 60, 61, 109 and 118.

Shropshire Adopted Core Strategy:

Policies CS1, CS2, CS5, CS6, CS11, CS17 and CS18.

Shropshire Adopted SAMDev Plan:

Policies MD1, MD2, MD3, MD7a, MD12 and S16.

RELEVANT PLANNING HISTORY: None relevant

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=dates&keyVal=NNBQE4TDK0800>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Alex Phillips

Appendices

APPENDIX 1 – Recommended Planning Conditions

APPENDIX 2 - EUROPEAN PROTECTED SPECIES – Consideration of the three tests

1. Statutory Time limit

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Submission of Reserved Matters

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (i) a scheme of landscaping for the site scheme which shall include:
 - a) Planting plans, including wildlife habitat and features (e.g. integrated bird, bat boxes, 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.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. Reserved Matters Approval

An application for the approval of all 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: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. Approved Plans and Drawings

The hereby approved development shall be carried out in accordance with the following approved plans and drawings:

- L001 – Site Location Plan
- L003B – Blocks A, B and C Lower Floor Level Plans
- L004B - Blocks A, B and C Upper Ground Floor Plans
- L005B - Blocks A, B and C First Floor Plans
- L006B - Blocks A, B and C Loft Floor Plans
- L008A – Block A Elevations
- L009B – Block B Elevations
- L010A – Block C Elevations
- L013C – Site Plan (Parking and Highways)
- L014E – Site Plan (Ecology)
- L015C – Site Plan

REASON: To define the permission for the avoidance of doubt.

5. Approval of Materials

No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

6. Architectural Details to be Approved

No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

7. Details of Boundary Treatments

No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

8. Implementation of Approved Landscaping Scheme

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. Submission of Details Earthworks

No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing

vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development.

10. Footway on Frontage

Prior to the commencement of development a revised site frontage layout shall be submitted to, and approved in writing by, the Local Planning Authority to show a minimum frontage footway width of 2 metres and 2.4 x 43 metre visibility splays clear of any development block boundaries. The approved details shall be fully implemented before any of the apartments are first occupied.

REASON: In the interests of Highway safety.

11. Access and Turning Head Design

Notwithstanding what is shown on the approved layout plans, prior to the commencement of development, a revised internal access road and turning head layout, supported by a swept-path analysis, shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that a large refuse collection vehicle can enter the site, turn and exit in a forward gear clear of any defined pedestrian routes and private driveways. The approved layout shall be fully implemented before any of the apartments are first occupied.

REASON: In the interests of Highway safety.

12. Details of Car Parking

Notwithstanding what is shown on the approved layout plans, prior to the commencement of development details of the site parking arrangements as they relate to the individual apartment blocks and including appropriately located disabled parking provision for each of the apartment blocks shall be submitted to, and approved in writing by, the Local Planning Authority. The approved parking layout shall be fully implemented before any of the apartments are first occupied.

REASON: In the interests of Highway safety.

13. Details of New Roads

No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before any of the apartments are first occupied.

REASON: To ensure a satisfactory access to the site.

14. Construction Environmental Management Plan

The first submission of reserved matters shall include a Construction Environmental Management Plan (CEMP) for approval in writing by the local planning authority. The plan will be implemented as approved and adhered to throughout the construction period and shall include:

- a) An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices, including lighting) to avoid impacts during construction (may be provided as a set of method statements);
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when specialist ecologists need to be present on site to over-see works;
- e) The role and responsibilities on site of an ecological clerk of works (EcCoW) or similarly competent person;
- f) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.
- g) the parking of vehicles of site operatives and visitors
- h) loading and unloading of plant and materials
- i) storage of plant and materials used in constructing the development
- j) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- k) wheel washing facilities
- l) measures to control the emission of dust and dirt during construction
- m) a scheme for recycling/disposing of waste resulting from demolition and construction works
- n) a traffic management and HGV routing plan

All construction activities shall be adhered to and implemented strictly in accordance with the approved CEMP unless otherwise approved in writing by the local planning authority.

REASON: To protect features of recognised nature conservation importance and avoid congestion within the surrounding area.

15. Habitat Management Plan

The first submission of reserved matters shall include a habitat management plan. The plan shall include:

- a) Description and evaluation of the features to be managed (no less than 0.54ha of land should be retained and fenced off from the public open space and managed as great crested newt habitat as indicated in the Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring;
- i) The financial and legal means through which the plan will be implemented;

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

REASON: To protect features of recognised nature conservation importance.

16. European Protected Species Licence

No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

REASON: To ensure the protection of great crested newts, a European Protected Species.

17. Obscure Glazing

Before the development hereby permitted is first occupied the windows in the north and south facing elevations of Blocks A and C shall be fitted with top-opening casement windows and glazed with obscure glass only. The windows shall thereafter be retained in the approved form in perpetuity.

REASON: To prevent overlooking of neighbouring properties in the interests of residential amenity.

18. Provision of E-Charging Points

Prior to use, a minimum of one electric vehicle (EV) plug ready charging point shall be installed for every 10 parking spaces or part thereof provided.

REASON: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

19. 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 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.

20. Surface Water Drainage - Interceptor

No development shall commence on site until details of surface water drainage from impermeable parking areas and hard standings for vehicles to oil interceptors has been submitted and approved by the Local Planning Authority. The development shall not be first brought into use until the oil interceptor(s) has/have been installed in accordance with the approved details. Thereafter the oil interceptor(s) shall be maintained in accordance with the approved details. Roof water shall not pass through the interceptors.

REASON: To minimise the risk of pollution of the water environment and in the interests of safeguarding the biodiversity significance of the site.

21. Surface Water Drainage

No development shall commence on site until a scheme for the discharge of surface water from the site including surface water from the access/driveway, incorporating sustainable

drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

22. Foul Sewerage

No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

PD Rights – Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site .

REASON: In the interests of visual amenity.

23. Noise Protection

A glazing and ventilation specification to be installed into each habitable room shall be submitted to the local planning authority for approval in writing prior to the installation of any windows into the structure. The glazing and ventilation shall provide at least a 30 dB reduction between the internal and external fabric of the building. The approved design shall be incorporated into all windows into habitable rooms.

REASON: to protect the health and wellbeing of future residents.

24. Scheme for Compensatory Nature Habitat

The first submission of reserved matters shall include a detailed ecological mitigation strategy submitted to the local planning authority for approval. The proposed Great Crested Newt mitigation shall be no less than the area shown on the 'Site Plan – Ecology, drawing number LO14E, Prepared by aip architects ltd dated 28th February 2017' and as detailed in the 'Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)'. An area of 0.54ha of great crested newt habitat shall be retained and fenced off from the public open space and managed as great crested newt habitat. The updated ecological mitigation strategy, recommendations and method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

REASON: To ensure the protection and enhancement of biodiversity and protected species, including Great Crested Newts, a European Protected Species.

25. Slab Levels

No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity and for the avoidance of flood risk.