

Development Management Report

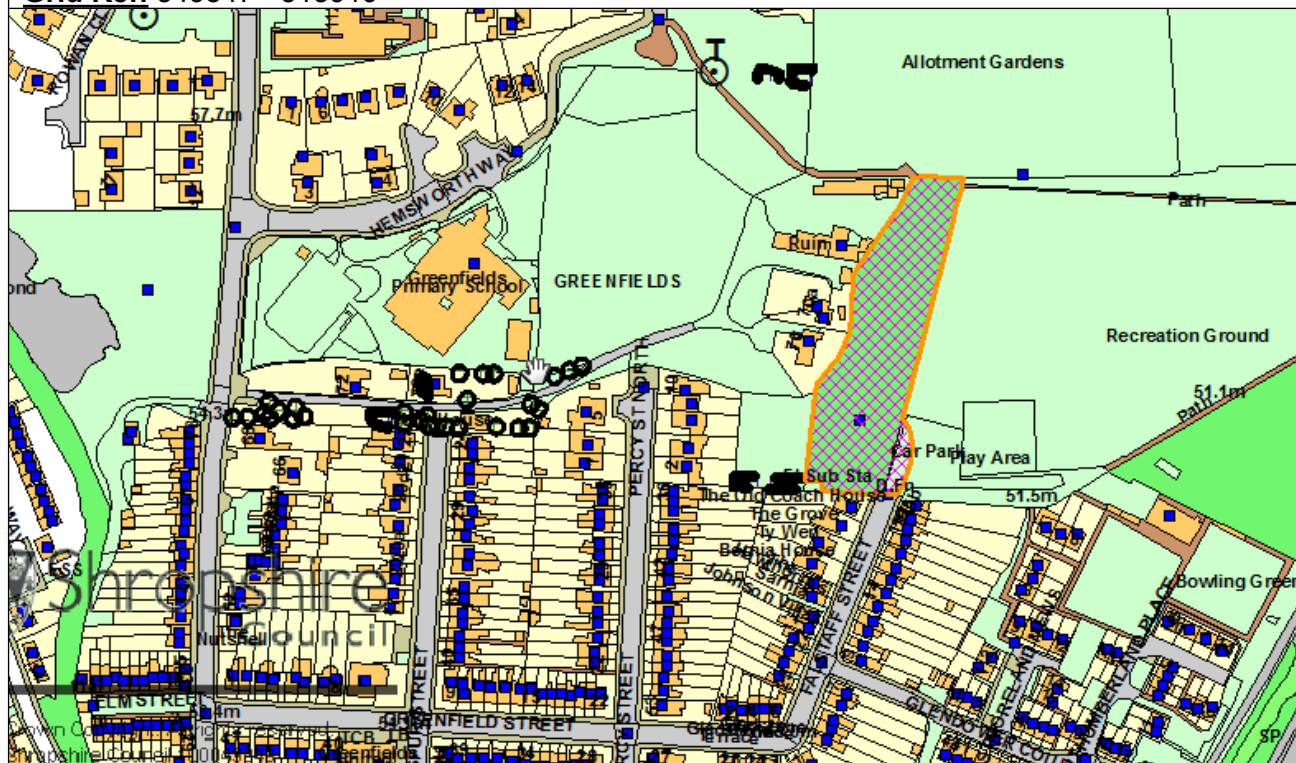
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Summary of Application

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

Grid Ref: 349547 - 313919



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

REPORT

1.0 THE PROPOSAL

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

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a vacant piece of land opposite Greenfield recreation land and was previously owned by Shrewsbury Town Council and was formerly used as a tree nursery. The woodland that remained was cleared prior to the submission of a planning application by the Town Council in 2012 for residential development of the site for 8 large detached dwellings that were described as 'eco homes'.
- 2.2 The site is accessed off the main Ellesmere Road into Shrewsbury via the residential streets of Greenfields and Falstaff Street to the South. To the North of the site are allotments and Greenfields School lies further to The West.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Archaeology:

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

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

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

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

4.1.2 **SC Highways:**

Recommendation

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

Observations/Comments:

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

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

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

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

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

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

Habitats

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

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

Bats

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

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

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

Birds

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

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

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

Other species

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

Recommends conditions for inclusion on the decision notice.

4.1.7 SC Parks and Recreation:

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

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

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

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

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

community.

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

4.2 - Public Comments

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

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

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

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

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

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

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

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

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

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

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

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

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

5.0 **THE MAIN ISSUES**

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

6.2 Layout, Scale, Design and Appearance

- 6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.2.2 The proposed development will be situated at the end of Falstaff street which predominantly consists of a row of late Victorian semi-detached properties on either side of the road with a row of 4 detached properties on the West side of the road built in the late 1990s. The older properties display a variety of window and door designs and brick detailing. The site and the surrounding houses are not in a Conservation area and there are no listed buildings or listed walls or structures nearby.
- 6.2.3 The layout as amended is for a row of 17 houses including 6 semi-detached two storey houses with a third level of accommodation in the roof and 3 terraces of 3 two storey houses and 2 semi-detached two storey houses. The layout, pattern and density of development is in keeping with the linear development in the surrounding streets with houses situated on narrow plots. The gardens will not be as long as those in Falstaff Street but it is considered that the size of the rear gardens is satisfactory particularly having regard to the large recreation ground and play area that is available to the front.
- 6.2.4 The proposed dwellings are traditional in design incorporating architectural features found in the houses in the surrounding streets such as stone heads and cills, bay windows and brick corbelling. However they are not intended to replicate the existing houses or to be a pastiche and it is considered that a pastiche would not

be desirable.

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

6.3 Access, parking and highway Implications

- 6.3.1 The indicative plan indicates 32 parking spaces (2 parking spaces for each dwelling). This level of parking provision is considered more than adequate in this sustainable location in close proximity to local services and facilities, a primary school and regular bus service, and within walking distance of the town centre and the train and bus station. One of the aims of both Local and National policy is to encourage walking and cycling and use of public transport and to reduce the use of private vehicles and to direct development to locations where the need to travel is minimised.
- 6.3.2 To provide more parking spaces would be contrary to the aims of promoting sustainable transport. SABC local plan parking standards advised a maximum parking provision of 1.5 spaces per dwelling with the aim of reducing reliance on the private car and promoting other more sustainable forms of travel. The NPPF advises that if setting local parking standards these should take into account, the accessibility of the development, the availability of and opportunities for public transport, the level of local car ownership and an overall need to reduce the use of high-emission vehicles. Families with requirements for parking more than 1 or 2 cars would likely not be interested in purchasing these properties if they didn't meet their needs. Future residents (and existing residents) are more likely to choose to live in this area for the very reason that they don't need more than one car in the family due to the potential for walking, cycling and use of public transport. A parking standard of less than 2 spaces per dwelling is considered appropriate for this location and 2 spaces per dwelling is considered to be more than adequate.
- 6.3.3 SAMDev policy MD2 advises that onsite car parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network. Officers are fully aware of the lack of off-street parking in Falstaff Street and the surrounding streets and that on street parking only allows for one car per dwelling. It is acknowledged that at weekends and evenings the streets are full on both sides and residents are sometimes unable to park on the street outside their own homes. However the provision of 17 additional houses with 2 spaces per dwelling and the option for visitor parking along the front of the new houses (as is the case in any other residential area) would not affect the parking situation that already exists. It is therefore considered that the parking provision is more than adequate and that the provision of 17 houses with 2 parking spaces each would not result in cars over-spilling and parking into the surrounding streets.
- 6.3.4 Vehicular access will be off Falstaff street via Greenfield Street and on to Ellesmere Road to join the main Highway network. WSP consultants on behalf of Highways have confirmed that they have no objection to the access to the development via

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

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

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

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

6.4 Impact on Neighbouring properties and residential amenity

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

6.5 Ecology

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

6.5.2 MD12 in accordance with CS6 and CS17 seeks to avoid harm to locally designated biodiversity and geological sites, priority species, priority habitats, important woodlands, trees and hedges and ecological networks. Whilst the site does provide some habitat for wildlife it is not a locally or nationally designated site, it does not form part of the environmental network or include important woodlands, trees or hedges other than the protected Lime tree at the entrance to the site which is proposed to be retained.

6.5.3 The submitted report and the Councils Ecologist confirm that there are no potential bat roosting features on the site but that the site is likely used by bats, badgers and hedgehog for foraging and/or commuting purposes and that the hedgerow and scrub provide potential nesting opportunities for birds. However there are no badger sets on the site or evidence of protected species.

6.5.4 The site is considered to be of low ecological value and conditions are recommended to provide ecological enhancement and to ensure appropriate native species landscaping and lighting of the site. It is therefore considered that the proposal is acceptable from an environmental perspective.

6.6 Landscaping/Trees

6.6.1 The tree officer commented on the initial layout, landscaping plan and tree report and was initially concerned that the proposal would impact on the protected Lime tree at the front of the site. In addition there was concern about the shading of the rear gardens and it was recommended that the retention of the lower category trees along the Western boundary be re-considered and that all the defective trees highlighted in the submitted tree report be removed. The tree officer also noted that the loss of the hedge and trees to facilitate the water attenuation and parking will result in the recreation area losing its screening and separation from the new development and recommended that the hedge should be replaced with new hedge and tree planting to create a new attractive screen and interface.

6.6.2 Amended layout plans have been received that indicate retention of the wall closest to the Lime tree so that the roots will not be disturbed and that there will be no building or hard surfacing within the wider root protection zone around the Lime tree. The water attenuation has also been moved away from the Eastern boundary. The houses have also been located slightly further forward to increase the depth of the gardens and the distance from the trees to the West. The tree officer is now satisfied that the new landscape proposals and amended Tree Survey Report have addressed the issues previously raised.

6.6.3 Trees on the western boundary which may cause issues with the gardens of the proposed properties are to be addressed with the pruning and removal of some of the trees. The hedge and sub standard trees along the eastern boundary that are an important interface with the recreation ground are proposed to be replaced with a new attractive avenue of specimen trees. In the short term the removal of the existing trees may be seen by the public as a negative but in the long term the fact that these trees are in poor condition (some with Ash Dieback disease) means that replacing them at this opportunity will bring long term improvements.

- 6.6.4 Subject to the imposition of a condition requiring the implementation of tree protection measures and landscaping proposals it is considered that the proposals would not negatively impact on any important trees within the site and that the proposed new hedge and tree planting will be a long term enhancement.

6.7 **Flood Risk/Drainage**

- 6.7.1 The site is situated in Flood zone 1 (the lowest risk of flooding) and whilst Drainage have confirmed that the proposed surface water drainage strategy in the Flood Risk Assessment and Drainage Resume is acceptable in principle full details of the proposed drainage details, plan and calculations should be conditioned to be submitted for approval.
- 6.7.2 Highways have confirmed that the highway drainage design, construction details and specification, may require some amendment, to ensure its compliance with the Council's adoption requirements and that this will be subject to specific assessment when an application is made for a highway S38 agreement.
- 6.7.3 Residents have expressed concern regarding the Victorian drainage system and that it does not have capacity for additional discharge to it. However Sever Trent has a statutory responsibility to supply and maintain a satisfactory means of foul sewage disposal for both existing and new dwellings.

6.8 **Developer Contributions**

- 6.8.1 CS11 requires that all new housing development makes a contribution to affordable housing (AHC) calculated at a rate of 10% in this location under the current Housing SPD. This equates to 1 dwelling on site with the balance as an affordable dwelling. It has been negotiated with the applicant that due to the site being adjacent to a recreation ground there is no requirement for on site open space provision which enables the provision of an additional dwelling on site. The applicant has agreed that this additional dwelling will be an affordable. This over provision of 2 of the 17 being affordable is welcomed.
- 6.9 The scheme will also be liable for a financial contribution towards infrastructure under the CIL regulations. This can be spent on infrastructure identified in the place plans and can include education, maintenance of existing recreation grounds and play areas and maintenance and improvements to roads, cycle-ways, pavements and footpaths or tree and hedgerow planting and maintenance for example.

7.0 **CONCLUSION**

- 7.1 The development of this site for residential development is acceptable in principle, and the site is considered to be of a sufficient size to accommodate the 17 dwellings proposed. The layout, pattern and density of development is in keeping with the linear development and the plot widths in the surrounding streets and the proposed dwellings are traditional in design incorporating architectural features found in the houses in the locality. It is considered that the layout of the site and

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

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

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

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

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

8.2 Human Rights

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

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

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

RELEVANT PLANNING HISTORY:

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

11. Additional Information

List of Background Papers: File 17/05234/FUL
Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Alex Phillips
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

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

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

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

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

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

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

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

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

7. Before the relevant parts of the work are commenced details of the materials and form of the heads and sills to the window and door openings in the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

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

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

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

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

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

Reason: To ensure a satisfactory access to the site.

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

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

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

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

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

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

Reason: To provide ecological enhancement of the site

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under condition 11). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

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

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

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

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