

Development Management Report

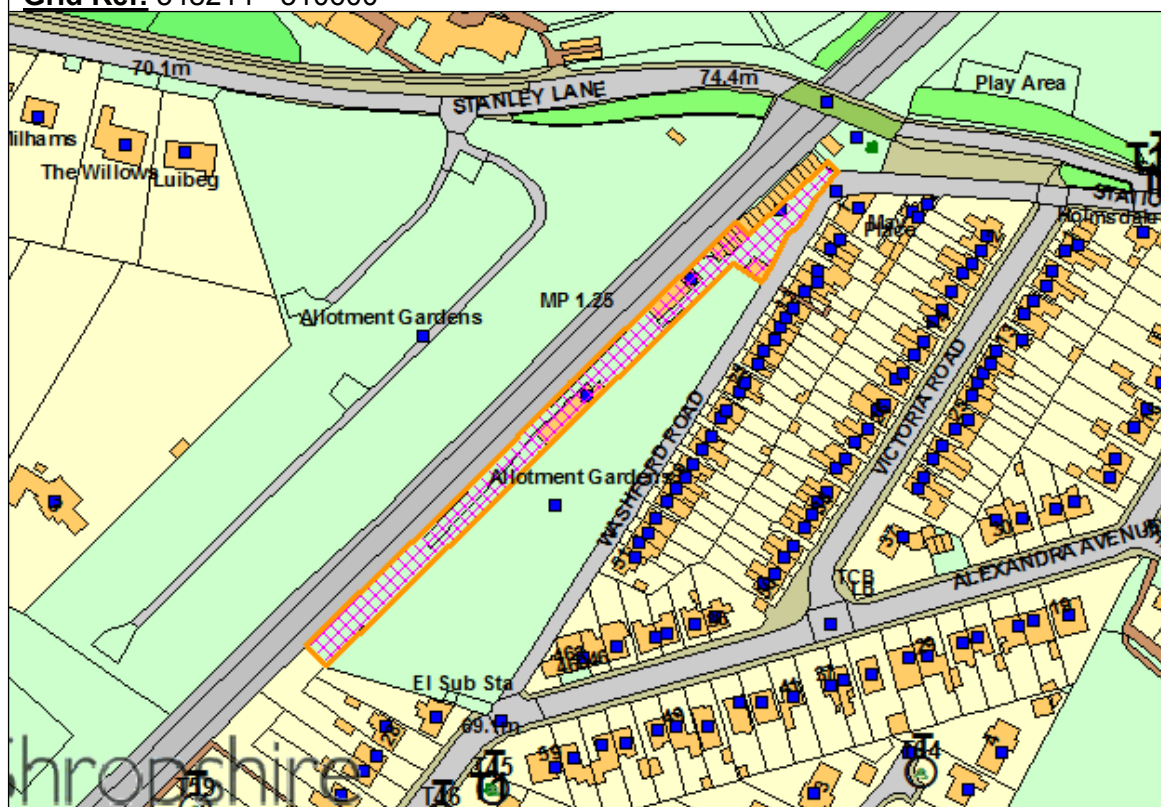
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 18/00268/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> The demolition of existing industrial units and construction of 7no. dwellings with associated parking and access (amended description)		
<u>Site Address:</u> Former Railway Land Off Washford Road Shrewsbury SY3 9HR		
<u>Applicant:</u> Walnut Squared Ltd.		
<u>Case Officer:</u> Frank Whitley	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 348214 - 310600



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

UPDATE FOR 7 JUNE PLANNING COMMITTEE

The application was previously deferred by Members for further consideration due to Highways concerns. Since then, the Highways Development Control Officer has reviewed the application and previous remarks. Further consultation comments in relation to Highways are expected for Members on 7 June. In the meantime, the report presented to Members on 10 May remains as below.

Recommended Reason for Approval

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the demolition of existing industrial units and construction of 7No. dwellings with associated parking and access (amended description)
1.2	The application follows permission granted in outline for an indicative scheme of 6 dwellings under ref 16/01561/OUT (including matters of access only) dated 24 October 2016. Previous to this, similar outline planning permission was granted in 2012 under ref 12/04866/OUT, though that permission lapsed. An earlier outline scheme in 2011 was refused by Shropshire Council under the then recently adopted Core Strategy. The appeal was dismissed though for reason of lack of affordable housing provision only.
1.3	The proposed development seeks full planning permission. The development is to comprise 7No dwellings set out in a linear arrangement using the full length of the site. Plots 6 and 7 are to be semi-detached side by side at the far end of the site thus forming a single block. Plots 2/3 and 4/5 are semi-detached end to end. Plot 1 at the near end is the only detached dwelling. All are 3 bedroomed, 2 storey except for Plots 6 and 7 which each have 4 bedrooms over 3 storeys.
1.4	Each dwelling is to have 2 x dedicated parking spaces. 7 visitor spaces are spread across the site.
1.5	A second point of access is to be formed on Washford Road. The existing access on the corner of Station Road is to be retained.

2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is a narrow strip of land between the railway line and allotments immediately to the west of Washford Road. There are more allotments to the west of the railway line.
2.2	The site measures approx. 225m long and ranges approx. between 9.6m and 10.5m wide.
2.3	The site is bounded on the west side by a palisade metal fence on the edge of Network Rail land, and on the east by a combination of hedgerow and timber panel fence. Large sections are missing or broken.
2.4	The site was formerly a builders' yard though is now used in connection with a marquee business. The site also contains modern workshops and lock-up garages. All buildings except the existing garages between the two access points are to be demolished.
2.5	The site is on the western edge of Meole Brace Conservation Area, which is characterised in particular by the attractive traditional red brick terraced cottages of Washford Road.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. At the request of the locally elected member, the Area Planning Manager and Chair of the Central Planning Committee have decided that the application should be decided by elected Members.
4.0	Community Representations
	Consultee Comments
4.1	Shrewsbury Town Council- support
	<p>Commenter Type: Parish Council</p> <p>Stance: Customer made comments in support of the Planning Application</p> <p>Comment Reasons:</p> <p>Comment: The Town Council supports this application and welcomed the opportunity to discuss the plans with the architect at their recent Planning Committee meeting.</p>
4.2	Highways- no objection subject to conditions and informatives
	<p>For reference, initial comments are set out here in relation to the 8 dwelling scheme as first proposed.</p> <p>The application is seeking consent for the erection of 8 dwellings on land that was previously used as a builder's yard and associated storage. The site also has an extant permission for the erection of 6 dwellings under reference 16/01651/OUT. The principle of residential redevelopment of the site having been previously secured on appeal.</p> <p>Whilst it is noted that the current application is proposing an increase in the number</p>

of residential units by 2 from the earlier approval, a residential use balanced against the existing business use is considered to potentially provide a benefit in the change in the type of vehicle generated thereto and not considered to be a sustainable highway ground upon which to base an objection. The proposed access arrangement as shown on the Site Plan (Drawing No. WAS-519-XX-00-DR-A-PL003) does however raise highway concerns.

It is noted that the access arrangement is proposing an in/out arrangement. The proposed vehicle circulation is not enforceable, with no physical measures to control the movement of vehicles. The sensitive nature of the on-street parking demand on Washford Road in association with the terrace properties is likely to result in vehicles parking opposite the new access point. It is considered that vehicles will not be able to easily turn right into the site as proposed given the proposed design of the new access and the possibility of on-street parking. It is considered therefore that the existing access into the site should remain as the sole access into and out of the site. The width and alignment of the access should be improved to enable a more efficient entry and exit of vehicles. The Site Plan is rather schematic and lacks clarity, the edge of carriageway has not been detailed, and the position of a light column and road name plate has been omitted. The improvement to the width of the access could require the relocation of the light column, which can be more easily determined on the submission of a more detailed/surveyed site plan.

It is noted that a bin collection point has been proposed. The retention of boundary hedge, however, prevents easy/direct access for the roadside collection.

Further comments received following amended scheme (7No dwellings).

No objection

Observations/Comments:

The application is now seeking consent for the erection of 7 dwellings on land that was previously used as a builder's yard and associated storage. The site also has an extant permission for the erection of 6 dwellings under reference 16/01651/OUT. The principle of residential redevelopment of the site has been secured on appeal. Further to the Highway Advice Note dated 28.02.2018 a revised Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A PL003 has been submitted with supporting correspondence. The number of proposed residential units has now been reduced and flow plates included in the new access design to control vehicle circulation to and from the site.

The revised details and access arrangements have been further reviewed and in consultation with Shropshire Council's Highways Development Control Area Manager.

The formation of a new satisfactory access point to serve the site is not considered likely to lead to a highway safety concern in this location to insist upon the site being served by a single access point. The provision of flow plates within the new access will control vehicle circulation but not considered to be an ideal solution introducing maintenance and potential noise disturbance liabilities.

The retention of the existing access at the northern extremity of the site in combination with a new access without flow direction restrictions would enable vehicles to enter and leave the site from either of the two access points. Vehicles that could egress from the proposed new access, are restricted to one way flow in a

	<p>southerly direction along Washford Road. This circulation of vehicles via the site will replicate the traffic flow along Washford Road and provide an alternative exit route to Station Road where the demand for on street parking at can limit the effective carriageway width to one lane accommodating two way traffic movements.</p> <p>The new access arrangement as currently proposed however raises concerns. The new access should be unrestricted and satisfactorily laid out in width, radii and include the provision of a visibility splay in a north easterly direction along Washford Road. It is also noted that the bin collection pint continues to be retained behind the boundary hedge. The setting back of the boundary hedge to provide the required visibility splay would resolve this matter too for roadside collection requirements. It is, considered that these amendments can be covered under an appropriate planning condition.</p> <p>Subject to the following conditions being included on any approval, there are no sustainable Highway grounds upon which to base an objection: -</p>
4.3	<p>Conservation- no objection subject to conditions</p>
	<p>For reference, initial comments are set out here in relation to the 8 dwelling scheme as first proposed.</p> <p>I would refer you to earlier comments we have provided on previous proposals affecting the application site, which comprises a long narrow strip of land running along the railway tracks to the north-west of Washford Road, and which is fully within the Meole Brace Conservation Area boundaries. Residential redevelopment of this site was granted permission under Outline application 16/01651/OUT and the indicative layout associated with that proposal comprised 6 dwelling units of a generally traditional design sited in a linear position within the site.</p> <p>A new full planning application has now been submitted proposing a much more contemporary approach for residential development within this site, however some aspects such as the linear siting of the proposed dwellings, given the configuration of the property, remain similar to the previous proposal. The current application is supported by a relatively extensive analysis of the site and the context and built form of the immediate and wider neighbourhood, with the proposed scheme consisting of a linear series of contemporary cubic buildings spread through the length of the entire site. The form and contemporary design of the development proposed is considered to respond well to the property's trackside context and linear nature, and with further site enhancements in terms of appropriate boundary treatments and landscaping, and architectural detailing, external materials and finishes which visually reflect those of the more traditional dwellings nearby, then provided a very high quality of building is implemented here, the proposal in principle may not necessarily be unacceptable on this site. This view is not dissimilar to the comments submitted by the Civic Society on this scheme.</p> <p>Over-development of this narrow site however should be avoided, and as submitted in its present form the application is considered to comprise too many units, and particularly the taller three storey element to the westerly end of the site appears out of context and unnecessarily squeezed in and potentially dominant within the area, and as submitted, the application is not considered to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where having regard to protecting and enhancing the character and appearance of the</p>

	<p>Conservation Area is required.</p> <p>It is apparent that there is significant local opposition to this application and a wider discussion and further assessment of the scheme considering these views is suggested.</p> <p>Further comments received following amended scheme (7No dwellings).</p> <p>I would refer you to our earlier comments for background. In response to our concerns over the number of units and extent and scale of new buildings being introduced to this long narrow site, the applicant has reduced the number of units to seven and has removed a storey from one of the three storey units; as a result the overall amenity area on the site has been increased and the gaps between the buildings are more generous. There is also now a more consistent visual pattern to the rooflines with the taller element being limited to the westerly-most building which is sited at the widest distance from Washford Road and which adds some visual interest to the row of buildings. To reduce visual clutter the top storeys should remain lightweight in material, scale and design, and the rooftops of all the buildings should remain free of additional external services, pipework and other equipment that could disrupt the otherwise clean contemporary design of the scheme.</p> <p>As revised the application is considered to satisfactorily accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where having regard to protecting and enhancing the character and appearance of the Conservation Area is required, subject to the inclusion of strict conditions in order to agree external materials and finishes, finer architectural detailing, window and door details, landscaping and boundary treatments and surface materials.</p>
4.4	Ecology- no objection subject to conditions and informatives
4.5	Shropshire Fire and Rescue- no objection informatives only
4.6	Network Rail- no comments received
	<p>Though no comments have been received to this application, the following was received in relation to the previous outline consent ref 16/01561/OUT and is still considered relevant to the application</p> <p>Thank you for your email dated 29th September, together with the opportunity to comment on this proposal.</p> <p>Whilst there is no objection in principle to this proposal, Network Rail have a defined access point to the railway these must be maintained to Network Rail's satisfaction, we also currently park a vehicle with the permission of the current landowner.</p> <p>Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.</p>

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rails support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rails land to the public mains system. Soakaways are not acceptable where the following apply:

- ☐ Where excavations which could undermine Network Rails structural support zone or adversely affect the bearing capacity of the ground
- ☐ Where there is any risk of accidents or other acts leading to potential pollution of Network Rails property/infrastructure
- ☐ Where the works could adversely affect the water table in the vicinity of Network Rails structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rails land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rails ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rails boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rails existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rails boundary must also not be disturbed.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishments guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rails Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rails property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rails advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

PARTY WALL

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and

	<p>any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for the costs. An applicant cannot access Network Rail without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable to all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.</p> <p>METHOD STATEMENTS/FAIL SAFE/POSSESSIONS</p> <p>Method statements may be required to be submitted to Network Rails Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e possession which must be booked via Network Rails Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.</p> <p>In order to mitigate the risks detailed above, the Developer should contact the Network Rails Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.</p>
4.7	Archaeology- no objection
	We have no comments to make on this application with respect to archaeological matters.
4.8	Regulatory Services- no objection subject to conditions for noise and contamination
	<p>a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agencys Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.</p> <p>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.</p> <p>c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.</p>

	<p>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.</p> <p>e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document: http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf</p> <p>A noise assessment shall be submitted to establish the current noise climate in terms of dB LAeq at day and night and dB LMax during day and night. Where necessary mitigation shall be proposed which meets as a minimum 30dB LAeq and 45dB LMax in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces. Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.</p>
4.9	SUDS- no objection subject to conditions and informatives
	<p>No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner). Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.</p>
4.10	Affordable Housing- no objection
	<p>If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance</p>
4.11	Public Comments

4.11.1	<p>One representation of support has been received:</p> <p>I personally feel that these houses would be an asset to the community as long as they are done tastefully. They would attract new people to Shropshire who I am sure would become valued members of the area. I would gladly welcome them.</p>
4.11.2	<p>One neutral representation has been received from Meole Brace Garden and Allotment Club</p> <p>I am Chair of Meole Brace Garden & Allotment Club which manages an allotment site, owned by the Town Council, adjoining the proposed development. Some of our members have already lodged their individual objections to the proposal. The committee would like some reassurance that the boundary fence/hedge between the two sites which is currently pretty dilapidated will be properly and fittingly reinstated when/if the development takes place. Nobody seems to know who has responsibility for this boundary and it would seem a good opportunity to have the matter clarified. Our view is that it is the responsibility of the owner of the land between our site and the railway. There is a 'de facto' admission of this in that the land owner erected the (now partly fallen down) fence in recent years.</p> <p>Our Committee does not meet again until the 5th March which is technically outside the consultation period. I would request that we be allowed to submit an agreed representation and possibly an objection (I would not want to second guess the outcome of our discussion) shortly after the 5th March.</p> <p>Case Officer note- no further comments received from this Club</p>
4.11.3	<p>Shrewsbury Civic Society- objection</p> <ul style="list-style-type: none"> ☐ Agree with principle of housing ☐ Contemporary designs both admired and hated by different members ☐ No similar buildings in locality ☐ Sufficient screening and hedges could provide harmony with local environment ☐ Access issues ☐ No charging points for cars
4.11.4	<p>Meole Village Residents Association- objection</p> <ul style="list-style-type: none"> ☐ Exceeds number previously proposed in outline application ☐ No strong local demand ☐ No consultation with local residents on design ☐ Planning authorities already aware of access and traffic issues ☐ Do not enhance local distinctiveness ☐ External flat roof style appalling ☐ Design does not meet necessary standards locally ☐ Design conflicts with MD2 ☐ Conflicts with requirements of Conservation Area appraisal ☐ Station Road is narrow with parked cars and is dropping odd point for hairdresser's and podiatrist's ☐ Access difficulties due to position of surrounding roads ☐ Acknowledge brown field and local plan allows some sort of development, but only with support of residents ☐ Objection is on design and numbers

	<p>☐ Invitation to planning department to local meeting</p>
4.11.5	<p>An objection petition with 19 signatures from residents of Washford Road has been received in relation to:</p> <p><i>We the undersigned object strongly to the development of the old railway yard on old Washford Road because we believe that eight houses are too many and that the design is totally out of keeping with the Conservation Area.</i></p>
4.11.6	<p>Objection from Shropshire Wildlife Trust</p> <p>Question the wisdom of proposed access and loss of established hedgerow</p> <p>If minded to grant permission condition should be imposed to appoint Ecological Clerk of Works</p>
4.11.7	<p>36 individual objections have been received on the following grounds:</p> <ul style="list-style-type: none"> ☐ Will lead to additional traffic and larger modern vehicles ☐ Possible contamination on the site ☐ Still being used for business and is not a redundant site ☐ Loss of roadside hedge ☐ Not sympathetic to Meole Brace or Conservation Area ☐ Increase in number from six to eight dwellings ☐ Station Road and Access is narrow and will lead to refuse/recycling collection problems ☐ Loss of light to allotments thus harm to growing potential ☐ Impact to wildlife ☐ Other developments in Shrewsbury cater for housing need of this size ☐ Site woefully too narrow for housing close to railway line ☐ Noise and vibration from trains ☐ Absence of windows facing railway is ridiculous and is an abomination and ugly design ☐ Amazed site is even being considered ☐ Turning circle too narrow at access to Washford Road ☐ Meole Village is known for being a quaint Victorian village that doesn't need new builds ☐ Highway too narrow ☐ Representation refers to stuck refuse collection lorry in a previous objection to earlier scheme ☐ HGVs cause chaos in Station and Washford Roads ☐ Pedestrian, children and cyclists safety especially during school times ☐ Proposal is an eyesore and shocking ☐ Impact to peoples' lives ☐ Loss of view ☐ External flat roof is appalling ☐ Risk of crime if left empty ☐ Insufficient schools and doctors ☐ Should stay a business use ☐ Increase in vehicle movements ☐ Concerns about boundary treatment ☐ Does not enhance local distinctiveness ☐ No affordable housing provision

	<ul style="list-style-type: none"> ❑ Loss of sense of space and rural aspect ❑ Threat over long term to allotments ❑ Loss of view south from railway line bridge ❑ Spurious connections to architectural development of Meole Village and to railway line ❑ Safety concerns for emergency vehicles ❑ Permanent damage to the panoramic view from almost the entire length of Stanley Lane. This is a prized view from one of the main entrances to the village ❑ Closest relative (of design) would be a container terminal ❑ Bland modernisation in unsuitable space ❑ Too high and risk of upwards extension ❑ Alien feature in Conservation Area
5.0	THE MAIN ISSUES
	<p>Principle of development</p> <p>Siting, scale and design</p> <p>Impact to the character and setting of Meole Brace and the Conservation Area</p> <p>Visual Impact and Landscaping</p> <p>Highways and Access</p> <p>Ecology</p> <p>Residential Amenity</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
6.1.2	The NPPF states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
6.1.3	The provision of housing within the urban area of Shrewsbury accords in principle with the adopted SAMDev Plan S16. Core Strategy CS2 and MD1 identifies Shrewsbury as the primary focus for housing development for Shropshire.
6.1.4	S16.1 states that Shrewsbury will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire's growth point, providing approximately 6,500 dwellings and 90 hectares of employment land during the period 2006-2026.
6.1.5	CS2 also seeks to make the best use of previously developed land
6.1.6	Planning permission has also been granted in outline for an indicative scheme (with matters of access included) for 6 dwellings ref 16/01651/OUT granted on 24 October 2016. Significant weight is given to this extant approval which together with the above mentioned policies establishes the principle of development.

6.2	Siting, scale and design
6.2.1	The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
6.2.2	CS6 seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
6.2.3	<p>Amongst other matters, MD2 requires development to contribute to and respect locally distinctive or valued character and existing amenity value by:</p> <p>i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and</p> <p>ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion;</p>
6.2.4	According to the Design and Access Statement (DAS), the design has been conceived as a series of low linear blocks in contemporary form and detail, though with reference to trackside architecture precedents.
6.2.5	The DAS also explains that a design cue has been taken from typical urban mews developments. Several locations in the UK are illustrated to reference. Space is often at a premium in narrow streets with shared access routes behind more substantial dwellings.
6.2.6	The design concept is considered consistent with MD2 para 3 which seeks to: <i>Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style</i>
6.2.7	The massing at ground floor level will be relatively continuous due to the garden walls which provide privacy between dwellings. The dwellings will have a layered character. Above the ground floor, there will be greater scope for views through the site from the east.
6.2.8	Dwellings will be constructed from mainly red brick to relate to existing vernacular. Buff and dark bricks will be incorporated, along with a dark recessed band at first floor level, patterned elements and perforated garden walling and metal screens. Windows are to be deeply recessed to provide relief and shadow along the length.
6.2.9	Plots 6 and 7 are to be clad with dark grey upper level panels

6.2.10	The “mews street” through the site is to be paved in setts, softened by some tree planting.
6.2.11	Dwellings are to be flat roofed which aligns with the design cues, but also has the benefit of reducing overall height so a level similar to eaves height of Washford Road.
6.2.12	Footprint and height of the dwellings approx. are as follows: Plot 1 Housetype 3B_B: 11.6m long x 4.2m wide x 5.9m high Floor area 99sqm Plot 2 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 3 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 4 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 5 Housetype 3B_C: 11.6m long x 4.2m wide x 5.9m high Floor area 98sqm Plot 6 Housetype 4B_A: 11.0m long x 4m wide x 8.3m high Floor area 124sqm Plot 7 Housetype 4B_A: 11.0m long x 4m wide x 8.3m high Floor area 124sqm
6.2.13	Generally, scale and design is considered acceptable and in accordance with CS6 and MD2.
6.3	Impact to the character and setting of Meole Brace and the Conservation Area
6.3.1	The NPPF states at Chapter 12 that LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. LPAs are required to take into account the desirability of new development making a positive contribution to local character and distinctiveness
6.3.2	CS17 and MD13 together seek to ensure that wherever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.
6.3.3	As first submitted, 8 dwellings were proposed. The Conservation Officer commented that the contemporary design (in principle) is considered to “respond well to the property’s trackside context and linear nature”. Nevertheless, an objection was raised due to over-development.
6.3.4	After the removal of one dwelling, the Conservation Officer then commented that gaps between buildings is increased, and there is a more consistent visual pattern to the rooflines. No objection has been raised overall to the amended scheme, or to the 3 storey elements of Plots 6 and 7.
6.3.5	The application seeks to depart from the traditional vernacular build type in Meole Brace, particularly the character of Washford Road. It is acknowledged that the design form is not supported by many local residents. However with the principle of development established, the application describes an extensive analysis of the site and the context and the built form of the neighbourhood. The form and massing of the dwellings has been justified. Overall, the design concept is considered to complement the character and setting of the Conservation Area.
6.3.6	Although the approved indicative plan of the previous outline consent suggests 6 dwellings, it is considered that 7 can reasonably be accommodated without

	appearing cramped, or overdeveloped.
6.3.7	Subject to appropriate conditions on materials, landscaping, and the control of further development, the development is considered to accord with CS17 and MD13, without harming the character and appearance of the Conservation Area. There is therefore no conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6.4	Visual Impact and Landscaping
6.4.1	Connected to the potential harm to the character of the Conservation Area is the issue of visual impact. Currently views over the site and allotments are enjoyed by residents of Washford Road. Representations have also referred to views over the site from Stanley Lane Railway Bridge.
6.4.2	With the principle of development established for residential development, it is acknowledged that any development in this location will have some visual impact. However those views currently enjoyed are not protected. In this case, the development is not considered to cause unreasonable harm due to the limited height of dwellings, separation distances and the continued ability to enjoy longer range views, over or between dwellings. There are existing buildings on site. Scope for green landscaping is limited due to site constraints but will still have the ability to soften hard boundary features.
6.5	Highways and Access
6.5.1	CS6 requires development to be adaptable, safe and accessible to all.
6.5.2	Station Road allows two way traffic up to the point of the existing application site access. Washford Road is one way from north to south.
6.5.3	Representations have been received concerning the flow of traffic, parking, highway and pedestrian safety on Washford Road.
6.5.4	As submitted the application proposes a second access on Washford Road, approx. 20m from existing. The intention is to allow entrance only to the site by the fitting of flow plates on the new access. The existing access could either be used for exit, or for access to the garages.
6.5.5	Highways has raised no objection overall, but due to maintenance and noise issues, has raised concerns about flow plates, in favour of allowing unrestricted access/exit from/to both accesses. Exit from the new access in any event would require vehicles to turn south along Washford Road.
6.5.6	Accordingly, it is proposed to impose a condition to ensure that flow plates are not fitted.
6.5.7	Highways has also raised concerns about the design of the new access, though are satisfied that details can be dealt with by condition. It is accepted that an enhanced visibility splay to the north would likely require loss of the existing hedgerow. There is scope for the hedge to be re-planted. This may result in relocation of the bin store, perhaps reducing the number of visitor spaces. However, this issue is not

	considered sufficient to warrant refusal of the scheme and details can be controlled by an appropriate pre-commencement condition.
6.5.8	There is sufficient space to the front of dwellings to allow cars and emergency vehicles to reach Plots 6 and 7. The shared access is narrowest at a point approximately half way along the garden wall of Plot 1. According to the agent, the width here is 4.04m. It is acknowledged that the actual width may be less depending on boundary treatment options. Shropshire Fire and Rescue has raised no objection.
6.5.9	Although some highways and access concerns have been raised through representation, it is not considered those concerns are sufficient to warrant refusal. Highways has not objected. The development accords with CS6.
6.6	Ecology
6.6.1	The application includes an ecology survey which has been considered by the Council's ecology team. No objections have been raised subject to conditions and informatives. It is noted that Shropshire Wildlife Trust has queried the potential loss of roadside hedge. Landscaping and lighting conditions are proposed to address those concerns.
6.7	Residential Amenity
6.7.1	CS6 seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
6.7.2	The submitted block plan indicated that dwellings will have floor areas ranging between 84-124sqm. Typical contemporary living accommodation is proposed. Garden space ranges between 38-60sqm. Though limited, this is considered sufficient.
6.7.3	Due to the linear layout and walls at ground floor level, residential amenity is maintained.
6.7.4	Plots 6 and 7 both have small roof terraces front and rear. The rear roof terraces (ie SW end) are enclosed within the first floor. Views outside Bedroom 2/Lounge are only available through the open gable to the SW. There is no floor above on the second floor
6.7.5	The small roof terraces to the front (NE) of the second floor Plots 6-7 are acceptable and their use is not considered to harm the amenity or privacy of neighbours.
6.7.6	Separation distances between dwellings forming Plots 1-5 and residents of Washford Road are considered acceptable. The front elevation of Plot 1 to the front elevation of 13 Washford Road is approx. 24.5m.
6.7.7	There will be views over allotments from upper storeys though these views will not harm privacy. There is likely to be some shading over allotments in late afternoon but due to orientation and height of dwellings, impacts to crop growth are likely to be limited.

6.7.8	Concerns have previously been raised about proximity to the railway. The DAS states that the railway tracks are 9m from rear elevations. Opening windows are installed on front windows only. The Regulatory Services Officer has raised no objection though has recommended a condition which requires the submission of a noise assessment and mitigation as necessary to be completed prior to occupation.
6.7.9	Short term disruption and loss of amenity will occur during the construction period, though this can be reduced by imposition of a condition limiting construction hours.
7.0	CONCLUSION
7.1	The principle of development is established by way of S16.1 of the SMDev Plan and outline consent 16/01561/OUT. Some weight can be given to the site being previously developed (brownfield) land.
7.2	In terms of design, scale and form, Highways and residential amenity, the development is considered to accord with CS6 and MD2.
7.3	The development is considered to adequately address site constraints and the contemporary approach has been evidenced and is justified. Subject to further details required by condition the development will not adversely affect the character of the Conservation Area, nor residential amenity, in accordance with the NPPF, CS6, CS17 and MD13.
7.4	Planning permission is recommended.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<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>

10. Background

Relevant Planning Policies

National Planning Policy Framework
 CS1 - Strategic Approach
 CS2 - Shrewsbury Development Strategy
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD12 - Natural Environment
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPP/10/00602 Erection of 5 residential dwellings and conversion of existing industrial building into a further 3 residential dwellings REC
 10/03606/OUT Outline application for the erection of 6 no.semi-detached dwellings to include access REFUSE 28th September 2010
 11/04364/OUT Outline (access) application for the erection of 6 no.semi-detached dwellings REFUSE 9th March 2012
 12/04866/OUT Outline application for the erection of 6no. semi-detached dwellings to include access GRANT 19th August 2013
 16/01651/OUT Outline application for residential development to include access GRANT 24th October 2016
 18/00268/FUL The demolition of existing industrial units and construction of 7no. dwellings with associated parking and access (amended description) PDE
 SA/86/1167 Erection of a new detached single storey pitched roof replacement workshop, store and office to be used in connection with existing builders business and yard. PERCON 15th January 1987
 SA/89/0820 Erection of builders workshop/store (amendment to previously approved workshop/store to extend approved building by 1.200m). PERCON 25th October 1989

Appeal

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

11. Additional Information

View details online:

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

Cabinet Member (Portfolio Holder) Cllr R. Macey
--

Local Member

Cllr Nic Laurens

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until details of the new access, including the layout, radii, construction and sightlines indicatively shown on Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A-PL003 have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

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

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 traffic management and hgv routing plan and community communication protocol.

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

5. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping and boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);

b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);

c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority in the planting season during first occupation, or if not possible in the first available planting season following first occupation.

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

6. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

6. 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

detailed 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.

A noise assessment shall be submitted to establish the current noise climate in terms of dB LAeq at day and night and dB LAm_{ax} during day and night. Where necessary mitigation shall be proposed which meets as a minimum 30dB LAeq and 45dB LAm_{ax} in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces. Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.

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

7. Prior to first occupation / use of the dwellings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site prior to first occupation:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 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).

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.

8. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the herptile RAMMS, as set out in section 4 of the Ecological Appraisal (Pearce Environment, June 2016).

Reason: To demonstrate compliance with the herptile RAMMS to ensure the protection of herptile species.

9. The internal private drive, parking and turning areas shall be satisfactorily completed and laid out in accordance with the details shown on Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A-PL003 Rev 6 prior to the dwellings being first occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

10. 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.

11. Prior to occupation of the dwellings a noise assessment shall be submitted to and approved by the Local Planning Authority to establish the current noise climate in terms of dB LAeq.

a) The noise assessment shall include dB LAmax during day and night.

b) Where necessary, mitigation measures shall be submitted for approval which meet as a minimum 30dB LAeq and 45dB LAmax in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces.

c) Mitigation measures shall be installed as approved prior to occupation of the dwellings and maintained as such thereafter.

Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.

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

12. 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 a separate planning condition). 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H and Part 2 Class A shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

14. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface

water drainage system to intercept water prior to flowing on to the public highway. The drainage system shall be implemented and maintained as approved.

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

15. Construction and/or demolition work shall not take place and construction traffic shall not access the site outside the hours of 0800-1800 on weekdays and 0800-1300 Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of the area

16. Notwithstanding the plans hereby approved, traffic management flow plates shall not be installed at points of access

Reason: In the interests of sustainable traffic management and to avoid the risk of excessive noise disturbance.

Informatives

1. Informative: Ecology - Nesting wild birds

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

2. As part of the planning process, consideration should be given to the information contained within

Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

3. In the planning application, it state that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in

increased flood risk elsewhere.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other

buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce

sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the

site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change

will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of

front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system

over the lifetime of the proposed development. The allowances set out below must be applied to

the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area

to greater than 100%, 100% should be used as the maximum.

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

the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for

any future extensions of impermeable surfaces.

3. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

4. The following is brought to the attention of the applicant, this being the consultation response received in relation to the approved planning application 16/01561/OUT.

Network Rail have a defined access point to the railway these must be maintained to Network Rails satisfaction, we also currently park a vehicle with the permission of the current landowner.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rails support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rails land to the public mains system. Soakaways are not acceptable where the following apply:

- o Where excavations which could undermine Network Rails structural support zone or adversely affect the bearing capacity of the ground
- o Where there is any risk of accidents or other acts leading to potential pollution of Network Rails property/infrastructure
- o Where the works could adversely affect the water table in the vicinity of Network Rails structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rails land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rails ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rails boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rails existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rails boundary must also not be disturbed.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out

without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishments guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rails Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rails property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rails advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

PARTY WALL

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for the costs. An applicant cannot access Network Rail without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable to all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.

METHOD STATEMENTS/FAIL SAFE/POSSESSIONS

Method statements may be required to be submitted to Network Rails Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e possession which must be booked via Network Rails Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.

In order to mitigate the risks detailed above, the Developer should contact the Network Rails Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

5. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or

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

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

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

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

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/media/2326/shropshire-refuse-and-recycling-planning-guidance-september-2015.pdf>

6. Information on how to comply with contamination conditions and what is expected of developers can be found in

the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes

you to this document:

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

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

-