

## Development Management Report

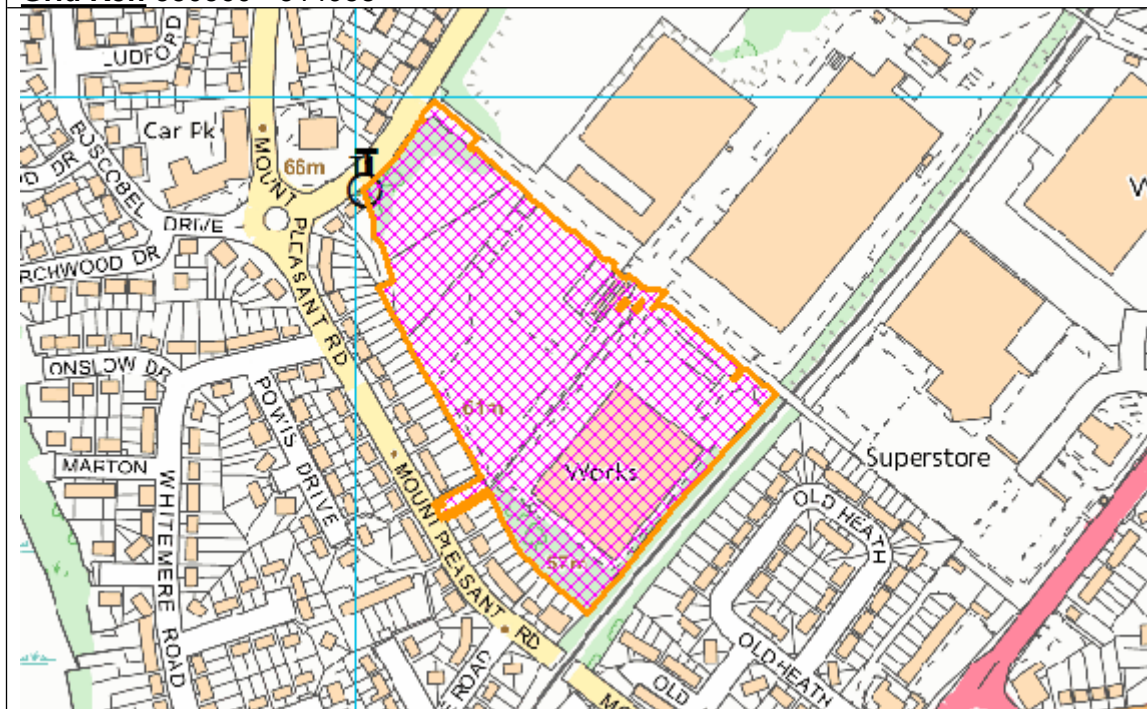
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### Summary of Application

<b><u>Application Number:</u></b> 16/04559/OUT	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Outline application (access for consideration) for residential development (up to 140 dwellings) including demolition of building 1; formation of access roads and associated highways, engineering and accommodation works (REVISED SCHEME)		
<b><u>Site Address:</u></b> Caterpillar Defence Perkins Engines Lancaster Road Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Caterpillar Defence		
<b><u>Case Officer:</u></b> Tim Rogers	<b><u>email:</u></b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 350360 - 314958



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**Update to full officer report as set out below**

This application was previously considered by Committee at the meeting held on the 30<sup>th</sup> August 2018. The officer report to that meeting is set out in full again below. Determination of the application was deferred for the following reason:-

‘That consideration of the application be deferred to a future meeting of this Committee to allow the applicant the opportunity to provide further information in regards to traffic issues identified by Members to include the impact on Mount Pleasant Road, and where it meets Ditherington Road, Heathgates island, and Boscobel Drive’.

Following the deferment the applicants have submitted some further clarification regarding their traffic impact assessment in the form of a non-technical summary note. The report is attached in full as Appendix 2 to this report.

The content of the attached report has again been assessed by colleagues within Highways Development Control and their technical advisors. They have made the following observations:-

**Section 2.0 Additional Site Traffic – Mount Pleasant Road / Ditherington Road**

The technical reports referred to in the Transport Summary Notes (section 1.0) confirmed the Ditherington Road / Mount Pleasant Road junction is at capacity in the 2017 base year and this will get worse in the future year and worse again when the development traffic is added. The analysis showed that capacity is exceeded on two movements, the straight ahead / left turn from Ditherington Road south and the left turn out of Mount Pleasant. The degree of saturation in the am peak on these movements in 2022 increases from 102.5% to 104.9% and 105.1% to 109.0% with the development traffic added. The Transport Summary Note presents the Ditherington Road queue lengths in the different development scenarios (with and without the one-way working under the railway bridge) in a helpful visual format. It is clear how the queue length increases and how it does not reach the Lancaster Road roundabout in any of the modelled scenarios. I agree these increases can be viewed as marginal but nevertheless the development does make a congested situation worse. (Ref para 2.7)

**Section 3.0 Heathgates Roundabout**

I support the position set out in this section.

**Section 4.0 Off Site Mitigation**

I agree that it is not reasonable to ask this development to resolve the existing problem. As far as the increase in delays and queuing is concerned they are marginal and it is likely that that a scheme to remove them would not be practical or sensible to deliver. As far as the wider picture is concerned I suspect that there is very little that can be done at the Mount Pleasant / Ditherington Road junction within the extent of the highway.

As can be seen from the further assessment it is considered that the overall impact of the proposed development whilst undoubtedly adding to an existing issue in terms of queueing traffic, does not do so to such an extent that the impact will be severe or sufficient to warrant refusal of the application on these grounds. Furthermore, whilst the applicants have indicated their willingness to contribute towards highway improvements where they can be demonstrated to help mitigate any impacts of the proposal, it has not been possible to identify where any such works could be undertaken.

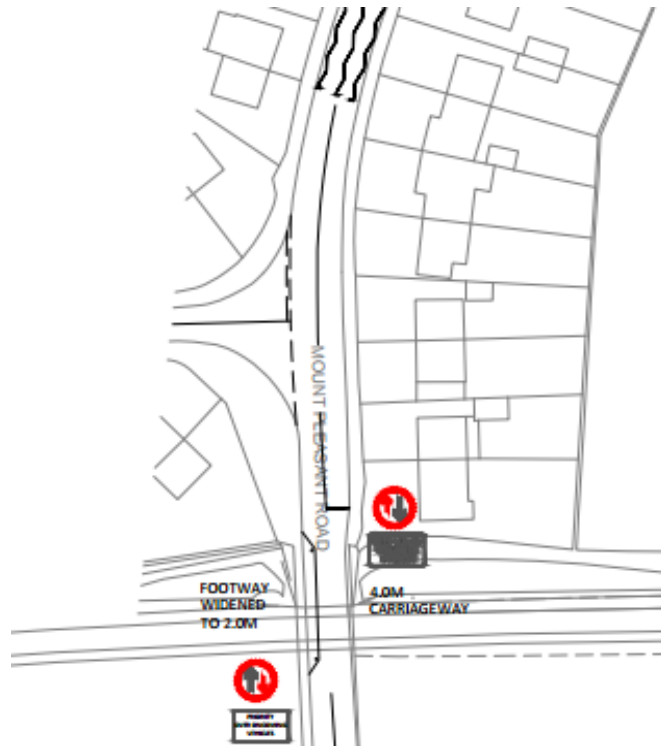
Given the above, and given that the proposal is considered to be acceptable in all other respects, as set out in the full officer report, the recommendation remains that the application be approved subject to the imposition of appropriate conditions and completion of an S106 Agreement in the terms set out below.

**RECOMMENDATION: Grant planning permission subject to the developer entering into a legal agreement under s106 of the Town and Country Planning Act 1990 with the Council and in accordance with the conditions set out in Appendix 1 to this report, the final schedule of which shall be finalised by the Planning Services Manager.**

**1.0 THE PROPOSAL**

- 1.1 Planning permission is sought to demolish an employment building (“Building 1”) on the Caterpillar employment site in Lancaster Road and redevelop part of the site for residential development, access roads, public open space and associated highways, engineering and accommodation works. The application is in outline form with permission for access sought for approval now with all other matters reserved to a later stage. One new access point would be provided onto Lancaster Road and the other access from the site would come from Mount Pleasant Road.
- 1.2 The application form states “up to 150 dwellings”. The applicant agreed in June 2018 to revise the scheme downwards to 140 dwellings. A new indicative layout has been submitted to show the level of public open space (8,137 sqm) that could be provided on the site to address SAMDev Plan Policy MD2 and to show how it could be laid out having regard to its relationship with the Shrewsbury to Crewe railway line to the east and the need to have a bund. The indicative layout shows the following potential following mix of houses: 2 bedrooms 37 units (26%); 3 bedrooms 82 units (59%); and 4 bedrooms 21 units (15%)
- 1.3 The applicant proposes to fund off site footpath improvements as an integral part of the scheme by the overhead railway bridge that crosses Mount Pleasant Road. These would comprise new waiting restrictions and the creation of a 2m wider footpath on the southern side of Mount Pleasant Road (see Figure 1).

***Figure 1 Illustrative proposed works at Mount Pleasant Road***



- 1.4 There is a bridge spanning the railway line that crosses over to the Morrison's superstore car park. This is currently blocked-off. Officers have explored with the applicant and with Network Rail the possibility of re-opening this bridge to provide greater permeability between the two sides of the railway but Network Rail oppose this. The bridge will be demolished shortly.
- 1.5 This application and the adjacent application for employment (16/04558/FUL) has been accompanied by an extensive amount of information including a transport assessment, landscaping (tree) and ecological information, a flood risk assessment, energy assessment, waste management plan, an acoustic report and a design and access statement. The applicant also submitted a commercial business case for the proposal on a commercial in confidence basis. The thrust of the case is that Perkins and then Caterpillar (which took over Perkins) have been in the area for over 100 years. At its peak the site employed 3,000 people. Its operations have changed over time. The site now employs 280 people on site with an established supply chain nearby. The company has surplus land and has reviewed a number of options for its reuse but finds that housing would deliver the most certain form of return to allow it to invest in the plant on site.

## 2.0 SITE LOCATION/ DESCRIPTION

- 2.1 The development site is roughly triangular in shape and extends to 4.31ha in area. It forms the edge of the Lancaster Road Employment Area north of Shrewsbury town centre.
- 2.2 The surrounding area is predominantly residential in character and the site is contained by neighbouring development. To the north lies the retained part of the Caterpillar premises. To the east runs the Shrewsbury to Crewe railway line set

within a cutting. Beyond that lies Morrison's supermarket, which is part of a larger commercial enclave. Immediately east of the site across the railway line is the residential development of Old Heath. The houses on the northern edge of Mount Pleasant Road run along the south western boundary of the site up to the roundabout that forms the intersection between Mount Pleasant Road and Lancaster Road around which lies a small neighbourhood shopping centre.

- 2.3 The site is relatively flat and is bounded by a mix of trees around the edge and fencing to the south.

3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The application is a complex and major one which, in the opinion of the Planning Services Manager, in consultation with the Central Planning Committee chairman, should be determined by the Committee. Moreover, Shrewsbury Town Council has objected to it.

4.0 **- Consultee Comments**

**SC Highways: - No objection**

Had originally opposed the scheme on the basis that the applicant had not shown how a development of 150 homes could be adequately accommodated on the highway network.

Following further discussion with the applicant and mindful of the lower scale of the scheme (now 140 homes), offer the following comments.

This is not a straightforward site having regard to the background traffic flows on the local highway network set against the historic land use and its designation as an employment site within the SAMDev Plan. In this regard the application is supported by a Transport Assessment (TA) which considers the land coming forward as a B2 commercial use set against a residential development (originally proposed for up to 150 dwellings). The TA has subsequently been the subject of ongoing discussions. It is acknowledged also that whilst the application is in outline (originally up to 150 dwellings and subsequently revised downwards), the scale of development is not being considered at this outline stage and only access is included within the current submission.

The development site would be served via two access points, that is, Lancaster Road and Mount Pleasant Road, with the intention that there would be a 'no through road' internal estate road layout to avoid potential 'ran running'. As stated previously, the current submission does not consider layout and that would be the subject of a reserved matters application. The draft layout shown within the application submission nevertheless gives a flavour of how the site could be developed and the number of dwellings accommodated.

Access via Lancaster Road is more straightforward than Mount Pleasant Road, particularly at peak times given the queuing that takes place along Mount Pleasant Road across the junction bellmouth back and beyond the roundabout with

Lancaster Road. This is an existing access serving the Caterpillar site which is in use. The current scheme indicates the provision of additional yellow hatching to assist in keeping the Mount Pleasant junction bellmouth clear, to allow unhindered entry and exit during peak traffic conditions.

The peak traffic conditions on the local highway network and the queuing of traffic that takes place are widely acknowledged. The TA seeks to quantify the effects of the housing land use and employment use set against the background highway conditions. The reality is that as a result of development of the site, the traffic conditions would worsen on the network although it is arguable as to what extent the material impact would be. Again, this is not a greenfield site and is designated in the SAMDev as an employment site and therefore there is a potential balance to be struck as to most appropriate land use in pure highway terms. This is particularly relevant in relation to the traffic flows generated by a housing land use to that of employment, where the peak traffic flows into and out of the site would be opposite to one another. The view that the highway department would take is residential land use is preferred as there is some certainty of the likely traffic generation as opposed to the unknown of employment traffic generation.

Whilst therefore the highway authority have concerns at potential traffic impact of the development of the site, a highway objection to the principle of development would be difficult to argue for the reasons set out above.

It is disappointing that the applicant/agents have not been able to make headway to bring the pedestrian bridge back into pedestrian/cycle use and therefore improve the sustainability of the site. This is a negative aspect of the scheme.

The applicant/agent during discussions have acknowledged the pedestrian constraints under the railway bridge along Mount Pleasant Road and have promoted a priority traffic management scheme that would result in pedestrian improvements i.e footway widening/provision. Clearly this would result in the narrowing of the carriageway to single width and hence a priority traffic management system. The applicant's agent has carried out a traffic assessment on introducing such a measure and the highway authority consider that the introduction of such a scheme would be acceptable. It is anticipated however that any implementation of a final scheme would be the subject of an experimental scheme being implemented and tested. This aspect would need to be articulated into a Section 106 Agreement, with the funding provided by the applicant.

As with the adjacent employment site application (16/04558/FUL), a Travel Plan should be included within a Section 106 clause.

In summary, whilst the highway authority have concerns at the development of this site, clearly there is a balance to be struck having regard to the highway and planning considerations together with its acknowledged site designation in the SAMDev Plan and indeed its historic designation in previous local plans. The highway authority do not therefore wish to raise a highway objection subject to a Section 106 requirement in respect of the Travel Plan and Traffic Management Measures. In addition, standard highway conditions should be imposed in respect

of the access points, as shown on the submitted development.

**SC Archaeology:-** No comments

**SC Affordable Homes:** - Comment

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

The current prevailing target rate for affordable housing in this area is 10%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

**SC Public Protection:** - Comment

Contaminated Land

GeoRisk Management on behalf of the developer have submitted a GeoEnvironmental Assessment; ref. 15237/1, dated January 2015. There is an error in Executive Summary which states "Merryhill Brook which flows in a culvert beneath the site and the Staffordshire and Worcestershire Canal runs along the eastern boundary of the site". This is not the case and seems to have been copied into the report by error.

At the time of reporting a Soil Gas investigation was underway and it was advised that the results will be reported under separate cover. This addendum report is missing and therefore will be required along with any future reporting on contaminated land.

The area beneath Building 1 needs to be investigated following demolition (an asbestos survey will be needed prior to demolition). Accordingly, if approval is granted full contaminated land conditions are recommended.

Noise

An acoustic report has been provided with this application compiled by RPS reference B7771/FEAS/P1. This report states that , "Dwellings to the perimeter are likely to need some form of mitigation measure, i.e. boundary mitigation to lower the level of noise impact, or acoustically robust façade treatments to reduce the levels of break-in to proposed residences. Neither option is insurmountable nor technically difficult to progress."

New housing will require mitigation measures to be put in place to ensure that

noise levels on site will be suitable. Some of these measures may reduce the development area available e.g. bund and fence on the boundary with the railway line. This will have a significant impact on positioning of dwellings as one of those currently shown would not be possible if the bund is necessary and in my opinion the bund will be necessary.

Recommends a suitable noise mitigation condition too.

**SC Economic Development: - Support**

The proposals arise because of changes to business operations and the need to compete effectively with improved manufacturing techniques and investment in state-of-the-art equipment.

The Economic Growth Team supports the proposals which acts as enabling development to fund the rationalisation and remodelling of existing operations on site and the associated investment.

They will secure a future for the company in Shrewsbury, which has been selected as the centre of Caterpillar's remanufacturing operations in Europe and safeguard existing highly skilled jobs. The additional investment will also boost and secure continued support to the local supply chain.

In policy terms whilst there is a the loss of employment land it will not lead to a net loss of jobs due to more efficient use of the site, indeed there is potential to expand through extending Building 3. The works also include a new reception area, remodelled welfare and office block together with over-cladding of the existing buildings and roof replacement leading to improved external design and reduced running costs.

The proposed residential site is located close to existing employment opportunities on bus routes and near existing shopping and community facilities. Given the proximity of existing residential development, were the surplus land be developed for employment use there would be a need for mitigation measures including stand-off zones and mounding to limit the impact of new industrial development which would reduce the developable area.

**SC Drainage: - Comment**

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

**SC Natural Environment: - Comment**

Overall the proposed development will require the removal of forty-six "B" category individual trees and one category "A" tree (T9 Lombardy Poplar) and three groups of trees. Many of these trees have very limited amenity to the public being internal to an industrial estate. I have no objection in principle and am neutral about the loss of these trees subject to good mitigation planting. More visible linear curtilage trees are found to the north-west and west, beyond which are residential properties off Lancaster Road and Mount Pleasant Road. These trees have a screening function



and are shown as mainly retained.

However there is one tree on site an English oak tree, number 42A, which currently has a garage proposed within its root protection area (RPA). The proposed garage and associated hardstanding will affect the RPA by approximately 17.8 m<sup>2</sup>. Although the report states this tree will be able to tolerate this minor infringement into its RPA and not affect this tree's health or stability, the proximity issues with retaining a mature Oak in a small garden has not been fully considered. Shading, debris and nuisance factors would put long term pressure on this tree – the only one protected on site.

Would like to see a minor re-design in this area so this tree is retained in POS, protecting as a minimum, its full root protection area (RPA).

Prepared to accept loss of the "A" Lombardy Poplar as being an unsuitable species to retain within a residential site although the loss of this specimen represents a loss to the visual amenity value of the site and as such replacement tree planting is recommended to offset this loss as part of an overall landscape scheme to mitigate the loss of existing trees and create a new framework of formal and informal planting.

In addition to a Landscape scheme a full application will also require the draft Tree Protection Plan and Arboricultural Method Statement to be updated (once the layout has been confirmed).

**Natural England: - Comment**

No objection – no conditions requested

This application is close to The Old River Bed Shrewsbury Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the

appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that:

*‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.*

**SC Ecology:** - No objection subject to conditions and informatives.

Has reviewed comprehensive ecological information and the observations of Natural England. Habitats on the site consist of a building, hardstanding, semi-improved grassland, amenity grassland, scattered scrub, broadleaved plantation woodland, scattered mature and semi-mature trees (predominantly along the southern boundary), introduced shrubs, hedgerows and fencing but studies have shown information of potential for bat, mammal and other amphibian, herptile habitats. No great crested newts.

**Environment Agency:** - Comment

### Contaminated Land:

The published geological map for the area shows that the site is underlain by glacial till and sand and gravel deposits, which are classified as a Secondary undifferentiated and Secondary Aquifer respectively. The bedrock geology beneath the site is the Kinnerton Sandstone Formation which forms part of the Permo-Triassic Sandstone Principal aquifer which is considered to have high vulnerability to contamination at the site's location.

The site is within a Source Protection Zone (SPZ) 3 and the nearest recorded groundwater abstraction point is a deregulated supply approximately 220m south of the site. The nearest surface water is the Bagley Brook located approximately 430m to southwest of the site boundary, however storm drains from the site directly connect directly to a tributary of the River Severn approx. 550m south of the site.

We have reviewed the submitted report (Georisk Management Limited: Geoenvironmental Assessment – Caterpillar Remanufacturing Services Plant,

Lancaster Road, Shrewsbury – Report No: 15237/1 – January 2015) and note the following:

1. The intrusive investigations involved in the excavation of:
  - 2 No. cable percussive boreholes to a maximum depth of 15.6m below existing ground level (begl);
  - 17 No. dynamic percussive boreholes to a maximum depth of 4.0m begl;
  - 4 of which appear to be outside the boundary for the planning application.
  - 3 within the proposed site boundary were constructed as 50 mm diameter combined soil-gas and groundwater monitoring wells
  - 4 No. hand dug pits,
  - All of which appear to be outside the boundary for the planning application.
2. Laboratory testing of only 15 no. soil samples from within the site boundary was undertaken.
3. The rest groundwater level beneath the site ranged between 1.5 and 2.2m begl.
4. The desk study report shows that the only previous use of the site was agricultural. Although a pond has been backfilled and there is an over ground tank present.
5. The ground investigations and sample analysis did not detect any contamination apart from olfactory evidence of oil near the storage tank between 2.0 and 2.5m begl.

The report states that “the EA has no records of any significant or major pollution incidents to controlled waters within 500 m of the site” however, there is publically available information showing that there was a pollution incident in 2009 involving oils and fuels that had a significant impact to land and water. The incident is shown to be approx. 200m from the site boundary and could potentially be impacting on the site.

- We are aware of storm drains running beneath the site which have previously acted as conduits for contamination from pollution incidents. It is likely that access to these drains will need to be maintained.
- The Agency concurs with the recommendation of the report that further ground investigations be undertaken to enable complete coverage of the site, particularly beneath the footprint of the ‘Building 1’.
- It is also noted that only 15 window sampling holes/boreholes have been undertaken with only 15 no. soil samples and no groundwater samples were submitted for laboratory analysis. This is considered to be inadequate to characterise the site.
- We also note that electricity substation is located within 15m of the site boundary, however PCB compounds have not be analysed for. It is therefore essential that PCB’s are included in the analysis.

A series of planning conditions relating to land contamination and drainage are recommended.

**Network Rail:** - Comment

No objection in principle to this proposal but concerned about the proposed access route as there is a low headroom bridge south east of the site on Mount Pleasant Road, suggest a different route is proposed in order to avoid the risk of bridge strikes.

Provides detailed advice about the safe operation of the railway and the protection of Network Rail's adjoining land covering bridge strikes, foundations, drainage, access points, fencing, site layout and piling, excavation, signalling, landscaping, lighting, signalling, excavations/ earthworks close to its assets.

*These are civil matters. This information has been communicated to the agent.*

**Shrewsbury Town Council:** Objects to this application for the following reasons:

- Will add to existing traffic problems in this area. Traffic is regularly stationary, and not just at peak times. The vehicles generated from an additional 150 properties will only exacerbate this issue. Anomalies and inconsistencies in the traffic survey results have been identified.
- Members feel there is insufficient off-road parking
- Whilst some public open space is included in the indicative plan, members feel this is insufficient in relation to the density of the development
- The road layout enables all traffic to cut through the new development from Lancaster Road to Mount Pleasant Road and visa-versa. This is sure to become a rat run and a shortcut for motorists wanting to avoid congestion at the roundabout.
- Members feel the business and residential traffic should be separated for safety reasons.
- In conclusion, Members are not opposed to this site being developed but feel the current plans are a missed opportunity, the site is overdeveloped and the layout could be significantly improved

**Public comments**

The application is a departure from the development plan and was advertised as such.

Forty-one letters of objections have been received over two rounds of consultation mostly focusing on traffic but raising other matters too.

**Principle**

- Loss of employment land. Site should be used for industry instead.
- Questionable whether this application would save jobs.

**Highways and Transport**

- Traffic Assessment misleading. Survey taken outside of peak hours. Suggest a survey is undertaken from 8.15 - 9.00am and 3.30pm to 5.30pm instead which will provide a more accurate representation of the amount of traffic using Mount Pleasant Road.

- The survey seems to have been conducted mainly at the roundabout where Mount Pleasant Road meets Lancaster Road. The traffic problems occur further down Mount Pleasant Road towards the railway bridge.
- The Queue Length Survey at Table 3 was carried out during mornings only and between the hours of 8.00 a.m. and 9.00 a.m. Mount Pleasant Road is used by a lot of workers commuting to sites on Lancaster Road and at Battlefield, which are manufacturing sites. As is the case with Caterpillar itself, most of the workers will have started work prior to 8.00 a.m. Thus, the survey would not have taken these commuters into account. If the survey was conducted between the hours of 5.00 p.m. and 6.00 p.m. the figures would be greatly increased.
- Mount Pleasant Road struggles with the morning and early evening traffic. Queues often form from the bottom of Mount Pleasant Road, where it meets Ditherington Road, all the way up to the island joining Lancaster Road and Boscobel Drive and beyond.
- You cannot drive down Mount Pleasant Road from the roundabout towards the railway bridge between the hours of 8.00am - 9.15am and 3.30pm – 6pm without sitting in very slow queuing traffic, it is sometimes even worse on a Saturday with traffic queuing for most of the day.
- No footpath on eastern edge of Mount Pleasant Road where it passes under the railway bridge. Due to the proposed development also being on the eastern edge, there are safety issues to consider regarding the risk to pedestrians using the road to pass under the bridge instead of crossing to the opposite pavement. A pedestrian crossing of some kind would possibly be in order, there is already one located the other side of the bridge.
- Strongly object on traffic grounds. Some residents have lived on Mount Pleasant Road directly opposite the site entrance for between 14 and 19 years and the traffic congestion is getting worse.
- Impossible to imagine how this road can accommodate vehicles from 150 new homes – ridiculous.
- If the Mount Pleasant Road entrance is made into a road for the housing development then it will only add to the utter chaos we live with daily. This access will add to the already serious congestion.
- Cars coming up from Mount Pleasant Road from the railway bridge end wishing to turn right into the proposed development will have an extremely long wait due to the volume of traffic coming down Mount Pleasant Road causing a tailback of traffic both sides of the road.
- Traffic coming from the railway bridge end needing to turn right will have great difficulty getting through an already dangerous road. It can take me around 35 minutes to travel down Mount Pleasant Road or Lancaster Road at peak times of the day.
- Serious concerns regarding the traffic situation which can be backed up beyond the Steam Wagon pub on a daily basis making it a nightmare to get off our drives.
- If the Harlescott level crossing closes in the future then everyone will be using Mount Pleasant Road creating even more congestion.
- Likely to increase safety hazards for local school children who use the road. Trying to cross at the moment can be a nightmare.

- Traffic coming down Mount Pleasant Road also impacts on Ditherington Road and Heathgates Bank and roundabout. The closure of the Grange School in the summer of 2018 will also create more traffic on Mount Pleasant Road as parents drive their children over to Sundorne School.
- There is already a major housing development going on in Greenfields on the Ellesmere Road and we expect traffic to increase from this.
- Crossing the railway line is a major factor. There are only 4 points where it can be crossed on this side of the town when entering or leaving Shrewsbury. As the Ellesmere Road and the Harlescott Lane crossings are already very busy with queuing traffic, traffic is naturally using Mount Pleasant Road as the next nearest crossing.
- Mount Pleasant Road cannot cope with the existing levels of traffic let alone adding the traffic generated by another 150 families from the proposed development.

#### **Suitability of site for housing**

- Residents will be affected by railway line noise.
- On site contamination.

#### **Other matters**

- Will have an effect on landscape.
- Will overlook my house/ cause loss of privacy.
- Will affect Grade II listed building at Old Mount Pleasant. Should therefore be for fewer houses.
- Effect on local infrastructure.
- Extra air pollution generated by more traffic.

### **5.0 THE MAIN ISSUES**

- Principle of development
- Impact on highway safety and transport
- Impact on local infrastructure
- Impact upon the character and appearance of the area
- Impact on residential amenity
- Impact on landscape and trees, biodiversity and ecology
- Drainage and flood risk
- Provision of affordable housing
- S106 obligation

### **6.0 OFFICER APPRAISAL**

#### **6.1 Principle of development**

- 6.1.1 There are three issues of principle to be considered here. First, the principle of more housing at this location. Secondly, whether it is appropriate to site housing next to land used for an engineering/ manufacturing (Use Class B2) activity; and, thirdly, the impact of the release of part of the Lancaster Road Employment Area for non-employment uses on the supply of employment land in Shrewsbury.

#### Principle of housing at this location

6.1.2 The site is located within the defined settlement boundary of Shrewsbury where CS Policy CS1 and SAMDev Plan Policy S16 support new development for housing will in principle, subject to compliance with other relevant development plan policies and other material considerations that will influence how a development proposal fits into the locality. The housing requirement for Shrewsbury in SAMDev is approximately 6,500 dwellings in the period 2006 to 2026. As of 31 March 2017, the Council's five year housing land supply statement showed that 3,361 new homes had been completed.

6.1.3 The new NPPF (paragraph 118) now tells decision makers to give substantial weight to using suitable brownfield land within settlements for homes and to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. It also directs Councils to promote and support the development of under-utilised land and buildings. The provision of up to 140 extra homes in a relatively accessible location on a windfall site – especially on brownfield land that is surplus to Caterpillar's requirements - will therefore make a modest contribution to meeting the town's projected housing requirement while protecting open countryside on the fringe of Shrewsbury. Substantial weight must therefore be given to this benefit and other benefits associated with this including the provision of affordable housing and especially for a scheme that seeks to introduce a more compatible land use (housing) vis-à-vis housing at Mount Pleasant Road.

Siting housing next to an engineering/ manufacturing use

6.1.4 Having established that there is some merit in releasing this site for housing for the reasons set out by the applicant in the business case, it is then necessary to consider whether it is appropriate in principle to site housing next to a Use Class B2 activity. The two uses are potentially incompatible. The applicant proposes and is in agreement with an acoustic bund on the housing side and a noise control on the B2 site that would run with the land where no current control exists (see report for 16/04558/FUL). The site incidentally adjoins the railway line at its south eastern boundary too. An acoustic study demonstrated that the site could be safely developed for housing with a similar bund.

Release of part of the Lancaster Road Employment Area for housing

6.1.5 Nonetheless, the site is also located within a Protected Employment Area where SAMDev Plan Policies MD4 and MD9 apply. Policy MD4 seeks to manage and deliver proposals for economic development. Policy MD9 seeks to protect land in such areas from alternative uses. Where proposals for alternative uses would lead to the loss of the protected employment area, evidence of appropriate marketing is required. The applicants have submitted a business case for this new use which suggests why a housing development is the only viable way of investing in the site. This business case provided does not comply with the provisions of this development plan policy when the policy seeks an applicant to conduct a marketing exercise instead.

6.1.6 Finally, it is necessary to take into account the potential problem of precedent if this site is released for housing. Would this proposal result in other landowners in the area with protected employment land in the area coming forward to promote

housing on their site with consequent impacts on the supply of employment land in Shrewsbury?

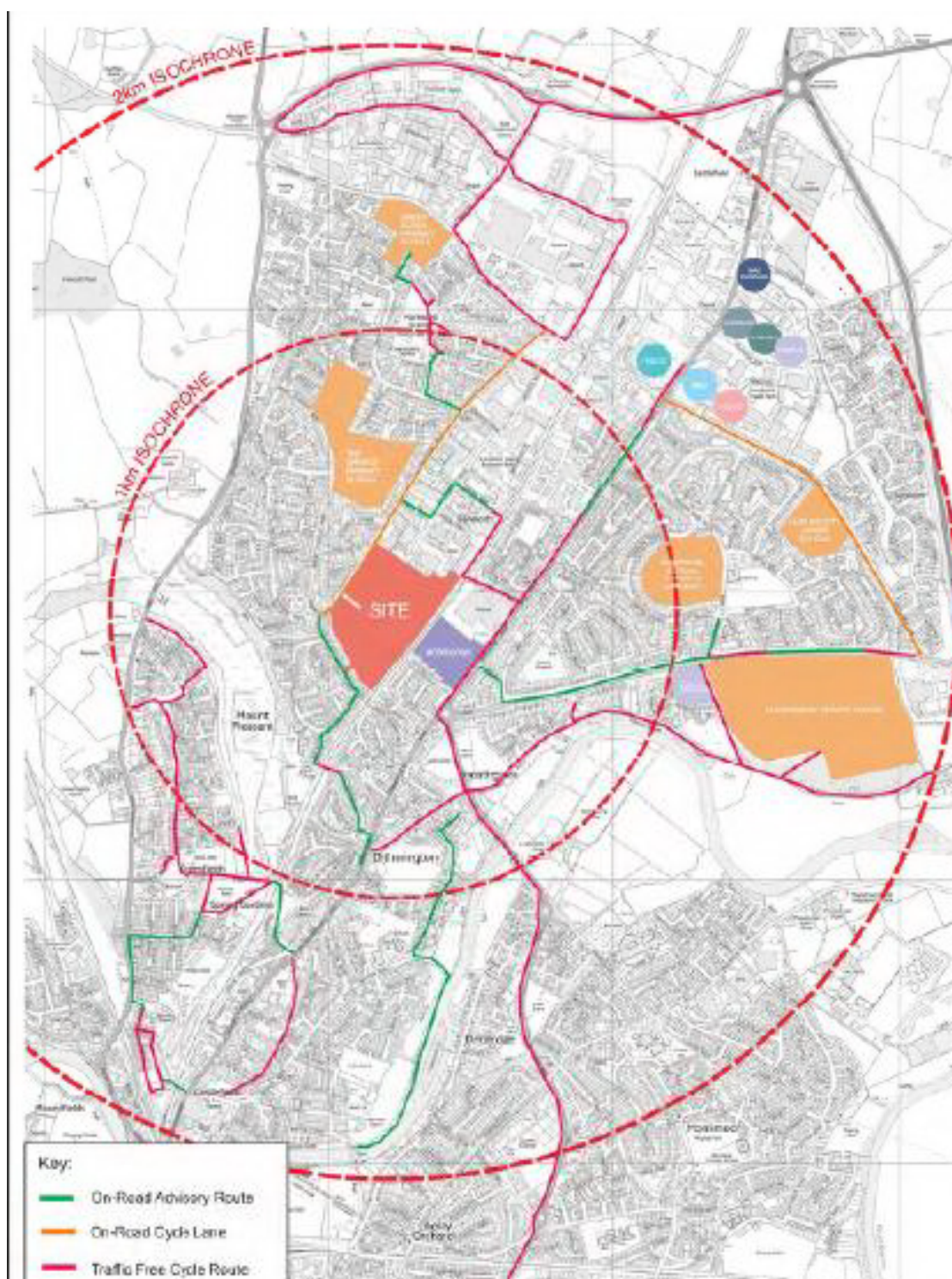
- 6.1.7 In response to this question, it is generally accepted that the each planning application must be considered on its own merits. However, in this particular case, the application site covers a relatively small area of a much larger area of protected land and developing it for housing would not prejudice the vitality of the rest of the Protected Employment Area in the way that a housing site in the middle of an employment area might. In addition, the Council proposes to commit the applicant to tie the release of this site for housing to the investment on the rest of the applicant's land (16/04558/FUL) through a s106 agreement to ensure that the release of the land genuinely facilitates the investment on adjacent land. There are other material considerations in this application which are covered below – which amount to material considerations that justify a departure from the development plan in principle. Thus it is considered that this proposal will not materially affect the supply of employment land in Shrewsbury.

## 6.2 **Impact on highway safety and transport**

- 6.2.1 The Traffic Assessment (TA) lodged with the application assesses the impact of the proposal on the local road network. In considering this application with the baseline position, it is important to acknowledge that the application seeks to remove traffic associated with a manufacturing use with a high number of HGVs and replace it with a greater proportion of car use associated with housing (initially up to 150 homes) and remodelled for a smaller scheme of up to 140 homes.
- 6.2.2 The modelling assumptions were agreed in advance with the highway authority on trip rates, junction assessments, and identified pedestrian/ cycle accessibility (refer Figure 2 overleaf) and has modelled likely impacts with the wider growth up to 2021. The methodology in preparing the study accords with best industry practice.

***Figure 2 – cycle accessibility to site***





6.2.3 A 24 hour a day, seven day traffic study of the area was carried out between April and May 2016. This in particular looked at queuing at the Mount Pleasant Road, Lancaster Road and Boscobel Drive roundabout at the peak hour (0800 to 0900 hours) where the queue lengths were assessed to range from 1 to 2 vehicles spread over an hour but extending up to eight car lengths.

6.2.4 Based on the TRICS database (the UK/ Ireland database that records likely vehicle

movements from a range of developments) the level of HGVs associated with industrial uses is 0.39 HGV movements per day (per 100sqm). Building 1 has a floor space of 6,377sqm and thus has a nominal two way flow of **25 HGVs per day** on the local highway network. The site currently generates, with Building 1 vacant, **52 HGVs per day**. The TA predicts that the development will generate **89 two-way** car vehicle trips during the AM peak and **82 two-way** vehicle trips during the PM peak. This will marginally increase waiting time in line with the additional pedestrian safety measures on Mount Pleasant Road.

- 6.2.5 This aspect of the proposal needs to be assessed against a number of development plan policies (most notably, CS Policies CS6 and CS7) as well as advice in the new NPPF. Both CS6 and CS7 seek to promote more sustainable forms of development. The 2018 NPPF places new emphasis on promoting more sustainable forms of transport and attempting to mitigate impacts. At paragraph 109, it offers clear advice to decision makers: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 6.2.6 In this situation, the highway authority advises that there will be some impact but not a severe impact to use the test in the NPPF, even when considered cumulatively. For this reason, officers do not consider there is a reasonable highway objection to this scheme. Moreover, the introduction of new pedestrian safety measures will have other wider benefits in improving pedestrian safety. Officers have reviewed a travel plan submitted with the application and agree that it is necessary to impose one and for the highway authority to monitor it.
- 6.3 **Impact on local infrastructure**
- 6.3.1 A development of up to 140 homes is likely to yield an increase of population of between 320 and 350 people (assuming average household size of 2.3 to 2.5 persons per household).
- 6.3.2 The local area contains a mix of facilities that could support the future redevelopment of the site for residential use. A parade of shops including a florist, convenience store, pharmacy and two hot food takeaways are present on Mount Pleasant Road a short distance to the south west of the site, where the Steam Wagon Public House can also be found at the junction of Lancaster Road and Mount Pleasant Drive. Schools and community facilities including youth centres and places of worship are present in the local area. Further facilities available in Shrewsbury town centre. The site enjoys good public transport links with the nearest bus stop located on Mount Pleasant Road. The stop is served by bus service 25 which operates from Shrewsbury Bus Station in the town centre to Harlescott with a service once every 20 minutes Monday to Saturday. From the town centre, connections can be made to bus services operating within the wider network and to rail services operating from the Rail Station. SC Learning and Skills have confirmed that local schools have spare places to accommodate children likely to live on this site.
- 6.3.3 SAMDev Plan Policy MD2 would require 9,660 sqm of public open space for a

development of 140 homes, the maximum yield for the site on the revised application (assuming an average yield of 2.3 persons per household as indicated in the Census 2011 for Shrewsbury). The illustrative layout shows provision of 8,137 sqm which is a shortfall of 1,523 sqm. To address this, the applicant has offered a commuted sum of £123,494 to upgrade nearby public open space in the area consistent with SC Parks' tariff for negotiation off site contributions.

- 6.3.4 No detail has been provided at this stage on how the open space on site will be managed. This will be a matter for any future landowner/ developer to address. They may wish to dedicate this to the Council or Town Council to manage subject to an appropriate management arrangement. It is not necessary to address this matter at this stage given the indicative nature of the scheme.

**6.4 Impact on the character and appearance of the area**

- 6.4.1 The layout is indicative but shows traditional terrace and semi-detached houses at a density of around 32 dwellings per hectare that would not look out of place locally while being capable of meeting design advice in the NPPF (Section 11) and relevant development plan policy when a reserved matters application is submitted. Sufficient space would be retained to protect trees around the established boundaries of the site. Planning conditions would cover these matters.

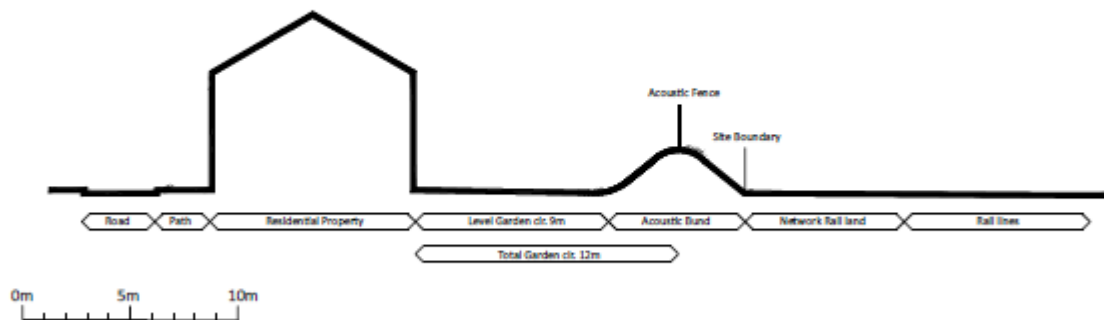
- 6.4.2 The proposals have scoped through a heritage statement the likely impact of new housing on nearby listed buildings having identified 1-5 Mount Pleasant - Grade II listed and the Water pump at junction of Sundorne Road and Whitchurch Road which is also Grade II listed. They conclude the proposal will not affect their setting by way of their distance away. Officers concur with this view and consider that the proposal would preserve the special architectural and historical interest of these listed buildings in accordance with Section 16 (2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

**6.5 Impact on residential amenity**

- 6.5.1 The introduction of housing here will remove land which has been historically used for Use Class B2 activity (general industry) that currently adjoins houses at Mount Pleasant Road. Housing is thus a more compatible use having regard to this sensitive interface than having another Use Class B2 activity on the site (for example, car repairs or food processing).
- 6.5.2 The indicative layout shows that the houses could be designed with a distances in excess of 21m between existing and proposed houses' habitable windows so there will be no loss of privacy using this long established standard. A detailed layout with a yield of up to 140 homes would be likely to address relevant development plan policies (CS Policy CS6 and SAMDev Plan Policy MD2).
- 6.5.3 It is also important to consider the potential also for residents of this site being affected by the remaining engineering/ manufacturing use on the Caterpillar site and occupying a site with a long history of industrial use. These two matters are considered below.
- 6.5.4 The applicant on 16/04558/FUL has committed to impose a noise restriction on day

and night time activity on the site and the Council's Public Protection officer has recommended appropriate noise related conditions on the housing site of the surplus part of Caterpillar's site as well as with the railway line to the east (see Figure 3 for illustration). It is submitted that the use of bunds on the shared boundary with the engineering/ manufacturing use may finally result in a lower yield than 140 homes. This will be assessed at reserved matters stage.

*Figure 3 Indicative design of acoustic fence relative to the railway line*



6.5.5 The site has had a previously contaminative land use. An appropriate contaminated land condition has been imposed at the advice of the Council's Public Protection Officer to investigate this fully and carry out remediation before it is developed for a more sensitive housing development.

## 6.6 **Impact on landscape and trees, biodiversity and ecology**

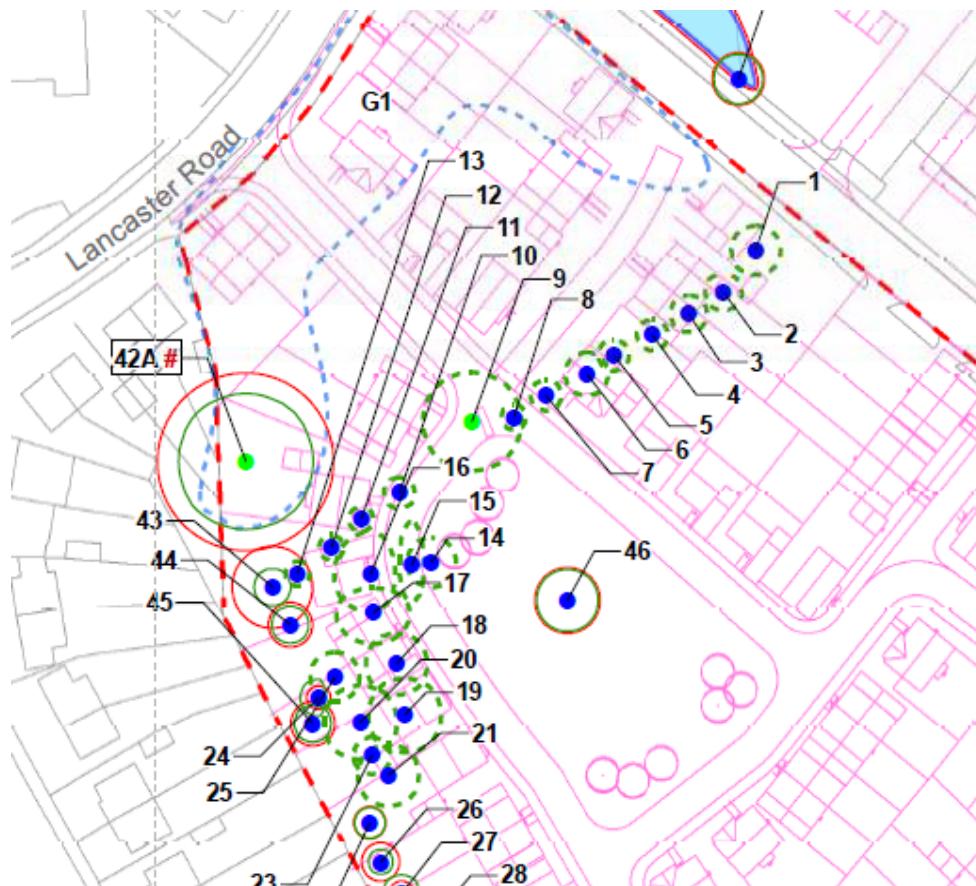
6.6.1 CS Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of that policy requires new development to protect, restore, conserve and enhance the natural, built and historic environment. While the site It should also be appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies. CS Policy CS17 and SAMDev Plan Policy MD12 are concerned with protecting environmental networks and features of the natural environment including important trees, landscape character and local distinctiveness.

6.6.2 The county ecologist has reviewed the substantial information submitted with this application, concurs with Natural England that there would be no adverse impact on the Old River Bed Shrewsbury SSSI. However, she has identified opportunities for bat and other mammal/ amphibian habitats. Officers concur with her advice to impose conditions and informatives that seek to preserve these potential habitat sites.



- 6.6.3 The proposal will result in extensive removal of a large number of trees, most of which are graded B2 (of moderate quality and therefore worthy of consideration including a cluster of trees on the Lancaster Road frontage referred to as G1 (see Figure 4 overleaf).

**Figure 4 Indicative removal of trees affected by the proposal (based on original layout).**



### Legend

- Category A tree
- Category B tree
- Category B group
- Category B group to be removed
- Tree Protection Order
- Current canopy - tree to be retained
- Current canopy - tree to be removed
- Root Protection Area
- Site boundary

- 6.6.3 The layout allows for the retention of the established tree line north of the access point onto Mount Pleasant Road. Extra trees will be removed south of this entrance but the indicative setbacks between existing and proposed housing is acceptable. The final layout of housing including measures to protect the root zone of Tree 42A (an oak tree) and any replacement planting will be assessed as a reserved matter.
- 6.6.4 The Council's Arboriculturalist raises no objection to this aspect of the scheme subject to appropriate replacement planting. It is thus concluded that the proposal would not adversely affect an environmental network or any important trees.
- 6.6.5 Natural England has confirmed it has no ecological objections to this application either. SC Ecology's has not objected to it either. The ecologist's recommended conditions have been incorporated into the schedule of conditions in Appendix 1 to this report.

## 6.7 **Drainage and flood risk**

- 6.7.1 CS Policy CS18 indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance (refer Section 14 of the new NPPF). The site is not in a high risk flood zone. SC SUDS has reviewed the application and the flood risk assessment that accompanies it and supports it subject to it achieving sustainable development principles

## 6.8 **Affordable housing**

- 6.8.1 The applicant commits to make provision of 10% affordable housing (14 homes) on site in accord with CS Policies CS9 and CS11 and the Type and Affordability of Housing SPD as well as the advice in the new NPPF.

## 6.9 **Planning obligation and planning balance**

- 6.9.1 The following heads of terms for a S106 agreement are proposed to deliver infrastructure and local benefits:
- The applicant will not develop the site for housing in isolation but rather link its development to the start of works on the adjacent scheme (16/04558/FUL) in a phasing arrangement to be agreed;
  - Affordable house contribution of 10% i.e. indicatively 14 homes based on 140 dwellings on site, split by tenure consistent with the Type and Affordability of Housing SPD;
  - Footpath improvement works under the bridge on Mount Pleasant Road broadly in line with the submitted drawing (see Figure 1);
  - £10,000 toward the monitoring of a travel plan;
  - A financial contribution of £123,494 to upgrade public open space in the area; and
  - £5,000 towards s106 agreement monitoring costs.

- 6.9.2 All cash contributions will be index linked in terms to be agreed between the parties (either RPI or BICS linked).
- 6.9.3 The provision of affordable housing accords with national planning policy as well as Core Strategy Policies CS9 and CS11.
- 6.9.4 The proposed works to the footpath at Mount Pleasant Road and the monitoring of the travel plan reflects the features of the site and the change in traffic flows generated by a housing rather than a Use Class B2 activity. The works to Mount Pleasant Road are not included in the Council's Regulation 123 CIL Schedule. The negotiation of works/ travel planning money is justified to ensure the development addresses development plan policies set out in Core Strategy Policies CS6, CS7 and CS8. The developer will separately need to enter into agreements with the Council under s38 of the Highways Act if the Council is to adopt the final estate layout.
- 6.9.5 The contribution towards upgrading public open space addresses a deficiency of the scheme relative to the policy in SAMDev Plan Policy MD2 and has been negotiated on other sites across the county.
- 6.9.6 This is a relatively straightforward agreement and a contribution of £5,000 to monitor it is appropriate. The applicant has agreed to this. In all other respects, the heads of terms of this agreement are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and relevant SPDs that support the development plan. The sums sought are reasonably related to the development.

## 7.0 **CONCLUSION**

- 7.1 This is a finally balanced case. At face value, it represents a departure from the development plan that seeks to protect employment land. However, the local planning authority has an obligation under section 38(6) of the Planning and Compulsory Purchase Act 2004 to take account of other material considerations. These include not just the new NPPF but also the specific business case for this development and the application by the same company on the adjacent site in its ownership (16/04558/FUL). The link between releasing surplus employment land and investment on the site has been made and would be controlled subject to a s106 agreement. The 2018 NPPF has raised new material considerations seeking to promote redundant and surplus brownfield land and the current application performs very strongly in this respect.
- 7.2 Some residents have referred to traffic impacts locally. Officers have very carefully considered this objection. This report has shown that there will be a change in the types of traffic but that the impacts on the road network will not be severe. Indeed, there will be some wider benefits through the introduction of new pedestrian safety measures and waiting measures by the Network Rail bridge. The removal of HGV traffic by introducing housing instead of a Use Class B2 activity on this site will also reduce theoretical risk of bridge strike from tall/ wide vehicles against this bridge.

7.3 Finally, the NPPF advises of the presumption in favour of sustainable development (as defined by the Government). Sustainable development is defined in the NPPF as having three distinct stands: economic; social; and environmental. The applicant has made a strong economic case for releasing this surplus site and investing in the remainder of the site. The delivery of additional housing and extra economic activity through this type of development is a welcome short term economic gain. Socially, the application will support local facilities and provision has been made for investment in off site open space. There are no substantive environmental factors that would justify the refusal of planning permission. Indeed, the reuse of brownfield land tips the balance in favour of the scheme.

## 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:

National Planning Policy Framework:

Core Strategy:

CS1 - Strategic Approach

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS13 - Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS19 - Waste Management Infrastructure

SAMDev Plan

MD2 - Sustainable Design

MD4 – Managing Economic Development

MD9 - Protecting Employment Areas

MD12 - Natural Environment

Settlement: S16 - Shrewsbury

SPD Type and Affordability of Housing

SPD Developer Contributions

**RELEVANT PLANNING HISTORY:**

There is an extensive planning history on the site. The most relevant cases appear to be:

10/04989/FUL Removal of 1no exhaust stack from Building 3 and relocate to Building 1

GRANT 11th January 2011

SA/87/0692 Demolition of 575,000 sq ft of existing industrial floorspace and development of a mixed scheme comprising 190,000sq ft general industryfloorspace. Development of 200,000sq ft retail floorspace with car parking, landscaping and new vehicular and pedestrian accesses from Whitchurch Road REFUSE 16th September 1988

SA/88/1162 Demolition of 575,000 sq. ft. of general industrial floorspace and the development of a mixed scheme comprising 190,000 sq. ft of general industrial floorspace, a 70,000 sq.ft. (gross) superstore for the sale of mainly convenience goods and 2.4 to 3.6 hectares of housing at an approximate density of 15 houses per acre (37.5 per ha). REFUSE 12th September 1988

SA/75/0106 To erect single storey stores building (No.1) and joiners shop, approximately 210ft long by 270ft wide x 33ft/34ft high. (This is an amendment in respect to floor levels and roof lines of plans approved on 21/5/1974 Ref: 8260/183/48 (10) ). PERCON 4th March 1975

SA/76/0152 Erect bicycle sheds 24.2888m x 7.560m. PERCON 30th March 1976

SA/75/0839 Erection of an electrical sub-station and transformer compound. PERCON 4th November 1975

SA/77/0791 Erection of a chain link security fence, green plastic coated on the south and west sides of the building and galvanised on the east side. PERCON 20th September 1977

SA/02/0690/F Repositioning of effluent treatment plants, erection of unloading gantry, lobby, oil storage tanks, 2 no. compactors, 2 no. portacabins, 3 no. exhaust stacks and external alterations to building PERCON 4th July 2002

**Appeal**

89/00367/REF Demolition of 575,000 sq. ft. of general industrial floorspace and the development of a mixed scheme comprising 190,000 sq. ft of general industrial floorspace, a 70,000 sq.ft. (gross) superstore for the sale of mainly convenience goods and 2.4 to 3.6 hectares of housing at an approximate density of 15 houses per acre (37.5 per ha). ALLOW 30th November 1989

**Appeal**

89/00480/REF Demolition of 575,000 sq ft of existing industrial floorspace and development of a mixed scheme comprising 190,000sq ft general industryfloorspace. Development of 200,000sq ft retail floorspace with car parking, landscaping and new vehicular and pedestrian accesses from Whitchurch Road ALLOW 30th November 1989

**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 Ioan Jones

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The first submission of reserved matters shall include a Construction Environmental Management Plan. The submitted plan shall include:
  - a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) Requirements and proposals for any site lighting required during the construction phase;
  - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
  - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
  - f) Identification of Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

- vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and the advice in the National Planning Policy Framework.

5. The first submission of reserved matters shall include a landscaping plan. The submitted 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 (most notably Tree 42A as shown on the arboricultural assessment accompanying the outline planning application);
  - f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

6. The first submission of reserved matters shall include the submission of a herptile reasonable avoidance measures method statement. All works shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of herptiles.

7. The first submission of reserved matters shall include a lighting plan. The plan shall:
- a) identify those areas/features on site that are particularly sensitive for badgers and bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
  - b) show how and where external lighting shall be installed ( through provision of appropriate lighting contour plans and technical specifications) so that it can be

clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. 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).

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

8. The first submission of reserved matters shall include details for the provision of bat and bird boxes. The following boxes shall be erected:
- A minimum of 30 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species.
  - A minimum of 15 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species.

The boxes shall be sited in accordance with the latest guidance and thereafter retained 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.

9. The development hereby permitted shall be implemented in accordance with the approved plans.

Reason: To avoid doubt and in accordance with good planning.

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

10. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

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

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

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

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

12. Prior to the commencement of the development a Travel Plan demonstrating measures to promote greater use of sustainable transport measures shall be developed and submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in the National Planning Policy Framework and Shropshire Council Local Development Framework Adopted Core Strategy Policies CS6 and CS7.

13. No development shall take place until a detailed scheme of sound attenuation has been submitted to and approved in writing by the local planning authority. The scheme shall

show measures to be undertaken to protect the living conditions of future residents living in proximity of the Shrewsbury to Crewe railway line and the rest of the Caterpillar site on Lancaster Road. The development shall be implemented in accordance with the approved scheme and the scheme of sound attenuation measures retained at all times whilst the substation is in operation.

Reason: In the interests of amenity and to protect future residents from adjacent potentially incompatible land uses.

14. No development shall proceed until full drainage details, plan and calculations of the surface water drainage proposals consistent with sustainable urban drainage principles have been submitted to the local planning authority for approval in writing. The details shall include any maintenance regime for any sustainable drainage system on the site including who will manage it for the lifetime of its operation.

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

15. Notwithstanding the fact that access has been approved, no development shall take place until details of visibility splays between the development and the junctions with Mount Pleasant Road and Lancaster Road have been submitted to and approved in writing by the local planning authority and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junctions and visibility splays shall thereafter be retained free of obstruction.

Reason: In the interests of highway safety.

#### **CONDITION IMPOSED DURING CONSTRUCTION/ BEFORE THE OCCUPATION OF THE DEVELOPMENT**

16. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall provide an update to the Badger Method Statement (Middlemarch Environmental, September 2016).

All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Badger Method Statement (Middlemarch Environmental, September 2016), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for badgers, under the Protection of Badgers Act 1992.

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

17. The development shall be for no more than 140 dwellings.



Reason: To accord with the revised nature of the application, in the interests of highway safety and to protect the amenity of residents on Mount Pleasant Road.

### **Informatives**

1. Your attention is drawn to the fact that your development site is close to Network Rail land. You are advised to contact Network Rail's 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](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.
2. Disabled needs  
The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.
3. 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.
4. 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.

### **5. Nesting birds informative**

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, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from mid-March to August inclusive.

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

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

## **6. Bats informative**

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

7. The Council's drainage officer has submitted detailed advice on how to discharge the drainage condition included in this permission. You will be expected to have full regard to and comply with Shropshire Council's Surface Water Management: Interim Guidance for Developers in this respect.
8. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.