



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Wednesday, 30 September 2015

**Committee:  
Central Planning Committee**

**Date: Thursday, 8 October 2015**

**Time: 2.00 pm**

**Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

Vernon Bushell (Chairman)  
Ted Clarke (Vice Chairman)  
Andrew Bannerman  
Tudor Bebb  
Dean Carroll  
Roger Evans  
Pamela Moseley  
Peter Nutting  
Kevin Pardy  
David Roberts  
Jon Tandy

**Substitute Members of the Committee**

Peter Adams  
Tim Barker  
John Everall  
Miles Kenny  
Mackenzie  
Alan Mosley  
Keith Roberts

Your Committee Officer is:

**Linda Jeavons** Committee Officer

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# AGENDA

**5 Development Land West of 11 Pengrove, Shrewsbury, Shropshire (15 02219 FUL)**  
(Pages 1 - 28)

Erection of 2 no. dwellings with formation of vehicular access off Kingsland Road and associated landscape and open space improvements.



Committee and date

Central Planning Committee

8 October 2015

## Development Management Report

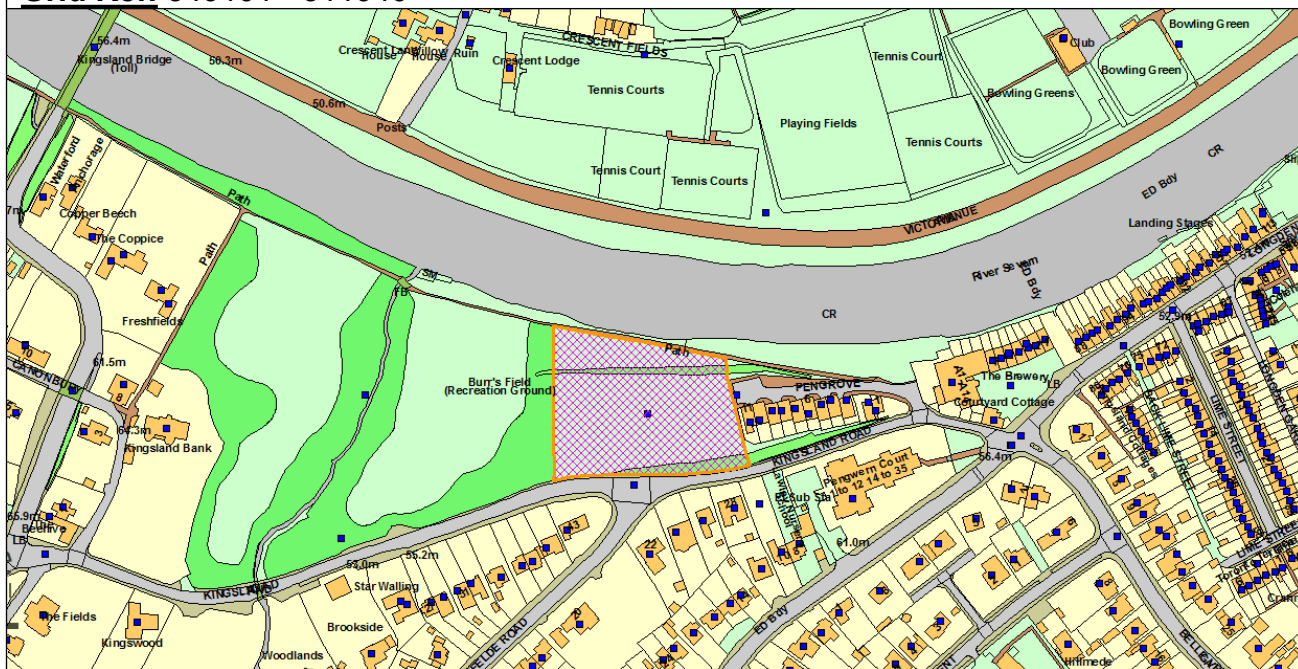
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 15/02219/FUL	<b>Parish:</b> Shrewsbury Town Council
<b>Proposal:</b> Erection of 2 no. dwellings with formation of vehicular access off Kingsland Road and associated landscape and open space improvements	
<b>Site Address:</b> Development Land West Of 11 Pengrove Shrewsbury Shropshire	
<b>Applicant:</b> Mr P. Hargreave And Mr C. Thomas	
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 349101 - 311940



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and completion of a S106 Agreement to secure an appropriate affordable housing contribution.**

## **REPORT**

### **1.0 THE PROPOSAL**

**1.1** This application relates to the erection of two large contemporary executive style dwellings on an area of overgrown land adjacent to the River Severn within Shrewsbury. The proposal is an amendment to a previous planning permission granted on appeal for a similar development on the site. The two dwellings would be arranged across the long axis of the site to take advantage of the riverside views and would have stepped elevations following the gradient of the site. Overall height would be three storeys fronting the River Severn. Due to the site topography, the dwelling houses would appear as single storey from the roadside.

**1.2** House 1 is located on the western side of the site and is to be set back from Kingsland Road within the central part of the site. It will have a separate access onto Kingsland Road located in the south-western corner that turns sharply through 90 degrees to serve a ramped driveway that runs parallel to the road before turning sharply again into a courtyard parking area in front of the house. This will be set at a lower level than Kingsland Road. The dwelling is 'L-shaped' to include a single storey flat-roofed triple garage arranged at right angles to the road.

**1.3** House 2 is located on the eastern side of the plot and is set slightly forward of House 1. The access arrangements are very similar and the general layout reflects that of its neighbour. Both properties include an indoor swimming pool on the lower level and both plots will be subject to comprehensive hard and soft landscaping.

**1.3** The proposed dwellings will be constructed from dressed sandstone, smooth faced render and copper cladding to the elevations with aluminium framed fenestration. Roofs will be flat and formed in part from sedum green roofing system with aluminium flashing and eaves.

**1.4** The existing boundary trees will be retained and the site comprehensively landscaped as part of the development proposals. The existing footpath alongside the River Severn will also be retained.

### **2.0 SITE LOCATION/DESCRIPTION**

**2.1** The proposed site comprises an area of 0.6 hectares and is located adjacent to a terrace of mid to late 1970's style three storey dwellings known as Pengrove. The adjacent dwellings are located along the eastern boundary with a turning head, whilst the land to the south of the site slopes up steeply to a mature hedge and tree boundary with Kingsland Road. Several properties on the opposite side of this road face towards this boundary and have distant views of the River Severn and the Quarry. The land to the west of the site forms part of the Burr's Field and is a grassed public recreational area with a public foot path running through the site adjacent to the river bank.

**2.2** The site occupies a series of terraced levels on the outer bank of a bend in the river. The site is open and largely cleared of vegetation except on its tree-lined boundaries. The public footpath runs along the northern edge of the site close to the river's edge. This part of the site contains a row of substantial trees that provide an effective screen when viewing the site from across the river to the north. The surrounding area is predominantly residential in character.

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

**3.1** Shrewsbury Town Council has submitted a view contrary to officers recommendation for approval based on material planning reasons. These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and the Local Member agrees that the Town Council has raised material planning issues and that the application should be determined by committee.

**4.0 Community Representations**

**4.1 Consultee Comments**

#### **4.2 Shropshire Council, Highways Development Control –**

Whilst the principle of the access points is considered acceptable, the layout of the access opening and subsequent alignment of the access drive into the site is somewhat convoluted. Clearly however this is a function of the adverse land level differences. Nevertheless the highway authority consider that a highway objection would be difficult to substantiate although notes the concerns raised by 3<sup>rd</sup> parties. There is scope however to improve the visibility splays to 2.4 x 43 metres and would recommend also that the entry gates are set back a further 2 metres from their current position.

The highway authority recognises that this is a difficult site to development and therefore any planning condition granted would need to include a Construction Management Plan/Method Statement.

The highway authority raises no objection to the granting of consent subject to the following conditions being imposed:-

- Prior to the commencement of development full construction details of the accesses, internal access driveways, parking and turning areas, positioning of entry gates and visibility splays of 2.4 x 43 metres shall be submitted to and approved in writing by the Local Planning Authority; the details shall be implemented fully in accordance with the approved scheme prior to the development hereby permitted being first occupied.
- Prior to the commencement of development a Construction Management Plan/Method Statement (CMP/MS) shall be submitted to and approved in writing by the Local Planning Authority; the CMP/MS shall be implemented fully in accordance with the approved details for the duration of the construction period of the development.

#### **4.3 Shropshire Council, Trees and Landscape Officer –**

There are a number of significant trees present on or adjacent to the boundaries of this site. The development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term.

I have reviewed the submitted Tree Report and note that this is the one prepared for the original scheme and it has not been updated. However, there does not appear to be very much difference in terms of the arboricultural impact between this and the original scheme except one additional tree will be lost. As such, I don't have any objections to the proposed scheme providing the tree protection plan is updated to reflect the changes in site layout and is implemented as a condition of planning permission. I would recommend conditions are attached to protect retained trees and hedges, submission of a Tree Protection Plan and Arboricultural Method Statement and all services shall be routed outside the Root Protection Areas.

**4.4 Shropshire Council, Housing Enabling Officer –**

As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed. The applicant is in the process of addressing this matter and members will be updated at the committee meeting.

**4.5 Shropshire Council, Planning Ecologist –**

No comments received.

**4.6 Shropshire Council, Drainage Engineer –**

No comments received.

**4.7 Shropshire Council, Rights of Way –**

Public Footpath 25, Shrewsbury abuts the northern boundary of the site where it runs along the river bank, as correctly acknowledged on the Block Plan. The footpath will not be directly affected by the proposals. However, please ensure that the applicant adheres to the criteria stated below:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

**4.8 Shropshire Council, Historic Environment Team –**

No comments received.

**4.9 Shropshire Council Archaeology -**

We have no comments to make on this application with respect to archaeological matters.

**4.10 Shropshire Council, Public Protection (Contaminated Land Officer) –**

As a result of historical lead works in the direct vicinity there is likelihood of contamination to the land proposed for residential end use. As a result I propose the following condition should this application be granted approval:

Contaminated land

a) No development 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.

**4.11 Environment Agency –**

For completeness, we previously commented on a similar application to that detailed above, planning reference 13/02527/FUL (our letter ref. SV/2013/107150/01-L01, dated 18 July 2013).



Based on the information submitted, we do not object to the proposed development. We note the Flood Risk Assessment (FRA) (prepared by D.A. Sluce & Partners, dated May 2013, Ref. DAS/JS A 5108) submitted as part of the current application is the same as previously submitted. To assist your consideration at this time, we would re-iterate our previous comments as follows:

**Flood Risk:**

Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site (as outlined in red on the Proposed Site Location Plan) is partially located within Flood Zone 3 of the River Severn, which is classified as 'Main River'. In accordance with Table 1: Flood Zones within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises of land assessed as having a 1 in 100 year or greater annual probability of river flooding.

The central and southern areas of the site are located within Flood Zones 1 and 2, 'low' and 'medium' probability, respectively. The FRA identifies the 100 year river flood level as 52.1m AOD and the 100 year river flood level plus climate change as 52.8m AOD at the proposed site.

Paragraph 5.7 of the FRA confirms that the lower section of the site, adjacent to the River Severn and below 52.8m AOD (100 year flood level plus climate change) is excluded from any development, except for a footpath diversion.

**Safe Access:**

The FRA has demonstrated that the development has safe pedestrian and vehicular access, above the 100 year flood level plus climate change. The primary access route to both of the dwellings is proposed off Kingsland Road.

**Finished Floor Levels:**

Paragraph 5.3 of the FRA details that Finished Flood Levels (FFLs) for the 'major' accommodation will be set at a level of 56.3m AOD. This level is adequately above the 100 year flood level plus climate change.

However, paragraph 5.4 states that the proposed FFL of the basement area is only 500mm above the 1 in 100 year plus climate change river flood level at 53.30m AOD (normal requirements are for a 600mm freeboard). On the basis that the FRA confirms that the basement will not form part of the habitable accommodation and will be tanked to protect the area during extreme flood events, we would recommend adding suitable drainage conditions should your Council be minded to approve the application.

**4.12 Shrewsbury Town Council –**

Whilst planning permission had been granted on appeal for two Eco-homes on this site, the Town Council objects to this application on the basis that these new proposals constitute an overdevelopment of the site and that the contemporary design is too obtrusive and is not in keeping with the existing neighbouring residential properties in the Conservation Area.

Members also have concerns regarding the access arrangements and visibility splays for these two large properties on to Kingsland Road opposite the junction with Luciefelde Road. This site contributes greatly to the green spaces enjoyed by

all along both sides of the river and provides immense visual amenity value to those who live, work and visit the town. This site has been the subject of a number of planning applications and appeals and it is the view of the Town Council that this application does not provide enough benefit to address those objections raised through previous applications.

#### **4.13 Campaign to Protect Rural England –**

CPRE have objected to the development of the site at Pengrove for many years. Following the successful appeal against refusal of the previous application the applicant has decided to re-apply with a modified proposal. CPRE are still strongly opposed to the development of this site for the following previously stated reasons:-

- The land in question is in a prominent location, viewed across the river from the Quarry and from upstream. Development would adversely affect the rural quality of the area in an urban setting.
- The site was originally designated as “Greenspace” on the town map and was a protected open area in the Severn River corridor, whilst planning policies change, the reason for the original designation are still completely valid: development should not be allowed.

We strongly recommend that the application should once again be rejected.

#### **4.14 Public Comments**

14 letters have been received. The following comments have been made:

##### Objections

- Interests of the developer should not be allowed to override those of the community
- Site has been designated as a green space in the past and is valued as it preserves a delightful rural setting within the town and adds to the unique river-scape enjoyed by residents and visitors
- The development will have a serious impact on the local environment affecting wildlife and adding increased air and noise pollution. The driveways would require a number of large established trees to be removed or at best the root structure probably compromised.
- Has the site been tested for red lead contamination?
- It is in a flood plain and may affect the River Severn
- It lies within the conservation area and the local authority has a duty to preserve and enhance such areas
- It will have a disastrous impact on the character of the area appearing totally out of keeping
- New development will affect the wider area as a result of increased traffic flows
- The eco-friendly credentials of the development do not outweigh the damage caused to an unspoilt green space

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- It will affect a much-used public footpath along the river bank
- It will lead to increased public safety hazards. Local roads are narrow and lack adequate footpaths and are frequently blocked by parked vehicles
- Concerns about the height of the proposed boundary wall which may invite graffiti
- The two dwellings are many times larger than the average dwelling, many times larger than adjacent properties and pertaining to a life style - with the inclusion of features such as swimming pools, and exclusion of features such as pedestrian access to the adjacent footpath - which could not be described as eco friendly
- This site has a very visible location in the green river corridor and the proposed development will have a massive detrimental impact on the view from a considerable part of the town centre, as well as a negative impact on the wildlife corridor. Any development on this site would be visually obtrusive and clearly visible from the Quarry side of the river. The dwellings would be built at a significantly higher ground level than Pengrove so far more noticeable
- The design concept is to build two houses, as large as possible for the site for obvious commercial reasons but to then try and pretend that they are suitable in the landscape which they so obviously are not
- The appearance of the two houses is disappointingly banal. If development of such a prominent site is inevitable should the quality of architecture not reflect its importance?
- The Planning Committee will probably feel unable to reject these plans, given financial constraints and the previous granting of permission at Appeal. In the event of permission being granted, I respectfully request that the Council ensures that work on site is limited to 8 am to 5pm Monday to Friday, that all debris is contained within the site while work is in progress and that planting on the eastern boundary is limited in height to that of the existing hedge. Also that they impose a condition that any damage caused by vehicles connected with this development using the private Pengrove access road between the granting of permission and the closure of site access from Pengrove, should be made good by the developer
- The junction Of Luciefelde Road and Kingsland Road is already a dangerous junction because of the steep hill up which cars accelerate at speed, the awkward corner of Luciefelde (with limited vision down Kingsland because of parking) and the narrow access to Longden Road
- Parked cars on Kingsland also make it impossible for two way traffic on the hill
- The position of the vehicular access of the new properties, especially the larger one, is extremely awkward. There would be very limited vision down the hill from the drive
- Reference is made to splay so visibility is adequate for those leaving the proposed houses. Surely this means clearing a good length of the road boundary so giving a clear view of the massiveness of the houses
- It is of great concern and unsustainable to allow/encourage the large number of cars at both properties. This is unnecessary at a site so close to the town centre and increases the hard covering on the edge of the flood plain
- If this plot were allowed to be developed a precedent would be set and it

would be much more difficult to prevent the gradual loss of greenfield sites within the urban space

- To allow construction vehicles and plant to use the narrow access of Kingsland Rd and Luciefelde Road is likely to cause serious disruption to other road users as well as residents
- At times of flooding Kingsland Road becomes the major route in and out of town
- The main changes appear to be an increase in volume of the buildings which are higher with a great deal more glazing. The overall effect is to produce new buildings that bear no relationship in terms of size or style to any of the adjacent buildings in the Kingsland Conservation Area. To claim that the development is an up-grade of the Kingsland Mansion is absurd
- There is no mention of the carbon-status of the proposals, but surely these two new buildings should be designed to be Carbon Neutral
- There is mention of a doubt over the boundary with the public footpath. If this were to mean that the trees bordering the footpath were at risk of removal and the path made narrower, this would be to the serious detriment of the public amenity

#### Support Comments:

- It is good that the planning has been restricted and I hope the Council will keep a close eye on the development to ensure that it is adhered to

#### Neutral Comments:

- The residential development permitted on appeal showed the diversion of the public right of way. I note that the revised proposal for residential development provides for the retention of the existing public footpath rather than diverting the existing public right of way from its route adjacent to the river. I am writing to support the retention of the public right of way on its existing line. The diversion of the public right of way would have led to a detrimental impact on the character of the footpath and was not required either to implement the residential development or to provide a small "wildlife corridor"
- In the event of planning permission being granted planning conditions to protect the amenities of the local environment and local residents should include: hours of work; restriction on mud etc. carried on vehicles off the site; no obstruction of the public right of way; local roads to be kept in a good state of repair and kept clear of construction traffic and materials; boundary treatments; restriction on permitted development allowances; and drainage

#### **4.15 Shrewsbury Friends of the Earth –**

In the story of the Emperor's New Clothes, something has only to be stated to be assumed to be true - until a child states the obvious. In this application, we are asked to believe that the design is a contemporary interpretation of a Kingsland Villa; that it has 'exceptional design aesthetic', whatever that's supposed to mean; and that it has a strong sustainability agenda. (Design and Access Statement, p.9).

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Without taking a breath, the DAS then asserts (p.11) that the three tests of Sustainability in the NPPF have been met.

On the economic test, the applicant is on fairly firm ground, though we would like to know the meaning of 'and as a viable' and 'at the right time'.

The social test is more worrying - the proposal is self-evidently a pair of very expensive, security conscious houses. They are gated-in from the community as well as each other, and do not in any way benefit the social milieu.

But it is the environmental test that most obviously fails. It is asserted that the proposals are 'environmentally conscious', that the houses are 'eco-homes'. Frankly, this is nonsense. An eco-home would be sensitive to a whole range of resource issues that are almost entirely ignored here.

The 3-car, highly glazed building with heated swimming pool is going to struggle to meet Building Regulations minima, never mind the more rigorous regime which this claim would demand.

The applicant asserts that the proposals will 'contribute' to 'protecting' and 'enhancing' their environment. We cannot identify what elements of the design could perform environmental protection and enhancement, and the application does not appear to offer any.

Like many fellow objectors, we are saddened by this assault on our town. It's time for the little boy in the fable to say, 'the Emperor/building's got no clothes/ecological agenda'.

## **5.0 THE MAIN ISSUES**

### Background

- Policy & Principle of Development
- Design, Scale, Character and impact on Heritage Assets
- Loss of Open Space
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Flooding
- Affordable Housing
- Community Infrastructure Levy

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1** The determination of a planning application is to be made pursuant to section 38(6) of the Town and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

- 6.1.2** Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which ‘indicate otherwise’. Section 70(2) provides that in determining applications the local planning authority “shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations”. The Development Plan consists of the saved policies in the Shrewsbury and Atcham Borough Local Plan and the adopted Shropshire Core Strategy. The SAMDev Plan is the second part of the Council’s Development Plan delivering the strategic priorities and overall housing and employment guidelines of the Core Strategy. On adoption it will replace the ‘saved’ policies of the Shrewsbury and Atcham Borough Local Plan. It establishes a settlement hierarchy where new development will be focussed in the most sustainable locations with Shrewsbury at the top.
- 6.1.3** The National Planning Policy Framework advises that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan policies are absent, silent or out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.
- 6.1.4** The previous planning application 13/02527/FUL was refused planning permission by Members of the Central Planning Committee based on concerns that the development would exert an adverse impact upon the character and appearance of the Shrewsbury Conservation Area. Specifically, Members considered that the proposed development would fail to protect, conserve or enhance the character of this part of the conservation area and the corridor of the River Severn, as it would introduce a form of development that would be inappropriate in terms of its scale, pattern and design, and which would fail to take account of the local context and character and features that contribute to the local character. The principle of development on this site did not form part of the reason for refusal and it was accepted that the site occupied a sustainable location in accordance with national and local planning policies.
- 6.1.5** The subsequent appeal was allowed and the Inspector commented that the current statutory development plan does not, in principle, exclude residential development on the site. She noted that the site lies within the defined development boundary for Shrewsbury and considered it to be a sustainable location. The current situation is similar to that which existed at the time the previous application was being considered. In principle, therefore, the current proposals are acceptable.
- 6.1.6** The key issue, therefore, relates to how the current proposals affect the conservation area when compared to the appeal case. This will be explored in more detail below.

## **6.2 Design, Scale, Character and impact on Heritage Assets**

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**6.2.1** As mentioned above, the key issue considered at the previous appeal concerned whether or not the proposed development would preserve or enhance the character and appearance of the Shrewsbury Conservation Area. The Inspector concluded that the development would not adversely affect the conservation area. She opined that the proposed four storey building would have a pronounced horizontal emphasis that would be appropriate to the area given the height, appearance and architectural form of the neighbouring development at Pengrove.

The applicants have considered the design of the two houses further following the appeal decision and have opted to make a series of alterations that have led to the

**6.2.2** current proposals. The Design and Access Statement that accompanies the application explains the changes as follows:

- **A reduction in visibility of vehicles from Kingsland Road** – the original access and drive was proposed to be at the same level as Kingsland Road, which would have resulted in the dominance of vehicles on the road frontage. To remedy this issue a ramped access is proposed and the dwellings set back to create some separation from the street. This results in the car parking area sitting below street level thus maintaining views across the site. The change in level and distance from the road will also provide a sound buffer from road noise for inhabitants of the proposed dwellings.
- **Minimise verticality and reduce the scale and dominance of the dwellings** – the proposed design seeks to minimise the mass of the buildings on the landscape in contrast to the approved scheme which is dominant in its verticality. The revised proposal strives toward the merging of natural and built forms ensuring that the development is responsive to its surroundings. The topography of the site is utilised through progressively tiered floor levels that move diagonally throughout the context of the site and not vertically downwards as in the previous scheme. Careful consideration has been given to the height, widths and buffer zones between the river and the base of the dwellings.
- **Minimise the level of adaptation of the ground through cut and fill** – this will be achieved through adapting the buildings to step downwards along the slope using a tiered approach to design.
- **Design quality** – careful consideration of high quality materials will enhance the overall appearance of the properties. The materials specified include oxidised copper, stone, render and extensive glazing. A meandering water feature sits between the two properties within the garden of the westernmost dwelling to represent a river tributary. The proposed ashlar stone base takes design cues from landmarks throughout Shrewsbury that exhibit strength in the base of the built form. The oxidised copper façade on the highest segment of the buildings will sit well with the tree line and also changes with the seasons responding to the surrounding environment.
- **Maximisation of views** – the proposal seeks to create views through each property by utilising large expanses of glazing on the north elevation and

associated windows on the south elevation. This approach maintains the connection between building and landscape at all times and capitalises on the panoramic views along the river.

**6.2.3** The proposed buildings are of a more compressed form than is the case with the appeal proposal. The bulk of the proposed development will be set further back from both the roadside boundary and from the riverside compared to the appeal proposal. Both dwellings retain the contemporary design philosophy of the previous scheme which the Appeal Inspector considered to be appropriate within the conservation area context. The current proposals are slightly taller than the previously approved scheme although the building footprint and the developed area are both reduced. Due to the greater degree of set back from Kingsland Road and the stepped nature of the design as it follows the natural slope of the sit towards the river bank, the impact of the slight height increase from public vantage points will be imperceptible in all likelihood. The incorporation of additional glazing will further help to reduce any perceived impact of this size increase which is likely to be largely unnoticeable in views from beyond the site boundaries. It is considered, therefore, that the amended scheme is acceptable in terms of siting, scale and design and complies with Policy CS6 and emerging Policy MD2 of the SAMDev Plan.

**6.2.4** The site is located within the Shrewsbury Conservation Area and Members were previously very concerned that development on this site would have an adverse effect on the character and appearance of the conservation area. This case was made at appeal but the Inspector was not in agreement and granted conditional planning permission for the development. In her opinion, the proposed houses would make a “well-designed contemporary contribution to the built forms in the immediate surroundings, acknowledging that much of the immediate background to the site includes built forms of lesser architectural merit. In their scale and setting, the proposed houses would form a *modern reflection* of the Kingsland Villas within the conservation area to the west and south-west and to that extent would introduce a degree of linkage between the branches of the conservation area on either side of the site - that is, between the Brewery and its associated riverside buildings, and Kingsland.” In summary, the Inspector did not consider the siting, scale or design of the development to be inappropriate.

**6.2.5** The changes to the approved scheme under consideration now are considered to be relatively insignificant in terms of their additional impact on the conservation area. The marginal increase in height is offset by the greater setback from Kingsland Road and the reduced footprint and stepped profile of the dwellings has further reduced the encroachment towards the river bank and the adjacent properties at Pengrove. It is considered that the proposed scheme would have no greater impact on the character and appearance of the conservation area than the appeal proposal. As such, the proposal is considered to be in accordance with Policies CS6 and CS16 of the Core Strategy and MD2 and MD13 of the SAMDev Plan.

### **6.3 Visual impact and landscaping**

**6.3.1** The impact of the revised proposals is considered to be neutral in comparison with

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appeal proposals. The overall height will be slightly higher but the footprint and developed area will be noticeably less than before. The greater proportion of the two dwellings will be set further back from the road behind a boundary wall thereby reducing further the visual impact of the development. The scheme will also be subject to a comprehensive landscaping scheme to include retention of the existing boundary planting. It is considered that the amended proposal will not exert any greater impact upon the visual amenities of the area than would be the case with the appeal proposal. The proposed development is, therefore, considered to comply with Policies CS6 of the Core Strategy and MD2 of the emerging SAMDev Plan.

## **6.4 Loss of Open Space**

- 6.4.1** A substantial level of objection has been received from local residents, Shrewsbury Town Council, Shrewsbury Town Centre Residents Association and Shrewsbury Civic Society all of whom consider that the development will result in the loss of an important open space and will have a significant impact on the Shrewsbury Conservation Area.
- 6.4.2** Similar objections were made in respect of the appeal proposal and were considered by the Inspector. She determined that the site is “visually separate and distinct from the neighbouring open land. A belt of trees divides the appeal site from Burrs Field, which is clearly managed separately (its sign displaying the name of Shrewsbury Town Council) and has public access. The configuration of the slopes also differs between Burrs Field and the site, the latter more clearly associated with, and directly facing, the River Severn. The appeal site, though a contiguous open area, is not essential to the integrity of the valley; either as a landform or as a public open space, or as a direct setting against which buildings of the Conservation Area are visible.”
- 6.4.3** The Inspector further commented that “in occupying a site which is currently open, the proposal would clearly reduce the overall extent of open space included within this part of the Conservation Area. Unlike the adjoining valley of the Rad Brook, however, this particular element of open space does not directly frame any historic or architecturally distinct part of the Conservation Area, and the character and appearance of the Conservation Area are not dependent upon the retention of the site as open space in its entirety. In conclusion, therefore, the appeal proposal would at least preserve the essential features and thus the character and appearance of this part of the Conservation Area; would in some respects ultimately enhance its character and appearance; and would meet the relevant requirements of statutory development plan policy, and of the National Planning Policy Framework.”
- 6.4.4** The loss of the site as open land has been established in principle by the appeal decision and the current proposals do not alter this situation. The proposals are therefore consistent with Policies CS6 and CS17 of the Core Strategy and MD2 and MD12 of the emerging SAMDev Plan.

## **6.5 Impact on Residential Amenity**

- 6.5.1** Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.5.2** The residential property most likely to be affected by the proposed development lies to the east at the end of the Pengrove development. The appeal proposals were considered not to give rise to any adverse impact in respect of overlooking of neighbouring properties, or loss of privacy or over-shadowing. The current proposals are a refinement of the appeal development. House 2 is located in the plot nearest to Pengrove. The amended dwelling is sited further away from Pengrove and is orientated so that it does not project beyond the rear building line of Pengrove in the manner that the appeal proposal did. The appeal scheme was considered to be acceptable in terms of its impact on local residential amenity. The amended scheme has a significantly reduced impact on the dwellings on Pengrove and is considered to be acceptable.
- 6.5.3** The impact upon properties on the opposite side of Kingsland Road is also lessened, by virtue of the increased set back. Despite the modest increase in height, the development remains single storey in its appearance from Kingsland Road and it remains at a lower level than the existing houses on the southern side of the road. The rear elevations of the proposed dwellings face north towards the River Severn and will not result in any overlooking or loss of privacy.
- 6.5.4** Concerns have been raised that the proposed development will result in the loss of view, although this is not a material planning consideration. However, the two proposed dwellings will not exceed the height of Kingsland Road and therefore any views from properties along this road towards the River Severn or Quarry will not be materially affected by the siting of the two dwellings.
- 6.5.5** Several local residents have raised concern about the impact that construction work may have upon residential amenity arising from noise and disturbance. It is possible to address this through a condition requiring the submission of a construction management plan setting out agreed construction hours and times of deliveries of material and plant to the site together with on-site provision of constructors' compounds, car parking and storage space. Subject to this, it is considered that the proposed development would not adversely affect local residential amenity and is compliant with Policies CS6 and MD2.

## **6.6 Highways**

- 6.6.1** Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.6.2** A number of concerns have been raised from local residents regarding the proposed accesses onto Kingsland Road raising highway safety issues for pedestrians, cyclists and vehicles due to the speed of traffic and restricted visibility.

**6.6.3** The proposed development incorporates the provision of two new vehicular accesses directly along Kingsland Road and opposite Luciefelde Road, incorporating dropped kerbs and visibility splays. This will involve removal of the existing roadside hedge which will be replaced by a front sandstone boundary wall to the rear of the visibility splays with a verge in front. The entrances will allow for vehicles to pull in clear of the highway and each property will have ample parking and turning space within the domestic curtilage to accommodate the needs of future occupiers and visitors. Having regard to its central location the site is within easy access to local facilities within Coleham and the town centre and provides good access to public footpaths, cycle ways and public transport. The Highways Officer has considered the revised drawings that now demonstrate adequate visibility splays can be provided. He has confirmed that the accesses will not raise any highway safety issues that warrant a refusal of planning permission on highway safety grounds. Two highways-specific planning conditions are recommended. Subject to these, the proposals are considered to be compliant with Policies CS6 and MD2.

## **6.7 Impact on Trees**

**6.7.1** Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. Policy MD12 of the SAMDev supports this approach. In this particular development the site has a number of large mature trees located primarily around the boundaries of the site which provide a high level of amenity value for local residents and members of the public using the public footpaths, River Severn and the Quarry Park.

**6.7.2** The trees located along the river have an important amenity value both through their nature conservation benefits and through their contribution to the local landscape and their softening effect in views to the proposed development from Victoria Avenue and the Quarry Park. The development does not encroach within the northern half of the site and there is sufficient distance between the retained trees and proposed buildings to ensure that the trees can be protected. No objection has been raised by the Council's Tree Officer subject to the attachment of conditions safeguarding the retained trees during and after construction works.

**6.7.3** It is considered that the proposed development complies with Policies CS17 and MD12.

## **6.8 Ecology**

**6.8.1** Policies CS17 and MD12 of the Core Strategy and SAMDev, respectively, indicate that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in section 11 'Conserving and Enhancing the Natural Environment' of the Framework. This

indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

**6.8.2** The proposed development site is within the Core Area of the Environmental Network for Shrewsbury which includes the River corridor and associated semi-natural habitats at this location. The River Severn Corridor is important for wildlife moving through the town, with particular value for bats, otters and birds and all of these species rely on undisturbed areas of semi-natural habitat which buffer the river corridor and minimise disturbance on species moving through the town. The development site is not a 'resting place' for any European Protected Species and is not a priority habitat type and so is not directly protected in wildlife law. The development site is of value to more common wildlife and as a buffer to the river corridor.

**6.8.3** The site is largely covered in overgrown scrub which has a low ecological value. The current scheme increases the separation distances between the new dwellings and the river bank and does not propose any alteration to the existing riverside path. In this regard, it is an improvement compared to the appeal proposal which was considered by the Council's Ecologist to be acceptable in terms of its effects upon biodiversity interests. It is considered that on balance the loss of the mainly overgrown scrub which has a low ecological value would not result in any impact on protected species. The northern (riverside) boundary trees will be retained and enhanced with additional scrub and hay meadow planting. The boundary facing Pengrove to the east will be enhanced with additional native species hedgerow and additional native species hedgerow will be planted along the Kingsland Road boundary. The western boundary facing Burr Fields involves repair of the existing boundary wall and the retention of existing trees. The current scheme is similar to that approved under the appeal and the retention of existing boundary treatments and the addition of new native species planting will enhance the ecological opportunities along this important wildlife corridor. The proposed development is, therefore, considered to be in accordance with Policies CS17 of the Core Strategy and MD2 and MD12 of the SAMDev Plan as well as the guidance contained in Section 11 of the Framework.

## **6.9 Drainage**

**6.9.1** Policy CS18 of the Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. Policy MD2 of the SAMDev Plan requires new development to incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design.

**6.9.2** The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. Severn Trent Water previously commented and raised no objection to the development proposed under the appeal case. Comments indicated that a foul mains sewer is located close to the site and from records this runs along Kingsland Road to the south of the site. Having regard to

the distance and change is levels the proposed dwellings and access will not impact on this foul sewer.

**6.9.3** The submitted Flood Risk Assessment (FRA) indicates that surface water will be disposed of via a sustainable drainage system which comprises of the use of green roofs, rainwater harvesting and permeable surfaces. An overflow for the rainwater harvesting system, which will also dispose of water from the site at a rate identical to a greenfield run off rate, is also proposed. No formal objection has been received from the Council Drainage Engineer who has previously indicated that the sustainable drainage system for the site should be either infiltration or attenuation. Infiltration methods are the preferred way of disposing of surface water, and should be considered in the first instance. Percolation tests and the sizing of the soakaway should be designed in accordance with BRE Digest 365. Residential developments are now required to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. No issues have been raised regarding the ground conditions being unsuitable for soakaways and therefore, as with the appeal proposals, it would be acceptable to condition the surface water drainage.

## **6.10 Flooding**

**6.10.1** Policies CS18 of the Core Strategy and MD2 of the SAMDev Plan state 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 contained in Section 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the Framework. Concerns have been raised by local residents that the proposed development is located within the flood plain of the River Severn.

**6.10.2** The Environment Agency has considered the submitted FRA and is in agreement with its analysis and conclusions. Based on the 'indicative' Flood Map for Planning (Rivers and Sea), the central and southern areas of the proposed development site are shown to lie mainly within Flood Zones 1 and 2 (Low and Medium Probability Zones) with the northern area adjacent to the river located within Flood Zone 3 (High Probability Zone) of the River Severn. Flood Zone 3 is vulnerable to 'high probability' of fluvial flooding and comprises of land assessed as having a 1 in 100 years or greater annual probability of river flooding. The FRA identifies the 100 year river flood level as 52.1m AOD and the 100 year river flood level plus climate change as 52.8m AOD at the proposed site.

**6.10.3** The FRA demonstrates that the site can be developed for residential development in accordance with the guidance and principles set out in the Framework. The land adjacent to the river bank within Flood Zone 3 will be free from development and will not result in loss of flood storage capacity.

**6.10.4** The FRA states that Finished Flood Levels (FFLs) for the 'major' accommodation will be set at a level of 56.3m AOD, which is adequately above the 100 year flood level plus climate change. However, paragraph 5.4 states that the proposed FFL of the basement area is only 500mm above the 1 in 100 year plus climate change river flood level at 53.30m AOD (normal requirements are for a 600mm freeboard). On the basis that the FRA confirms that the basement will not form part of the

habitable accommodation and will be tanked to protect the area during extreme flood events, the Agency would accept this as an exception. All habitable finished floor levels, however, shall be set at a minimum of 53.4m AOD, which is 600mm above the 1 in 100 year modelled River Severn flood level plus climate change. A suitable planning condition has been recommended by the Agency to ensure this happens.

**6.10.5** The Agency is also concerned about potential obstruction to the storage capacity of the flood plain along the northern part of the site. The FRA confirms that the portion of the site below 52.8m AOD will remain in its present form (i.e. no new structures), with no ground levels being altered below this level. A condition is recommended removing permitted development rights in respect of structures, barriers and obstructions within this area. Subject to these conditions, the proposed development is considered to be in accordance with Policies CS18 of the Core Strategy and MD2 of the SAMDev Plan.

## **6.11 Affordable Housing**

**6.11.1** Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate is 13% which equates to a financial contribution of £23,400. The applicants have agreed to provision of this contribution which will be secured through a Section 106 legal agreement.

## **6.12 Community Infrastructure Levy**

**6.12.1** Policy CS9 'Infrastructure Contributions' of the Shropshire Core Strategy indicates that development that provides additional dwellings should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Framework Implementation Plan. The levy rates are set out in the CIL Charging Schedule and in this particular case will relate to £40 per square metre of new residential development. The levy charge would become active when the development commenced if planning permission were to be granted and 15% would be required 60 days after commencement of the development and the remaining 85% would be required 270 days after commencement.

## **7.0 CONCLUSION**

**7.1.1** The principle of development on this site for two substantial dwelling houses of contemporary design has been established as a result of the recent appeal decision. The proposed development seeks an amendment to the scheme allowed on appeal and involves changes to the size, height, design and siting of the two dwellings. The marginal increase in height is offset by the re-orientation and greater setback of the development relative to Kingsland Road and Pengrove. The sole reason that the previous proposal was refused planning permission related to its perceived impact upon the character and appearance of the conservation area. The appeal Inspector did not agree and it is concluded that the changes set out in the

current application are modest and would not have any greater impact on the character and appearance of the conservation area compared with the appeal proposal.

The proposed development is, therefore, acceptable and is recommended for approval, subject to the conditions set out in Appendix 1 below.

## **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 are 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.

## BACKGROUND

### 10.1 Relevant Planning Policies

In determining this application the Local Planning Authority gave consideration to the following policies:-

#### National Planning Policy Framework:

Paragraph 14: The presumption in favour of sustainable development  
 Paragraph 17: Core Planning Principles  
 Section 6: Delivering a Wide Choice of High Quality Homes  
 Section 7: Requiring Good Design  
 Section 8: Promoting Healthy Communities  
 Section 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change  
 Section 11: Conserving and Enhancing the Natural Environment  
 Section 12: Conserving and Enhancing the Historic Environment

#### Shropshire Council Core Strategy (February 2011):

CS2: Shrewsbury Development Strategy  
 CS6: Sustainable Design and Development Principles  
 CS11: Type and Affordability of Housing  
 CS16: Tourism, Culture and Leisure  
 CS17: Environmental Networks  
 CS18: Sustainable Water Management

#### SAMDev DPD:

MD1: Scale and Distribution of Development  
 MD2: Sustainable Design MD3: Managing Housing Development MD12: The Natural Environment  
 MD13: The Historic Environment

Supplementary Planning Document - Type and Affordability of Housing  
 Supplementary Planning Document - Sustainable Design (Draft)

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Interim Planning Guidance - Open Space, Sport & Recreation

Shrewsbury & Atcham Borough Local Plan (June 2001):

T14 : Parking Standards Outside the River Loop

## 10.2 Relevant Planning History

13/02527/FUL - Erection of two eco-friendly dwellings with access off Kingsland Road and associated landscape and open space improvements. Refused 15<sup>th</sup> October 2013. Subsequent appeal allowed 18<sup>th</sup> March 2014.

11/05021/FUL - Erection of two eco-friendly residential dwellings with associated landscaping and access improvements. Refused 28<sup>th</sup> June 2012.

08/1531/F - Erection of five 5-bedroom dwellings, construction of access road off Pengrove including turning head and provision of communal garden area. Refused 5<sup>th</sup> February 2009. Appeal Dismissed 7<sup>th</sup> December 2009.

08/1076/F - Erection of five 5-bedroom dwellings, construction of access road off Pengrove including turning head and provision of communal garden area. Refused 17<sup>th</sup> October 2008.

07/1799/F - Erection of eight 7-bedroom dwellings with construction of new vehicular accesses and provision of moorings to the river frontage (Amended Description). Withdrawn 19<sup>th</sup> February 2008.

81/0447 - Erection of six. 3-4 bedroom residential units with detached private double garages, 2 No. 1 bedroom flats and 3 No. 2 bedroom flats with 5 lock-up garages (private) and the formation of new vehicular access. Refused 9<sup>th</sup> June 1981. Appeal Withdrawn.

79/0126 - Erection of six 3-bedroomed residential units with integral double garages alterations to existing vehicular access and formation of new vehicular access via Pengrove and pedestrian access from Kingsland Road. Refused 22<sup>nd</sup> January 1980.

79/1010 - Erection of six residential dwellings with integral double garages, alterations to existing vehicular access and formation of new vehicular access via Pengrove and pedestrian access only from Kingsland Road. Withdrawn 11<sup>th</sup> January 1979.

## 11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 13/02527/FUL  
Cabinet Member (Portfolio Holder) - Cllr M. Price  
Local Member - Cllr Anne Chebsey  
Appendices - APPENDIX 1 – Conditions

### APPENDIX 1

#### *Conditions*

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**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 deposited 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. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contaminated on the site. The Site Investigation Report shall be undertaken by competent person and be 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.

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4. Notwithstanding what is shown on the mitted drawings, prior to the commencement of development full construction details of the accesses, internal access driveways, parking and turning areas, positioning of entry gates and visibility splays of 2.4 x 43 metres shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the development hereby permitted being first occupied.

Reason: To ensure a satisfactory access to the site.

5. No development shall take place 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:-

- i. The parking of vehicles of site operatives and visitors.
- ii. Loading and unloading of plant and materials.
- iii. Storage of plant and materials used in constructing the development.
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- v. Wheel washing facilities.
- vi. Measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

6. No ground clearance or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to ensure no damage to any existing trees or hedgerows within or adjoining the site. The submitted scheme shall include the provision of chestnut pale or similar form of protective fencing to BS5837 : 1991 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. The fencing shall be located at least 1.00 metre beyond the line described by the furthest extent of the canopy of each tree/tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

7. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

8. A scheme of landscaping and these works shall be submitted to and approved by the local planning authority prior to occupation of the development. The submitted scheme shall include:

- a) Means of enclosure, including all security and other fencing
- b) Planting plans, including wildlife habitat and features (e.g. hibernacula)

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- c) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- d) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables

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

9. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed and thereafter retained for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

10. Floor levels shall be set at a minimum of 53.40m AOD which is 600mm above the 1 in 100 year plus climate change flood level.

Reason: To protect the development from flooding.

11. The works on the site to which this consent applies shall be undertaken in line with the Recommendations of the Extended Phase 1 Habitat Survey and updates by Star Ecology (2011, 2012 and 2014)

Reason: To ensure the protection of wildlife.

12. Prior to the first use of the development hereby approved a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

13. A total of 6 bat boxes, Schwegler bat boxes (or direct woodcrete equivalent) as set out in the Star Ecology letter dated 2nd May 2012 entitled Habitat Creation shall be erected on the site prior to first use of the building hereby permitted, in a location agreed with the local planning authority, and shall be retained for the lifetime of the development. The bat boxes

should be 4m or more above the ground and in a non-illuminated area as described in the manufacturer's guidance or advice should be sought from an experienced ecologist.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

14. A 10m buffer shall be put in place to protect the watercourse during construction works. This buffer zone should be fenced or taped off prior to the commencement of works on the site and no access, material storage or ground disturbance should occur within the buffer zone.

Reason: To ensure the protection of Otters.

15. A total of 10 artificial nests for small birds, such as Schwegler 1FB bird box, 2H robin box, Schwegler bird houses or sparrow terraces (or direct woodcrete equivalents of the above) shall be erected on the site, in locations to be agreed with the local planning authority, prior to first occupation of the buildings hereby permitted and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds.

16. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.

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

Reason: To protect features of recognised nature conservation importance.

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

17. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels on land below 52.80 AOD as shown on Drawing Number P2 (Project Number 2010.01025.000) as indicated in the Flood Risk Assessment dated June 2011.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- Extension to the dwelling
- Free standing building within the curtilage of the dwelling
- Addition or alteration to the roof
- Erection of a porch
- Hard surfacing
- Container for the storage of oil
- Fences, gates or walls
- Any windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.