



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

Date: Wednesday, 17 October 2018

Committee: Central Planning Committee

Date: Thursday, 25 October 2018

Time: 2.00 pm

Venue: Shrewsbury/Oswestry 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

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Ed Potter

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

Substitute Members of the Committee

Peter Adams

Roger Evans

Hannah Fraser

Ioan Jones

Jane MacKenzie

Alan Mosley

Harry Taylor

Dan Morris

Lezley Picton

Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 27th September 2018.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on Wednesday, 24th October 2018.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Caterpillar Defence, Perkins Engines, Lancaster Road, Shrewsbury - 16/04559/OUT (Pages 7 - 50)

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).

6 Proposed Residential Development Land To The North Of Betley Lane, Bayston Hill, Shrewsbury - 18/02747/OUT (Pages 51 - 64)

Outline application for residential development for up to 2No. dwellings with retention of access.

7 1 Monday Town, Westbury, Shrewsbury - 18/02962/FUL (Pages 65 - 76)

Erection of replacement dwelling; installation of package treatment plant

8 Proposed Dwelling North of Top Farm, Kinton, Shrewsbury - 18/03967/REM (Pages 77 - 82)

Approval of Reserved Matters (access, appearance, layout, scale, landscaping) pursuant to Outline application 13/05065/OUT for the erection of dwelling including re-aligned agricultural access and removal of agricultural shed.

9 Schedule of Appeals and Appeal Decisions (Pages 83 - 84)

10 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 22nd November 2018 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

25th October 2018

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 27 September 2018

2.00 - 3.20 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Nick Hignett, Pamela Moseley, Tony Parsons, Ed Potter, Kevin Parry, Keith Roberts and David Vasmer

46 Apologies for absence

An apology for absence was received from Councillor Alex Phillips.

47 Minutes

The Chairman referred to an email from the Greenfields Community Group which stated that two points made by Officers at the meeting in regards to Planning Application 17/05234/FUL -Land off Greenfields Recreation Ground, Falstaff Street, Shrewsbury, had not been included in the Minutes.

Members discussed the issues raised and it was pointed out that the minutes of a meeting were not a verbatim record of everything that was said at that meeting. Members agreed to include one of the points raised in the Minutes and:

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 30th August 2018 be approved as a correct record and signed by the Chairman subject to the paragraph of Minute 37 which begins "Responding to Members' concerns" being amended as follows:

The Area Highways Development Control Manager confirmed that it was not a significant development in its context. ~~and~~ While there was significant on-street parking in the locality, if this became a significant issue, parking restrictions in the area could be considered although, he would not wish to do that. The proposed development provided 2 off-road parking spaces per dwelling and extra visitor parking and this was considered adequate and would not result in a material impact that would justify an objection in this regard.

48 Public Question Time

There were no public questions or petitions received.

49 **Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

50 **Land South of Holcroft Way, Cross Houses, Shrewsbury - 18/03427/FUL**

The Technical Specialist Planning Officer introduced the application for the erection of 5No. dwellings with access road to supersede existing consent for plots 17-21 of existing permission 16/00188/REM pursuant to outline consent 14/02406/OUT and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

Members' attention was drawn to the Schedule of Additional Letters which included representations from a neighbour, the agent and the Case Officer. The Technical Specialist Planning Officer advised the Committee that if they were minded to approve the application Condition 3 required amendment as detailed in the Schedule of Additional Letters.

Councillor Eric Brayne, on behalf of Berrington Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Claire Wild addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During her statement, a number of points were raised including the following:

- The original application was approved when the Council did not have a five year land supply;
- The relationship between the developer and the Parish Council had deteriorated following flooding on site in April 2018;
- At a meeting with the developer it had been stated that there was no reason not to connect to the French drain but this had still not been done; and
- Approving this application would set a dangerous precedent.

Helen Howie, agent for the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to a queries, the Technical Specialist Planning Officer clarified the measurements of the finished floor levels as listed in the Schedule of Additional Letters and assured Members that the Shropshire Council Drainage Team were satisfied with the drainage proposal submitted by the developer.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed the view that the application be approved as per the Officer's recommendation subject to an amendment to Condition 3 as detailed in the Schedule of Additional Letters.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The conditions set out in Appendix 1; and
- An amendment to Condition 3 as set out in the Schedule of Additional Letters.

51 Land South of Millrace Cottage, Longmeadow Drive, Shrewsbury - 18/03663/FUL

The Technical Specialist Planning Officer introduced the application for the erection of 1 No split-level house with integral garaging and associated parking, served by an existing access and improved private drive and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

Members' attention was drawn to the Schedule of Additional Letters which included representations from a neighbour, the agent and the Case Officer. The Technical Specialist Planning Officer advised the Committee that if they were minded to approve the application Conditions 3, 5 and 11 required amendment as detailed in the Schedule of Additional Letters.

Having considered the submitted plans for the proposal, Members unanimously expressed the view that the application be approved as per the Officer's recommendation subject to amendment to Conditions 3, 5 and 11 as set out in the Schedule of Additional Letters and an informative being added to the decision notice in relation to the height of the hedge as detailed in the Scheduled of Additional Letters.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The conditions set out in Appendix 1;
- Amendment to Conditions 3, 5 and 11 as set out in the Schedule of Additional Letters; and
- An informative being added to the decision notice in relation to the height of the hedge as detailed in the Scheduled of Additional Letters.

52 Land Adj. Hawthorn Cottage, Longden, Shrewsbury - 18/00251/FUL

The Area Planning Manger introduced the application for the erection of 2 No dwellings, formation of vehicular and pedestrian access and installation of package treatment plant. It was explained that at the Central Planning Committee meeting held on 2nd August 2018, the application was deferred on the request of the applicant

to overcome concerns raised by the Parish Council. The Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area on 2nd August 2018.

Members' attention was drawn to the Schedule of Additional Letters which included comments from the Parish Council and the Case Officer in relation to amendments to the report in light of the adoption of the revised National Planning Policy Framework on 24th July 2018. The Area Planning Manager advised the Committee that if they were minded to approve the application Conditions 6, 9, 10 and 11 required amendment as detailed in the Schedule of Additional Letters.

Councillor Neil Evans, on behalf of Longden Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Hollings, the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The following statement from Councillor Roger Evans as the local ward Councillor, was read out to the Committee:

'As per previous Planning Officers statement, Longden Parish has had planning applications granted for around 80 houses. This includes around 10 in this cluster. The new Parish Plan shows 2/3 bedroom houses are wanted and needed in the Parish. In this cluster the vast majority of new builds have been larger houses.

Many in Lower Common would dispute that it could be classified as a sustainable village in planning terms. This comment, in fact was also echoed by Officers in a recent application for holiday accommodation.

The first application for this site was for 3 houses which was objected to due to overdevelopment. This one is for 2 larger houses which are different in character to others in the village.

Objection is therefore made to both the design and situation of these houses.'

Having considered the submitted plans for the proposal and noted the comments of all the speakers, Members unanimously expressed the view that the application be approved as per the Officer's recommendation subject to amendment to Conditions 6, 9, 10 and 11 as set out in the Schedule of Additional Letters.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The conditions set out in Appendix 1; and
- Amendment to Conditions 6, 9, 10 and 11 as set out in the Schedule of Additional Letters.

53 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 25th October 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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Committee and date
 Central Planning Committee
 25 October 2018

Item
5
 Public

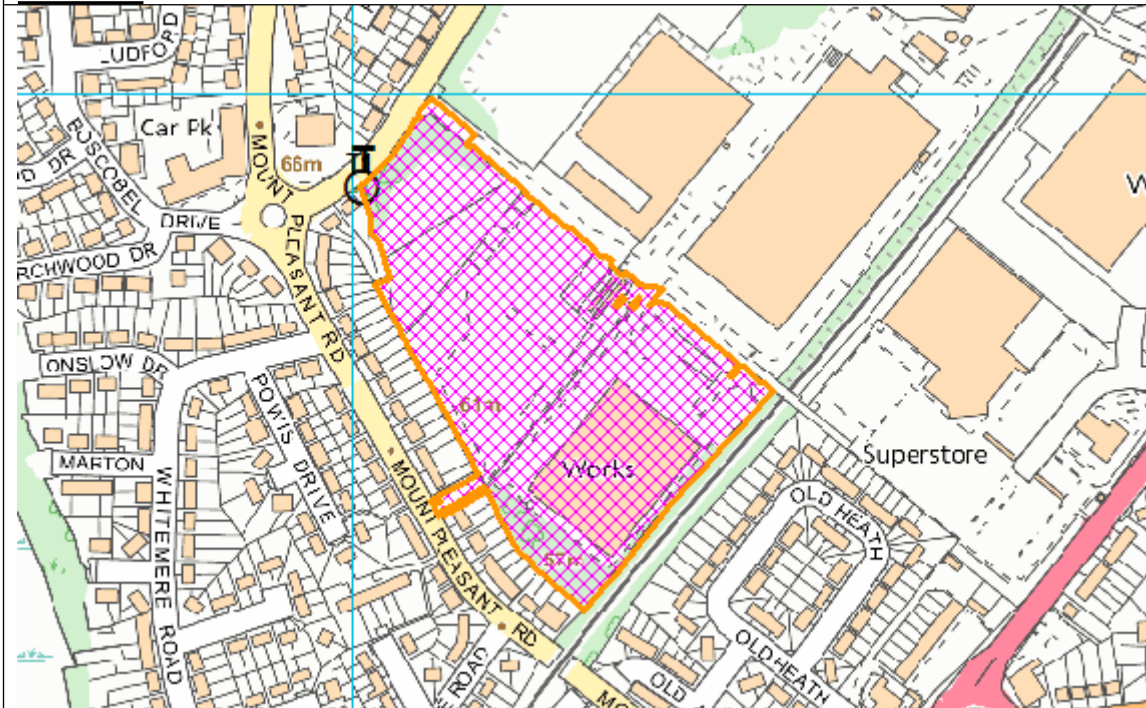
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/04559/OUT	Parish:	Shrewsbury Town Council
Proposal: 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)		
Site Address: Caterpillar Defence Perkins Engines Lancaster Road Shrewsbury Shropshire		
Applicant: Caterpillar Defence		
Case Officer: Tim Rogers	email: planningdmsw@shropshire.gov.uk	

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 30th 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 queuing 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.

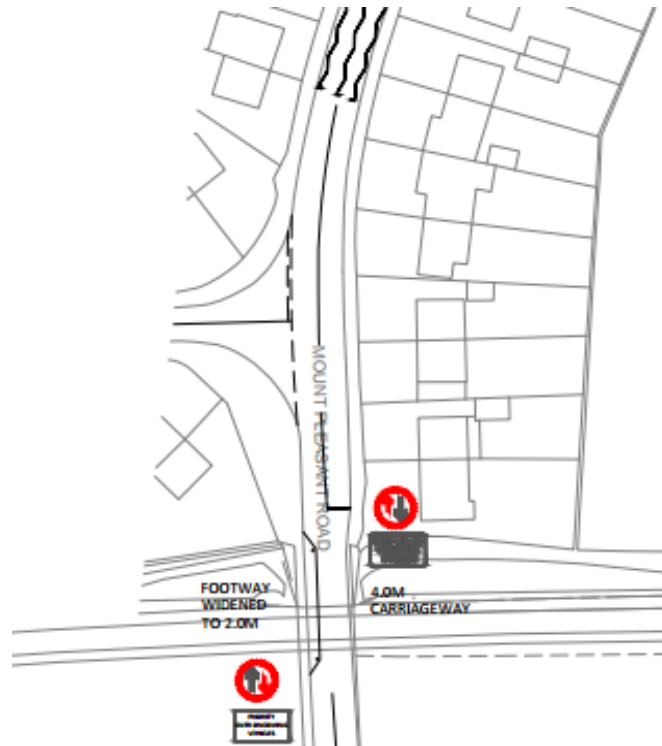
Given the above, and given that the proposal is considered to be acceptable in all other respects, as set out in the full officer report, the recommendation remains that the application be approved subject to the imposition of appropriate conditions and completion of an S106 Agreement in the terms set 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 m². 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, herbtile 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?

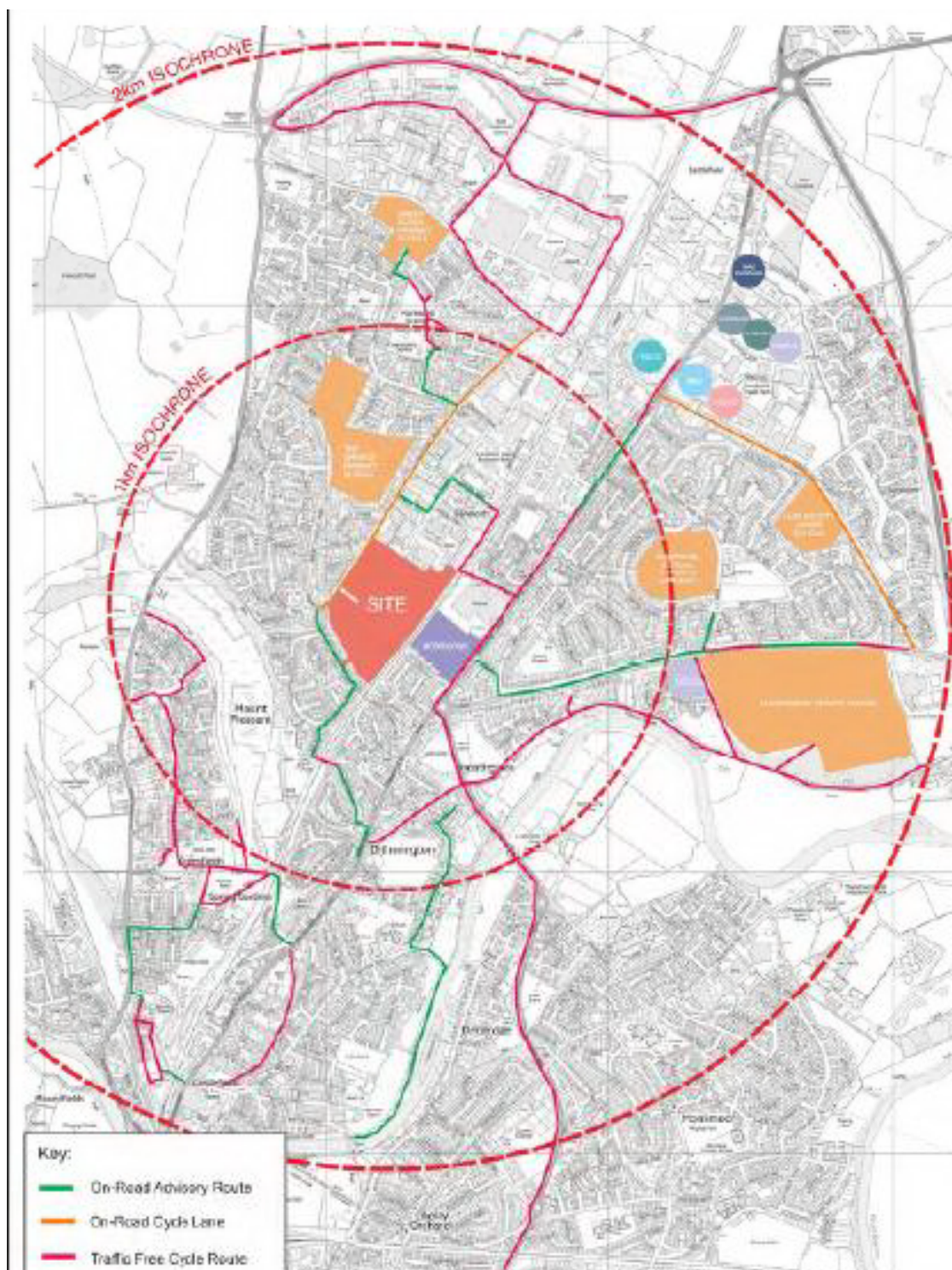
6.1.7 In response to this question, it is generally accepted that each planning application must be considered on its own merits. However, in this particular case, the application site covers a relatively small area of a much larger area of protected land and developing it for housing would not prejudice 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 officers 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).

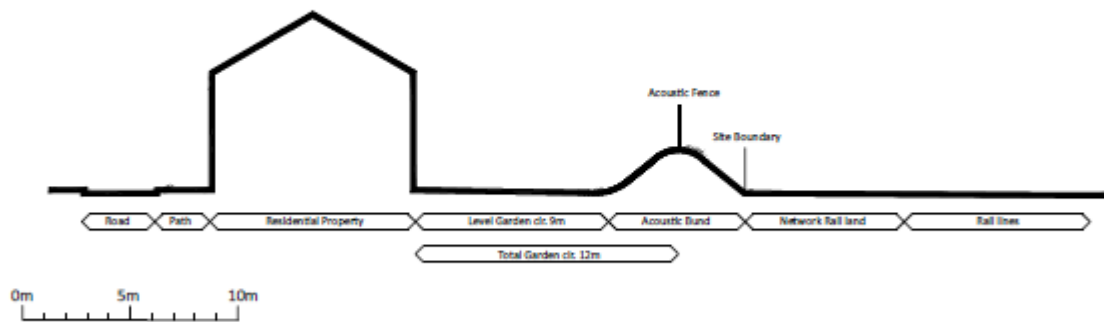
6.5.2 The indicative layout shows that the houses could be designed with a distances in excess of 21m between existing and proposed houses' habitable windows so there will be no loss of privacy using this long established standard. A detailed layout with a yield of up to 140 homes would be likely to 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.

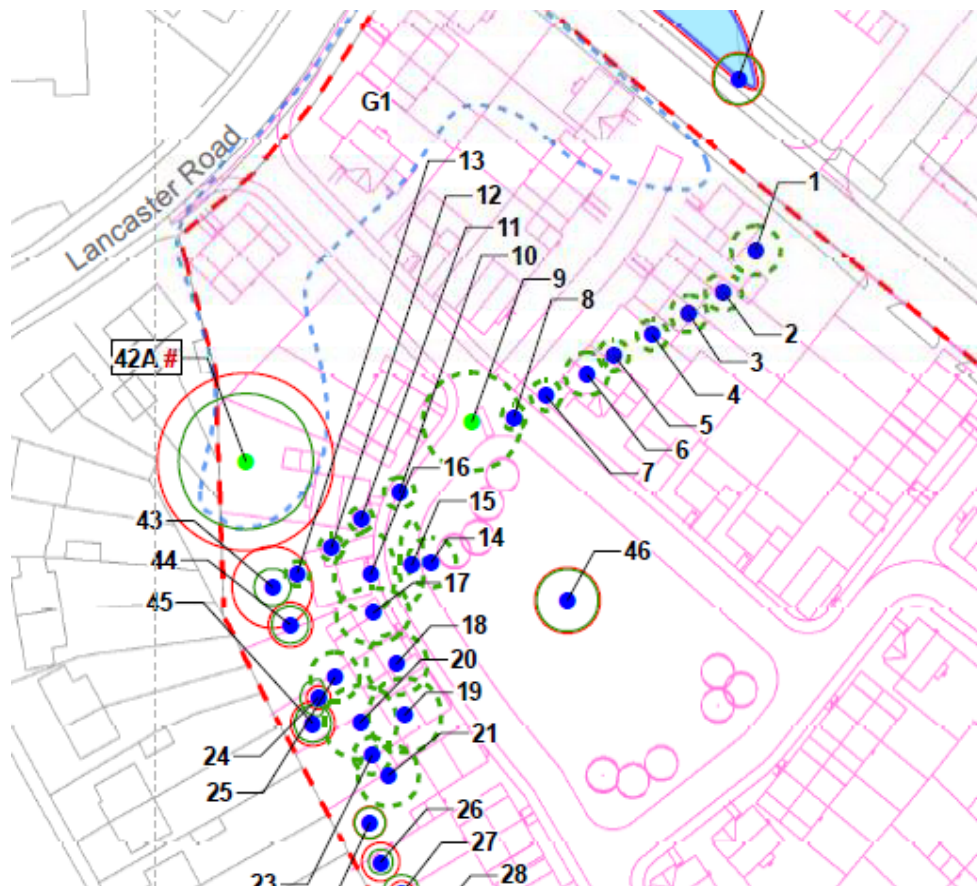
6.6 Impact on landscape and trees, biodiversity and ecology

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. 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.

1.0 INTRODUCTION

1.1 This summary note has been prepared to provide clarification on the traffic impact of the residential development proposals at Caterpillar, Lancaster Road, Shrewsbury (Application Number 16/04559/OUT).

1.2 The summary draws from information set out in the three transport documents provided with the application, or during the determination period:

- Transport Assessment (17021-01b) – dated September 2016.
- Transport Assessment Addendum (17021-02) dated July 2017.
- Technical Note (17021-03d) – dated October 2017.

1.3 All three documents have been accepted by Shropshire Highways department as representing best practice. They also concur with the conclusions that the site proposals do not give rise to a severe impact as defined by NPPF (2018).

1.4 Each of the documents appraised the impact of 150 dwellings. This number has since reduced to 140 dwellings, meaning that the appraisals illustrate an over-estimate of the impact.

2.0 ADDITIONAL SITE TRAFFIC – MOUNT PLEASANT ROAD/ DITHERINGTON ROAD

2.1 The residential proposals will clearly generate some additional traffic. However, even if the residential development were not to come forward, the site could already generate additional employment traffic without the need for any change to the existing consent on the site.

2.2 The net increase in vehicle movements from the proposed residential development at the Mount Pleasant Road/ Ditherington Road traffic signals in the morning and evening peak hours is only:

- 26 two-way vehicles across the AM peak hour (0800-0900), so 1 extra vehicle every 2 minutes.
- 11 two-way vehicles across the PM peak hour (1700-1800), so 1 extra vehicle every 5-6 minutes.

2.3 The impact of this additional traffic on the morning and evening peak hour queues on Mount Pleasant Road towards the lights on Ditherington Road is shown on a series of sketches included at **Appendix A** (incorporating Sheets 1-4).

2.4 These visually record the effect on queues of additional employment traffic; additional residential traffic; and the separate effect of the introduction of enhanced pedestrian facilities beneath the rail bridge. On site observations showed that there is a 10-15 minute period within each peak hour, related to the existing Caterpillar operation where queues on Mount Pleasant Road lengthen and then shorten again. This "peak within a peak" period is illustrated alongside the typical peak period queues on the attached images.

2.5 The sketches illustrate:

- The extent of vehicle queuing on Mount Pleasant Road with no change at the application site (in red).
- The extra queue resulting from employment development which could be implemented under the existing consent on the application site (in blue).
- The extra queue resulting for the proposed application residential development (in green).
- For each of the above, the position of the queue as influenced by the implementation of the proposed footway widening and carriageway narrowing under the rail bridge.

2.6 These demonstrate:

- A. That the effect on queuing on Mount Pleasant Road from the residential proposals is extremely modest (as illustrated by the short sections of green shading).
- B. That the effect of the pedestrian enhancements at the rail bridge are also modest, but the back of the queue moves further along Mount Pleasant Road. This not because there are more vehicles in that queue, but because queuing under the bridge would not be possible, as the carriageway would be only one lane wide. With these works being consistent with Shropshire Council's own local initiatives, the resulting effect is not an implication of the development traffic itself.
- C. That queues do not block vehicle movements at the Lancaster Road roundabout.

2.7 As confirmed by Shropshire Council Highways, the impact will not be severe.

3.0 HEATHGATES ROUNDABOUT

3.1 The scope of the highway appraisal was agreed with Shropshire Council Highways at the outset, and reviewed and revised during the determination period. It was agreed there would be insufficient traffic generated by the site proposals to require the Heathgates roundabout to be assessed under Best Practice Guidance.

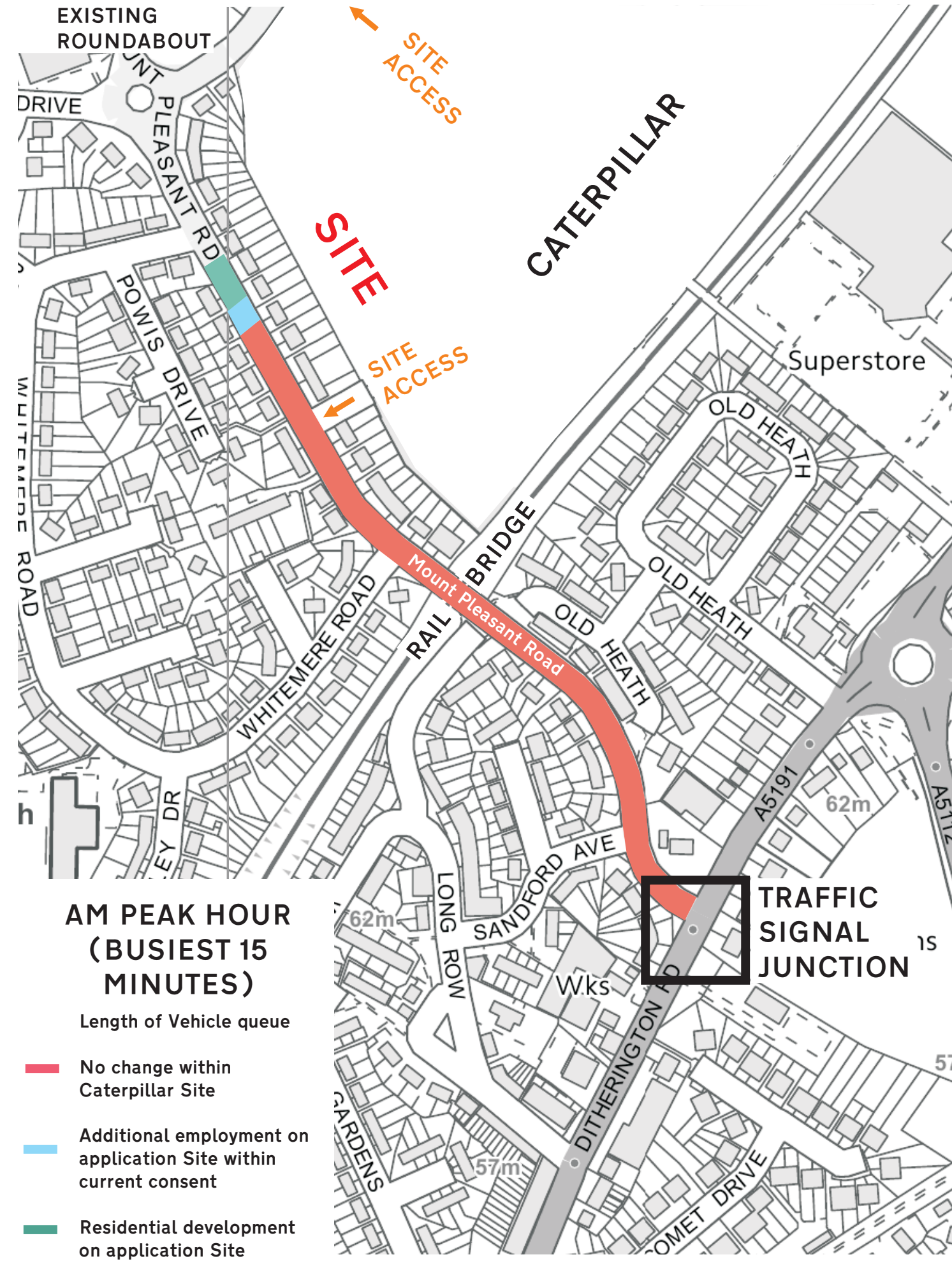
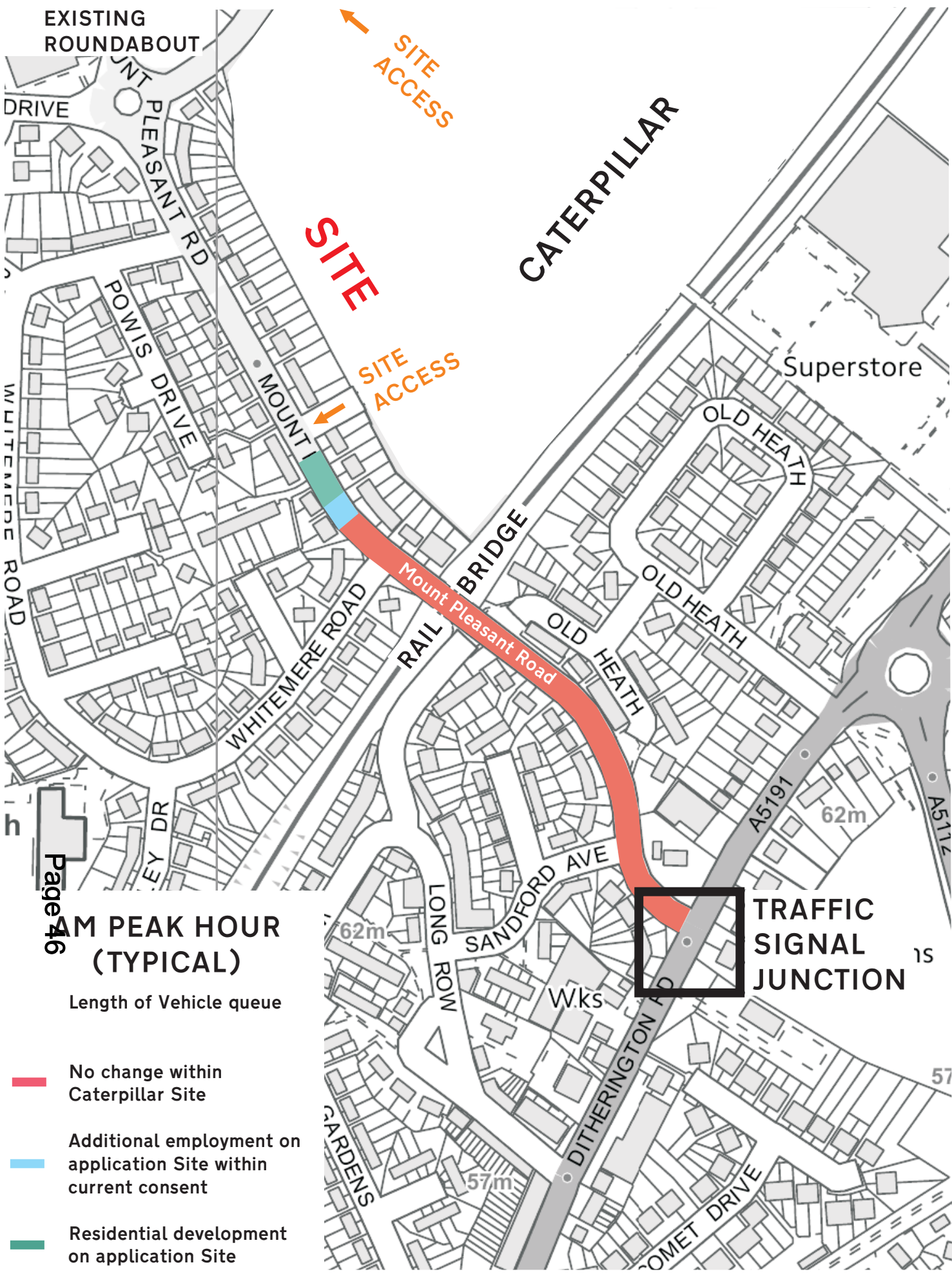
3.2 Notwithstanding this, as part of the Transport Assessment Addendum (June/July 2017) and the Technical Note (September/October 2017) referred above, a series of site visits and camera surveys were undertaken at the roundabout at peak periods. These showed that queuing at the roundabout did not stretch back to the Ditherington Road signals. As such, this re-enforced the view of the applicant team and Shropshire Council Highways that the small levels of additional site

traffic on that part of the network, would mean any impact would be extremely limited.

4.0 OFF-SITE TRANSPORT MITIGATION

- 4.1 The site proposals deliver pedestrian enhancements on Mount Pleasant Road. These will benefit existing and future residents/employees. The scheme to narrow the carriageway at the rail bridge to enhance pedestrian safety and convenience is one that is consistent with Shropshire Council's aspirations, irrespective of whether or not development comes forward. Hence these are well related to the site, and save Shropshire Council from the financial obligation of delivery. The site would also be subject to a Travel Plan.
- 4.2 The local highway network is subject to existing queuing. It is however, not the responsibility of the development to resolve existing network deficiencies. Based on Best Practice Guidance, it has been demonstrated across three separate reports that no further mitigation is required as a consequence of the development proposals. These findings have been reviewed thoroughly by Shropshire Council Highways, who have confirmed the same.

Appendix A



EXISTING ROUNDABOUT

SITE

SITE ACCESS

CATERPILLAR

Superstore

OLD HEATH

RAIL BRIDGE
Mount Pleasant Road

WHITMERE ROAD

DRIVE
MOUNT PLEASANT RD
POWIS DRIVE
WHITMERE ROAD
WILTEMERE ROAD
EY DR

Page 46

TRAFFIC SIGNAL JUNCTION

62m
15
57
57m
Wks
DITHERINGTON RD
COMET DRIVE
GARDENS
LONG ROW
SANDFORD AVE

EXISTING ROUNDABOUT

SITE

SITE ACCESS

CATERPILLAR

Superstore

OLD HEATH

RAIL BRIDGE
Mount Pleasant Road

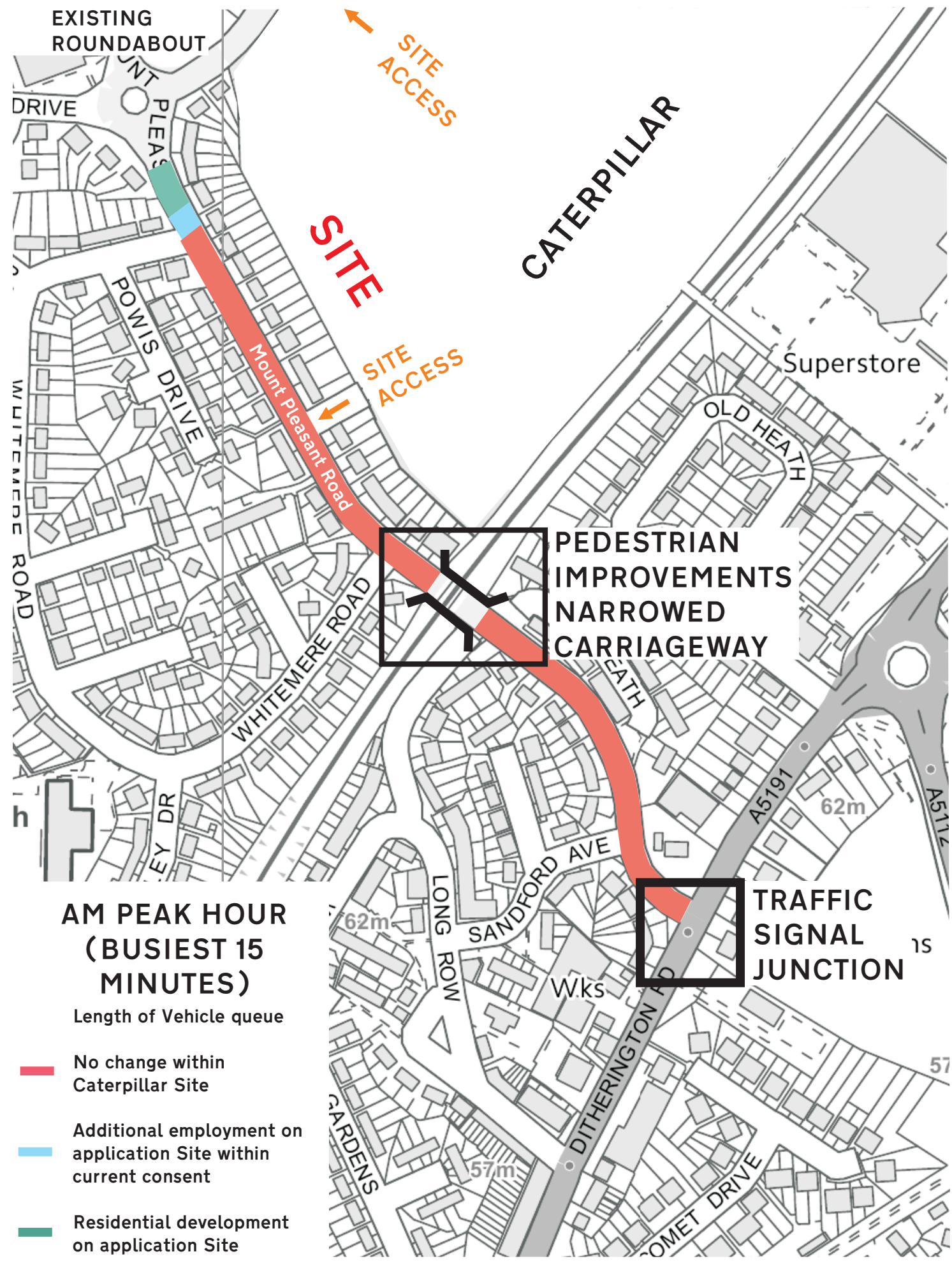
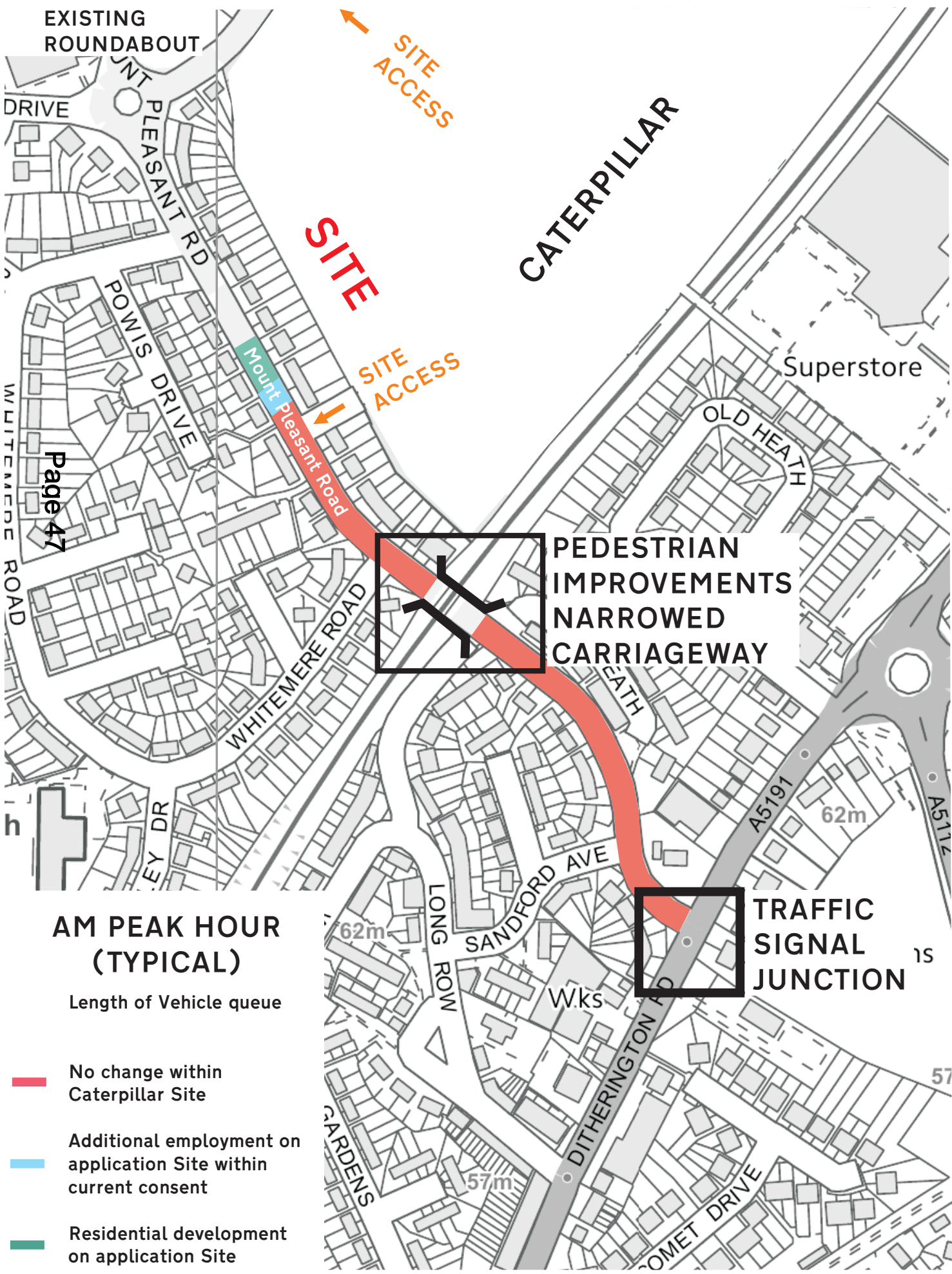
WHITMERE ROAD

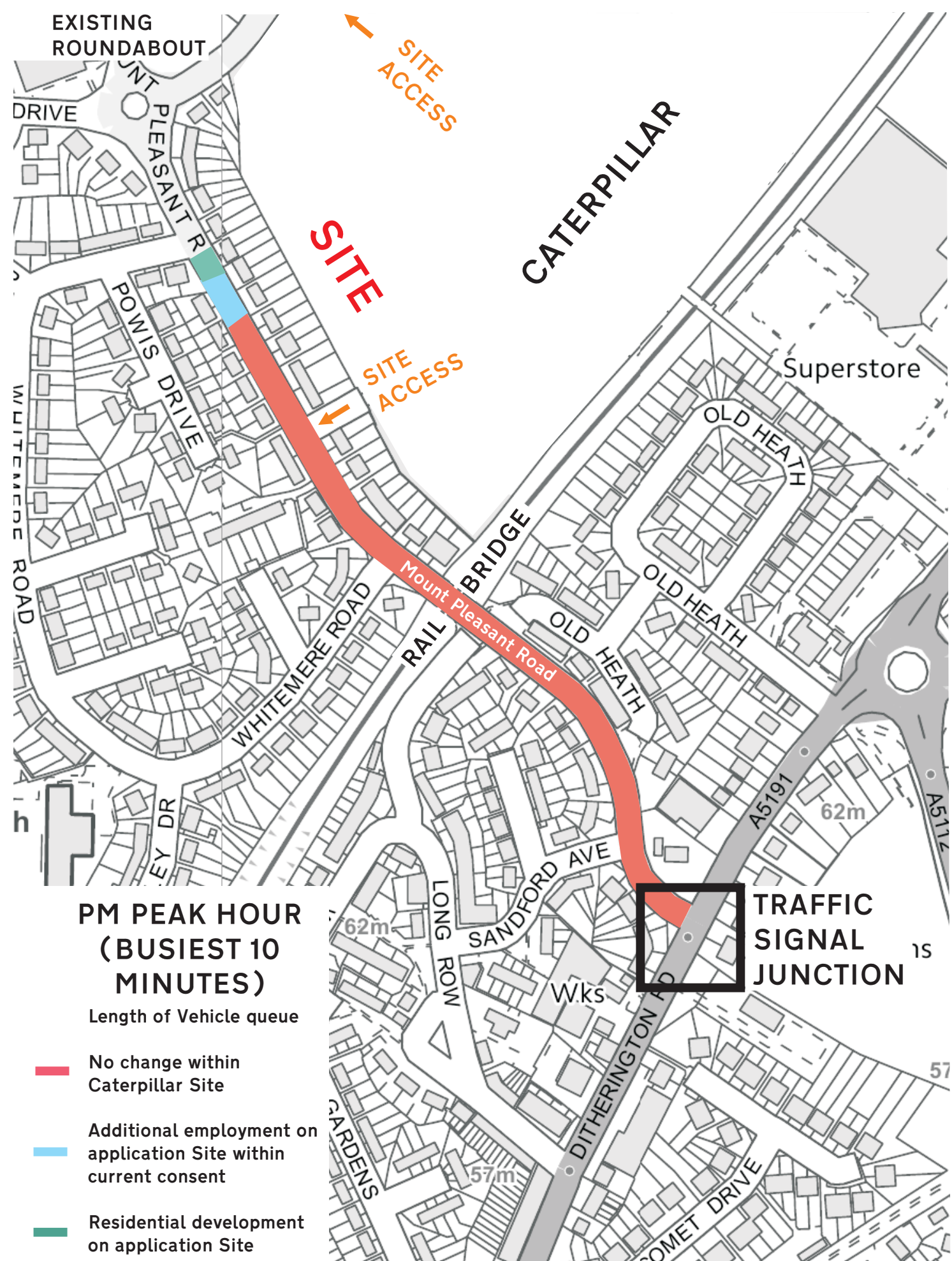
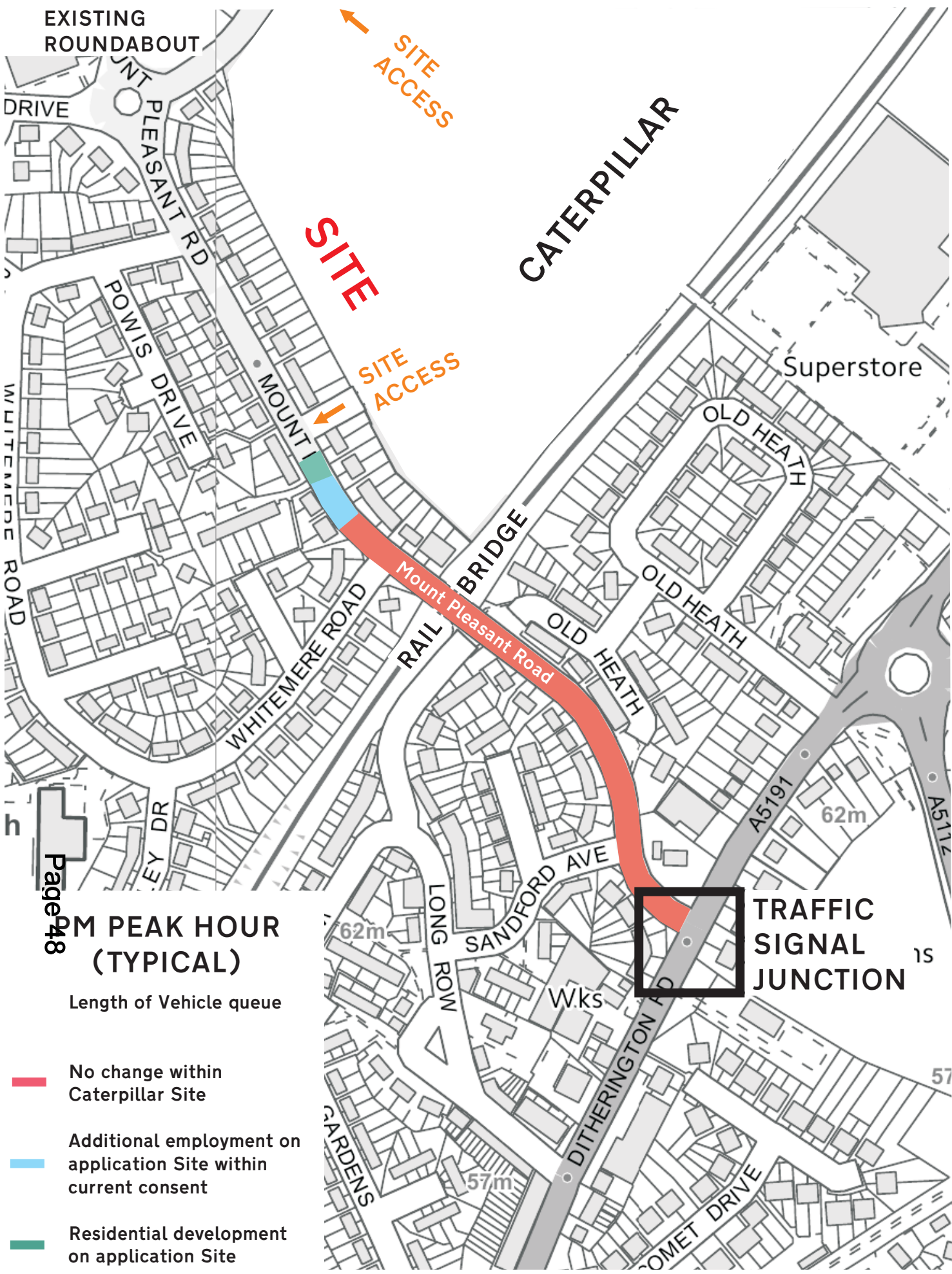
DRIVE
MOUNT PLEASANT RD
POWIS DRIVE
WHITMERE ROAD
WILTEMERE ROAD
EY DR

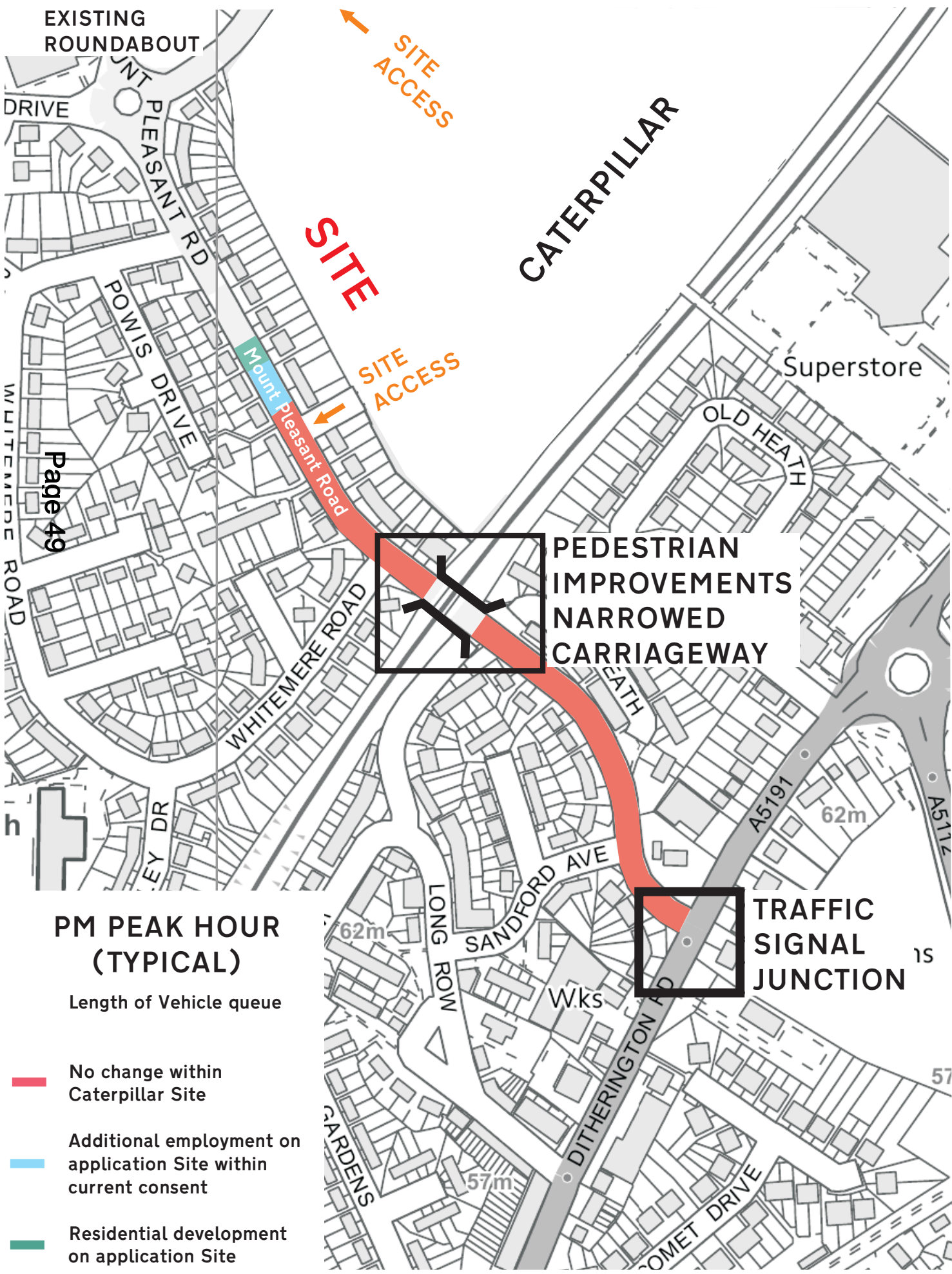
Page 46

TRAFFIC SIGNAL JUNCTION

62m
15
57
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Wks
DITHERINGTON RD
COMET DRIVE
GARDENS
LONG ROW
SANDFORD AVE

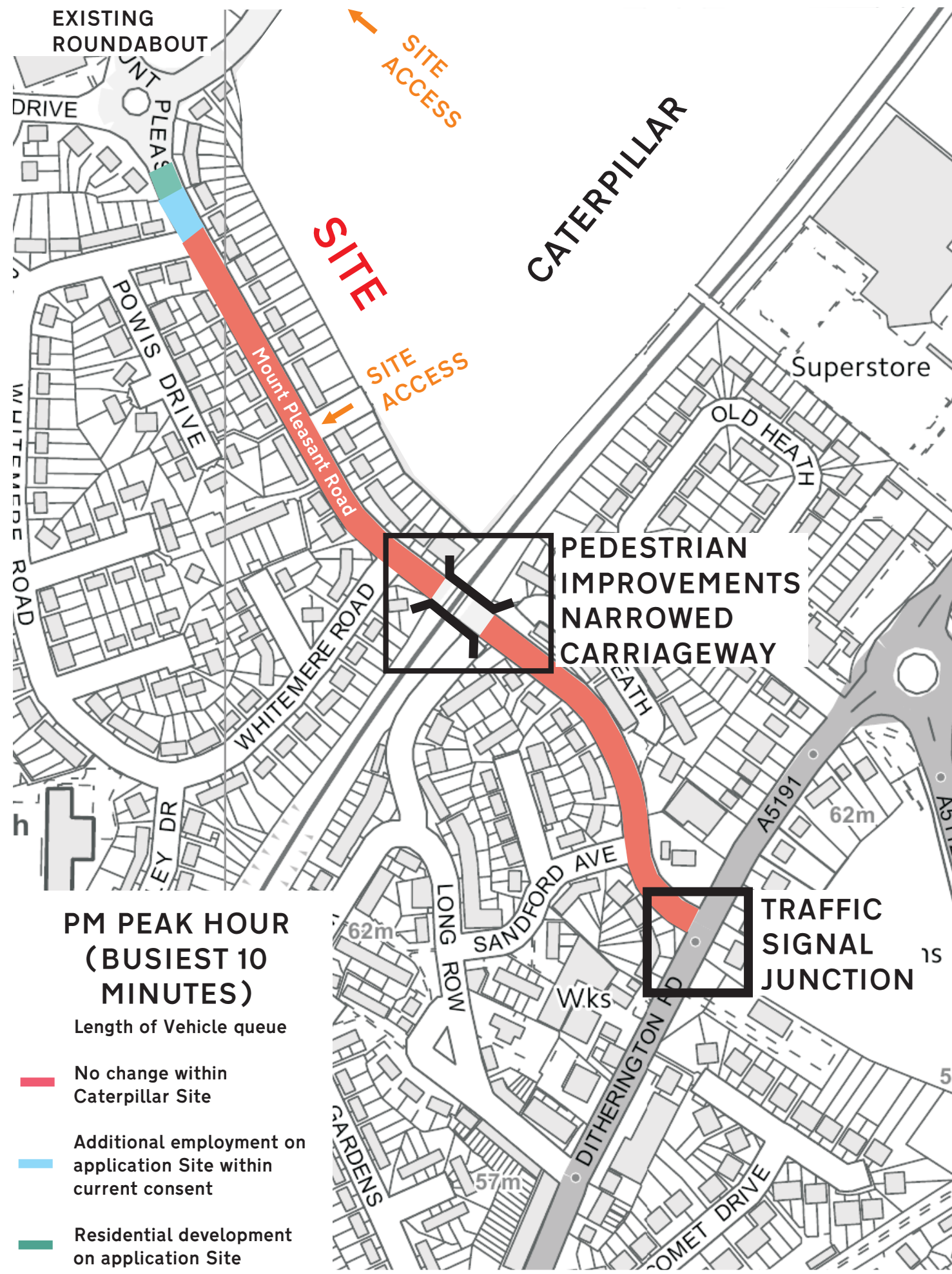






**PM PEAK HOUR
(TYPICAL)**
Length of Vehicle queue

- █ No change within Caterpillar Site
- █ Additional employment on application Site within current consent
- █ Residential development on application Site



**PM PEAK HOUR
(BUSIEST 10 MINUTES)**
Length of Vehicle queue

- █ No change within Caterpillar Site
- █ Additional employment on application Site within current consent
- █ Residential development on application Site

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Committee and date
 Central Planning Committee
 25 October 2018

Item
6
 Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 18/02747/OUT	<u>Parish:</u>	Bayston Hill
<u>Proposal:</u> Outline application for residential development for up to 2No. dwellings with retention of access		
<u>Site Address:</u> Proposed Residential Development Land To The North Of Betley Lane Bayston Hill Shrewsbury Shropshire		
<u>Applicant:</u> Mrs Julie Houlker		
<u>Case Officer:</u> Nanette Brown	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 348384 - 308395



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 This application seeks outline planning permission including means of access. All other matters of appearance, landscaping, layout and scale are to be reserved matters. The proposed access is shown to utilise an existing access located at the end of Betley Lane.

1.2 Submitted illustrative plans show two detached houses set to the western side of the site, avoiding the positions of a foul sewer that crosses the site and the root protection areas of existing trees located close to the sites eastern boundary.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located to the north end of Betley Lane, an unadopted private lane that serves approximately 22 residential properties as well as providing access to the rear gardens of properties located on the south side of Lyth Hill Road.

2.2 To the east of the site is a detached property, Highfields that is accessed of a private driveway that runs alongside the northern boundary of the site. To the west of the site lies the ends of the rear gardens to properties fronting Lyth Hill Road. To the south lies the end of Betley Lane as well as the end properties of the lane that are located on the south side of the lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers that the local member considers to be based on material planning reasons and the Area Planning Manager in consultation with the Vice Chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations**4.1 - Consultee Comments**

SC Suds – No objection

Suggested condition – details of surface water and foul drainage to be agreed.

SC Ecology – No objection

Supporting documents have been submitted including an Ecological Assessment prepared by Star Ecology (23rd February 2018).

Suggested conditions – bat boxes, external lighting, and suggested details for reserved matters submission plus informatives.

SC Trees – awaited, on submitted arboricultural report.

SC Highways – No objection

The proposed development site is located at the northern end of Betley Lane, Bayston Hill. Betley Lane is a private lane accessed off Lyth Hill Road, an unclassified urban road governed by a local 30mph speed limit. The junction of Betley Lane is existing, though not ideal due to the height of neighbouring hedges. Planning approval has previously been granted for single dwellings on Betley Lane. The development proposes the erection of up to two dwellings with parking and turning for each to enable vehicles to exit in a forward gear. Access is existing and this will be improved and widened. Due to the narrowness of Betley Lane and traffic and parked vehicles along Lyth Hill Road a Construction Method Statement, including a Traffic Management Plan will be required.

Suggested conditions – access layout and drainage; parking and turning areas; construction method statement

SC Regulatory Services – No objection

The location of the development appears to be in a parcel of land surrounded by residential properties in close proximity. The applicants should ensure that disturbance is minimised by keeping to works hours to protect the existing residents during the duration of works. These are 8am to 6pm Monday to Friday, 9am to 1pm Saturday and no work on Sundays or Bank Holidays.

SC Waste Management – Comments

Vital new homes have adequate storage space to contain waste for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice.

Bayston Hill Parish Council – Objection

Bayston Hill Parish Council strongly objects to the proposed development of two additional properties on Betley Lane, the proposed access for which is a narrow, unadopted and unsurfaced track unsuitable for additional vehicular movements. The applicant has provided no evidence of a vehicular right of access along Betley Lane, which is an unadopted private road.

As the lane is private no parking restrictions may be enforced, so even should a right of access be in place there is no guarantee that it can be maintained. The narrow lane is already used by residents of Betley Lane for parking and this causes significant problems for emergency and refuse vehicles. It is highly unlikely that a fire appliance or ambulance could get to the site without moving parked vehicles. There are already a number of existing residents with mobility issues who need to park in the lane in order to get into and out of their homes safely.

Betley Lane is untarmacked and is unsuitable for disability scooters, wheelchairs and pushchairs. Should the future occupants of the proposed properties have any mobility issues, it is likely that they would rely heavily on private cars, which would increase the number of movements along the already congested lane. With two allocated parking spaces each the lane is likely to experience up to 10 vehicle movements each day. The properties would also attract delivery vehicles and visitors which the site is unlikely to be able to fully accommodate. These will inevitably increase the number of parked vehicles and further restrict access.

The lane is used as a play area by the many school children who live in Betley Lane. Betley End is the quietest part of the lane due to the lack of through traffic. Introducing two additional properties on this site will significantly compromise a relatively safe area for fresh air and informal recreation.

It has recently been demonstrated that the construction of new housing is detrimental to the surface of the road which is maintained by existing residents. The proposed development would impact heavily on the most fragile section of the lane and is likely to cause significant damage.

Furthermore, the lane already suffers from very poor surface water drainage, which results in regular flooding of Betley End. It is proposed that soakaways be used to deal with surface water drainage but as there is insufficient drainage to cope with the existing run off, it is unlikely that soakaways will be adequate to deal with the accelerated run off from new roofs and driveways.

As the topographically lowest area the proposed site struggles to absorb the existing surface run off from the lane. Even in its present unsurfaced state it becomes swamped so the proposed development is likely to cause flooding problems for the new properties as well as extending flooding back up the lane to existing properties.

The potential for damage to the existing residential amenity outlined above is contrary to Core Strategy CS6, Sustainable Design and Development Principles and should therefore be rejected.

Whilst the Parish Council recognises that the site lies within the development boundary of a Community Hub it considers that this site is unsuitable for the development proposed

4.2 - Public Comments

23 objections to the application have been made by third parties, summarised as follows:

Principle

Concerned approving this would set a precedent for others to apply.

Access & Highway Safety

Unadopted narrow lane is deteriorating due to excessive use; access for emergency vehicles, construction vehicles, service and delivery vehicles is difficult and extremely limited; lane is limited in width and has no dedicated passing or turning space; any additional use will further endanger the safety of pedestrians, ramblers using the public right of way and school children using the lane; construction vehicles will cause a further hazard and inconvenience to existing residents; visibility at junction of lane and Lyth Hill Road is poor due to volumes of traffic parked along the road; also a bus stop set opposite the junction; access to the site should be taken from the private lane to the north of the site that serves a smaller number of dwellings.

Residential amenity

Loss of privacy will result to adjacent properties through overlooking; added traffic using the lane will impact on quiet residential amenity currently enjoyed; any dwellings built should be bungalows with not first floor openings facing neighbours

Drainage/utilities

The land is frequently flooded throughout the year, providing drainage for the lane; any development of this site may flood itself or cause flooding to existing properties which don't currently experience any flooding; adjacent properties to the site have also flooded (from this site); existing utility pipes and cables cannot cope with increased demand/use

5.0 THE MAIN ISSUES

Principle of development

Access

Drainage

Residential Amenity

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site is located within the identified development boundary for

Bayston Hill as set out in SAMDev, policy 16.2(ii). This policy as well as policy CS4 of the adopted core strategy also identifies Bayston Hill as a community hub where development by infilling or by groups of houses may be acceptable on suitable sites within the development boundary.

- 6.1.2 The site is also surrounded by residential properties. Officers consider that in principle the use of the site for residential development is acceptable.
- 6.1.3 The submitted layout plan is illustrative only at this stage, but does show that two dwellings could be physically accommodated within the site, subject to more detailed designs at the reserved matters stage.
- 6.2 Access
- 6.2.1 The proposed access is shown leading off the end of Betley Lane, through an improved existing gateway. The applicant's agent has confirmed that the applicants have a legal right of way to use this access onto Betley Lane. They have also confirmed that no access is proposed from the application site onto the private access drive to the north, as this driveway is not in the ownership of the applicant and they also have no right of way over it.
- 6.2.2 SC Highways officers have raised no objections to the proposed access onto Betley Lane and then to the additional use of the junction of Betley Lane and Lyth Hill Road, although they have noted the limited width of the lane itself. They have therefore requested that a Construction Method Statement, including a Traffic Management Plan be required by condition if planning permission is granted.
- 6.2.3 Officers note that Betley Lane is privately owned. Whilst the lane is narrow and unevenly surfaced, the illustrative layout shows the potential for provision of sufficient parking and turning space within the site to allow vehicles to enter and leave along Betley Lane in a forward gear.
- 6.3 Drainage
- 6.3.1 Several of the objections received, including that of the Parish Council, refer to existing flooding of the lane, adjacent gardens and the application site during wet/winter periods. SC Suds officers have raised no objections to the application on this basis, but have requested that the details of surface water drainage and foul drainage be agreed and approved by the Local Planning Authority prior to commencement of any works on site. This information could be required to form part of the first submission of any reserved matters in order to ensure that adequate drainage of the site is considered and carefully designed as part of the more detailed scheme.
- 6.4 Residential Amenity
- 6.4.1 Several objectors have raised concerns that the construction of two dwellings will result in significant overlooking of their private gardens and houses.

6.4.2 The illustrative plans show the two proposed properties set close to the western boundary of the site. As shown a distance of over 30 metres would exist between the rear elevations of the existing properties fronting Lyth Hill Road and the closest elevation of the new dwellings. Officers consider that this distance would be acceptable and that any detailed design of houses could also be designed in a way to further mitigate any potential loss of privacy by limiting and reducing the types and numbers of window openings on the west elevation of each dwelling. This matter would be further explored at the reserved matters stage.

6.5 Other matters

6.5.1 Trees – SC Trees officers have raised no objections to the proposed development of the site. Officers are satisfied that the site can be developed to provide two residential units without impacting on the trees with the most significant amenity value. SC tree Officers have requested that an updated Arboricultural Impact Assessment and tree protection is submitted with any reserved matters application in order to confirm that this remains the case with the final proposed design.

6.4.2 Ecology – SC Ecologists have read the submitted ecological assessment report and note that the oak tree to the east of the site boundary was identified as having bat roost potential. They have suggested conditions relating to provision of additional bat boxes, control over any external lighting and requirement to provide a construction environmental management plan with the reserved matters to ensure that wildlife is adequately protected during building works.

7.0 CONCLUSION

7.1 The site is located within the identified development boundary which surrounds Bayston Hill, a community hub as identified in the adopted SAMDev and Core Strategy Local Plans. Officers consider that the site could be developed for two dwellings without having any significant detrimental impact on either adjacent residents, the local highway network or the local natural environment.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

② 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.

② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning

issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

-

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)
Planning file 18/02747/OUT
Cabinet Member (Portfolio Holder)
Cllr R. Macey
Local Member
Cllr Ted Clarke Cllr Jane Mackenzie Cllr Tony Parsons
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 following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

Details of the proposed foul and surface drainage, including details and sizing of any percolation tests carried out and proposed soakaways;

Reason: To ensure the drainage of the development is of an appropriate standard and to

5. The following information shall be submitted to the local planning authority concurrently with the submission of the reserved matters relating to the layout of the site:

An updated Arboricultural Impact Assessment and tree protection plan that takes into account the chosen design and proposed site layout.

Reason: To ensure that the final proposed site layout of the development ensures the protection of all trees identified on site as having significant amenity value.

6. Work shall be carried out strictly in accordance with the Ecological Assessment prepared by Star Ecology (dated 23rd February 2018).

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

7. The development hereby permitted shall not be brought into use until the access has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.
Reason: To provide a safe access to the development in the interests of highway safety.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - a Traffic Management Plan
- Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

9. No construction works shall take place before 8 am on weekdays and 9am on Saturdays nor after 6pm on weekdays and 1pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.
Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catch pit prior to entering the soakaway to reduce sediment build up within the soakaway. Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.
4. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.
5. 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, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation 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 appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.
6. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. To avoid harming hedgehogs during the works, site clearance (including removal of piles of deadwood and other potential hibernation sites) should be undertaken between April and October. Materials should not be stacked in the working area before then unless they are raised up on pallets, or similar. If a hibernating hedgehog is found on the site then it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

7. 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. Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition). If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.
8. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.
9. 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 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.
10. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.
<https://new.shropshire.gov.uk/planning/faqs/>

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<u>Committee and date</u>
Central Planning Committee
25 October 2018

<u>Item</u>
7
Public

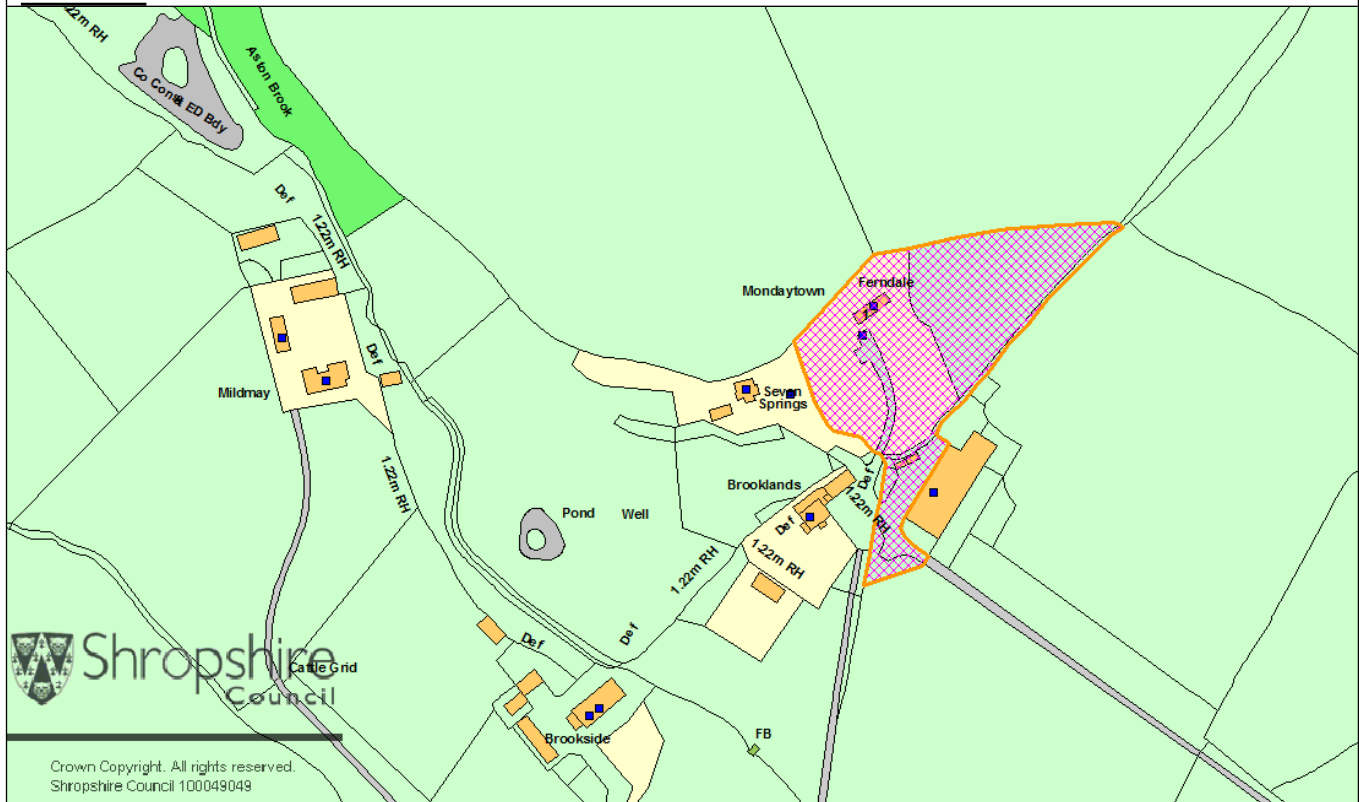
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/02962/FUL	Parish: Westbury
Proposal: Erection of replacement dwelling; installation of package treatment plant	
Site Address: 1 Monday Town Westbury Shrewsbury Shropshire SY5 9HG	
Applicant: Mr & Mrs Foster	
Case Officer: Cathryn Robinson	email: planningdmc@shropshire.gov.uk

Grid Ref: 334367 - 307145



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

Recommended Reason for refusal

1. The proposed replacement dwelling is materially larger and not sympathetic to the size and mass of the original property. By virtue of its scale and design, the proposal would fail to maintain the balance of local housing stock. The proposal is therefore contrary to Policy CS5, and CS6 of the adopted Core Strategy, SAMDev Policy MD7a, paragraphs 2.20-2.23 of The Type and Affordability of Housing SPD, and paragraphs 11-14 of the National Planning Policy Framework.

2. The proposal would have a significant detrimental visual and landscape impact on the surrounding countryside, due to its prominent skyline siting. These impacts are not considered able to be adequately mitigated by means of additional planting nor design amendments. It is considered that development on this site has a significant detrimental visual impact when viewed from surrounding public footpaths. As such the proposal is considered contrary to Policies CS5, CS6, and CS17 of the Shropshire Core Strategy, Policies MD2, and MD13 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development.

REPORT

1.0	THE PROPOSAL
1.1	This application seeks permission for the erection of a replacement dwelling and the installation of an associated package treatment plant.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site lies within the hamlet of Mondaytown, situated approximately 2.5 miles south west of Westbury. The hamlet is accessed via a lengthy unadopted track/lane. The existing building sits slightly to the north in a commanding position within the domestic curtilage, with the closet neighbours (Seven Springs) being some 32m away. The site topography slopes up from the south towards the North.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The Parish Council have provided views contrary to the Officers recommendation. This application has been discussed with the Local Member whom concurs with the support of the Parish Council, and as such has requested a committee determination of the scheme.

4.0	Community Representations
4.1	- Consultee Comments
4.1.1	Westbury Parish Council The Parish Council made comments in support of this application
4.1.2	SUDs No objection; please see decision notice, where informatives are recommended.
4.1.3	SC Affordable Housing Replacement dwellings are exempt from the need to contribute to affordable housing.
4.1.4	SC Rights of Way No comments to make on this application.
4.1.5	<p>SC Conservation <u>17.09.18</u> These comments supplement those previously submitted on 24/7/18 and 7/8/18 respectively, where there were objections in terms of the proposed scale and footprint. Previous comments (concerns) are summarised as follows:</p> <ul style="list-style-type: none"> - no principle objections to the proposed height of the building as the relevant heights are demonstrated on page 6 of the D&A Statement, where there is no significant increase. - in terms of the proposed form of the building, there is strong preference to a traditional pitch in terms of referencing the local vernacular as shown in iterations B-D (as shown on page 22), that shows a smaller ancillary section that could be stepped down. - prominence of the proposed building and visual impact, taking account of the proposed photomontage from the south-east (page 21) . - No principle objections to the proposed use of materials including that of the stone plinth and zinc roof, though horizontal timber weatherboarding (which can be finished in a dark stain), where the horizontal emphasis would work better with the proposed louvres. - HIA needs to be submitted in accordance with paragraph 189 of the NPPF and policy MD13 of SAMDev. <p>It was recommended that further discussion should be held between the Council and the applicant in terms of developing the design of the building. The submitted HIA has now been consulted, where this aspect of the objection is effectively withdrawn. The conclusions with regards to the proposal being sympathetic to the scale, massing and form of the existing building, where the overall conclusion that the proposal may be beneficial and 'negligible' at worse is noted. Whilst there is concurrence with regards to the overall loss of the non-designated heritage asset along with the proposed height that broadly accords with the existing building, there are still concerns with regards to the proposed scale, incremental massing and form of the proposal as per the summary given above. There is agreement that the new dwelling has potential to enhance the existing non-designated heritage asset that has been heavily altered, by utilising high quality design. It is acknowledged that the use of the proposed facing materials achieves this to an extent, but there are still overriding concerns with the proposed scale and form of the new building as discussed.</p>

Whilst there are some elements of concurrence and agreement with regards to the proposal, objections are still upheld in terms of the proposed design of the scheme, where it is considered that it is contrary to paragraphs 130-131, 197 of the NPPF and policies CS6 and CS17 of the Core Strategy, along with policies MD2 and MD13 of SAMDev.

Should approval be given to this scheme, it is noted that the HIA shows some remaining fabric of the building of significance that may be salvageable and used for repairs for other historic buildings, such as the floorboards. Discussion would be welcomed with the applicant as to how such fabric could be carefully set aside and sent to an appropriate reclamation contractor.

07.08.18

These comments supplement those previously submitted on 24/7/18, where the revised Design and Access Statement (submitted on the same date) is noted. The contextual analysis contained within the Design and Access Statement is helpful in terms of how the applicant has arrived to the proposed design.

Previous comments were made in terms of overall scale and footprint, where the contextual analysis is helpful in terms of demonstrating the relative height of the proposed building as shown on page 6. In terms of the proposed form of the building, iterations B-D (as shown on page 22) is interesting, where there is a strong preference to a traditional pitch, along with the building forming of a smaller ancillary section that could be stepped down. The proposed photomontage from the south-east (page 21) shows the building as quite prominent, where the setting down may aid in mitigate against this visual impact. The rationale of the proposed shallower pitch for a greater span is noted in the Design and Access Statement (page 23), where it is stated that this shall reference historic 'bank barns'. Essentially, such a pitch is typical of modern steel type barn, where the vernacular is clearly has a steeper traditional pitch which should be replicated. Therefore it is not considered that this shallower pitch is a typical vernacular/traditional feature within this part of Shropshire, though it is acknowledged that modern barns do exist adjacent to the site.

The general proposed material of stone plinth and zinc roof is generally fine, though horizontal timber weatherboarding (which can be finished in a dark stain), where the horizontal emphasis would work better with the proposed louvres. It is noted that a considerable effort and research has been made with regards to sourcing an appropriate stone.

In respect to these comments along with the previous comments, it is recommended that further discussion is held between the Council and the applicant in terms of developing the design of the building, where this may be beneficial.

24.07.18

This proposal has been subject to pre-application advice (PREAPP/17/00455), where the following principle issues were highlighted:

- The proposed net increase of the footprint is significant to that of the existing

	<p>dwelling which is contrary to SAMDev policy MD7a; and</p> <ul style="list-style-type: none"> - Concern with the proposed 'butterfly' roof as part of the proposed contemporary design, where this is not deemed to be sufficiently outstanding or innovative when assessed against the relevant policy tests outlined under paragraph 55 of the NPPF. <p>It is disappointing to see that the above advice has not been taken account as part of the formal planning application, where there is also a need to take account of the existing non-designated heritage asset. A Heritage Impact Assessment needs to be undertaken in terms of assessing the loss of the remaining structure and whether the replacement dwelling is of sufficient design merit, in order to mitigate against its loss, as part of the overall planning balance. It is acknowledged that the existing building has been very heavily altered and extended, where should approval be given, a condition for its recording should be undertaken, especially through the demolition phase in case any underlying historic fabric of significance may be uncovered (ie stone/timber framing). Also a Structural Survey/Condition Survey should be undertaken in order to fully demonstrate that the building is beyond all reasonable economic repair.</p> <p>There is concurrence with the proposed scale of the new proposal and its overall architectural form, whilst the height is not of concern (as demonstrated in the relevant submitted drawing), the overall massing as shown in the submitted photo montage is still of principle concern given its hillside setting in what is a rural and agricultural area where it looks somewhat imposing. The proposed design of the new dwelling needs to positively respond to this context, where it is overly domestic in terms of balconies, with the split butterfly roof profile making it look somewhat disjointed. The principle of a linked garage by making the garage subterranean is supported, so that it is clearly ancillary, and does not interfere with the composition of the principal dwellinghouse. It is therefore strongly recommended that the proposed dwelling is revised in terms of:</p> <ul style="list-style-type: none"> - reducing the proposed footprint, - following the linear properties of the existing building, - making the proposed dwelling look like a converted cottage and barn (working with two principal elements), using traditional roof pitches, vernacular local materials including stone and slate tiles, where the design should be more traditional in its scale and form. <p>Overall, there are objections to this proposal where it is considered to be contrary to paragraphs 189, 192(c), and 197 of the NPPF, policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev.</p>
<p>4.1.6</p>	<p>SC Ecology <u>18.09.18</u> No further comment; conditions and informatives are recommended to reinforce the critical aspects. <u>24.07.18</u> Additional information is required to support this application. SC Ecology will provide additional comments following clarification of these matters.</p>
<p>4.1.7</p>	<p>SC Highways The property is located within a small hamlet located approximately 2.5 miles south west of Westbury and is accessed via private lanes leading off the B4386 rural</p>

	road. The proposed development seeks to replace the existing dwelling within the property. Parking and turning is available and the development is therefore considered acceptable from a highways perspective. Due to the nature of the surrounding highways it is considered that a traffic management statement should be submitted for this development.
4.2	- Public Comments
4.2.1	This application was advertised via notice at the site. Additionally, the residents of three neighbouring properties were individually notified by way of publication of this application.
4.2.2	At the time of writing this report, five representations had been received in response to this publicity.
4.2.3	Two noted objection. The main points are surmised as follows – <ul style="list-style-type: none"> • Access concerns – the property benefits from two points of access, and it is requested that any building traffic use the private access track within the ownership of the applicants. • Apprehension regarding the scale of the proposal • Insensitive design, not in keeping with the context of rolling hills
4.2.4	Two noted support. The main points are surmised as follows – <ul style="list-style-type: none"> • The development is a spectacular design of modern architecture that will indeed enhance and improve the site • The proposal reflects the local vernacular in a modern way and is an improvement to the setting, where it is less intrusive in the landscape • The existing building has been altered many times over its history, thus is of low communal value • The site is not within a conservation area, and the design is considered to make a positive contribution to local character with its modern sustainable
5.0	THE MAIN ISSUES
	Principle of development Siting, scale and design of structure Impact on visual amenity and the non-designated heritage asset Permitted development
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
6.1.2	The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. Significant weight is also to be attributed to the

	National Planning Policy Framework (NPPF) in the determination of planning applications.
6.1.3	Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.
6.1.4	The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach; the majority of recent appeal decisions support this position. Consequently the Council's policies on the amount and location of residential development should be regarded as up-to-date and that there is no pressing need to support sites beyond the boundaries of the designated settlements by way of supplementing the County's housing targets.
6.1.5	Monday Town is identified neither as part of a community hub nor cluster. As such, in terms of policy, the development site is classified as open countryside; residential development within the countryside is generally confined to the exceptions stipulated by CS5 and MD7a. As is the subject of this application, the erection of replacement dwellings falls within the exceptions stipulated under policy MD7a. Due to the open countryside policy status of the development site, any proposal must adhere to the specified replacement dwelling criteria in order to be deemed acceptable.
6.1.6	In regards to replacement dwellings, policy MD7a states that " <i>replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case</i> ". In this instance the footprint of the replacement dwelling proposed is over 150% larger than the existing property; the justification for the increase focuses on the existing scale and character being of little merit, thus there is scope to provide a building of aesthetic benefit for the site without needing to echo the existing 'architecturally poor building'. Such justification is not considered adequate, with an increase of this size considered fundamentally contrary to the aforementioned policy criteria.
6.2	Siting, scale and design of structure
6.2.1	Proposed is the erection of a modern replacement dwelling. The two-storey modern property, featuring a distinctive modern roof design and vaulted ceilings within shall increase the internal accommodation levels by approximately 85%. The bulk and massing increases are however more substantial, where there is little accommodation contained at first floor level; accordingly the property's footprint increase is some 168.5m ² – roughly 177% - in order to accommodate the substantial accommodation gain. The dwelling as proposed is of a larger scale than the majority of neighbouring dwellings; however in considering the generous plot size, it is not considered that the development is neither cramped nor contrived.
6.2.3	In terms of siting, the property shall sit in the same location as its predecessor; some efforts are made to sink the building into the landscape where it shall be partially submerged. The multi-level design of the property responds to the local topography, in trying to reduce the overall visual bulk. The property design – silhouette and appearance – is intended to echo the agricultural characteristics of the locality. The Design, Access and Planning Statement notes that the shallower

	roof pitch is a nod towards historic ‘bank barns’; however such pitches are more typical of modern steel barns. It is acknowledged however that modern barns to exist adjacent to the site, thus echoing this design selection.
6.2.4	A generally modern palette of materials are proposed for the works. The primary construction material will be a large format porcelain rainscreen tile cladding dark grey in colour, atop a local stone plinth. Dark grey profiled pre-weathered zinc metal sheet cladding shall constitute the roofing. Though not typical of domestic construction materials in this locality, the selected materials do echo the character and appearance of those typically used in the construction of modern agricultural buildings; as such the palette is not fundamentally inappropriate.
6.2.5	Within the submitted Design, Access and Planning Statement the agent notes his interpretation of the Council’s adopted replacement dwelling policies, as presuming that the criteria should only be applicable where the scale and character of the original dwelling is of significance, and is worthy of preservation through the design of any new dwelling; the agent proceeds to determine the original dwelling of no architectural nor historic merit. The relevant policy states that replacement dwellings have a requirement to be sympathetic to the character of the original building; the wording offers no exemptions for non-compliance with these design criteria. Therefore, where there is no caveat to indicate otherwise, this proposed replacement dwelling is required to be sympathetic to the character of the original building regardless of the merit, or perceived lack of, of the existing design. By virtue of; its vast increase in footprint and scale, and design overhaul – superseding a traditional cottage style with an “ <i>unashamedly modern</i> ” property which would “ <i>reflect contemporary living</i> ”- which makes no effort to incorporate the existing character, the proposal is not considered to comply with the aforementioned policy criteria.
6.2.6	The agent has made reference to paragraph 79 (formerly 55) of the NPPF in regards to innovative design, where he feels the proposal sufficiently outstanding as to warrant merit in this regard. In order to meet the strict tests of paragraph 55 we would be looking for evidence of something in the design concept that is genuinely untried that pushes the boundaries of architecture beyond simply aesthetic conventions; no specific information or detail is given in respect of the design and material choices with regards to their performance in testing new boundaries or technology. Therefore at this juncture it is not clear what true innovation is delivered through this design concept as it appears that elements of the design repeat what has been done before. Similarly the intention for the dwelling to incorporate the Passivhaus approach is commendable but not a new approach. It is also emphasised that the NPPF does not change the status of the adopted Development Plan; where that plan is up to date then planning decisions must be made in line with the development plan. In this case, the proposal is contrary to the development plan policies set out above.
6.3	Impact on visual amenity and the non-designated heritage asset
6.3.1	Relating to a non-designated heritage asset, the impact of the proposal on the heritage nature of the existing property is a factor worthy of consideration. The development site also occupies a prominent hilltop countryside location, where a public footpath runs by the Western curtilage boundary thus affording close range views; accordingly, visual amenity must be carefully considered prior to the permitting of works at this location.
6.3.2	Whilst the contemporary design approach is not necessarily inappropriate, the

	<p>replacement dwelling must be of sufficient merit as to mitigate the loss of the heritage asset. It is acknowledged that the heritage is significantly altered since its formation, and that the works have potential to improve the setting. Concerns are however raised regarding the visual prominence of the site, particularly where the bulk of the proposal in comparison to its predecessor is significantly increased. The overall massing is notable in that the split roof design pushes the bulk of the property to its ends; where the dwelling is already elongated, this redistribution of bulk is viewed negatively. Furthermore the split roof profile gives the property a disjointed feel; this coupled with the negative mass distribution gives the property a somewhat 'sprawled' appearance thus exacerbating the issues of visual prominence.</p>
6.4	Permitted development
6.4.1	<p>As supporting information for the increase in scale, the agent has provided drawings to illustrate how the current dwelling could be extended by way of side and rear extensions. Under permitted development rights the agent states the property could be extended to give a total floor area of nearly 400m², where the currently proposed replacement dwelling has a floor area of 308m². This would result in sporadic development, thus the agent deems a more appropriate solution for the site would be to permit the proposed scheme which has been carefully designed in regards to the context of the site. The agent describes the PD additions as a fall-back which should be considered a material consideration for determining this application.</p>
6.4.2	<p>Part 1, Class A, paragraph (ja) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) details that any total enlargements proposed to the dwellinghouse where joined to existing enlargements of the <i>original</i> dwellinghouse must be considered in conjunction. 3 former permissions have granted for additions to this property; both the LPA and agent are in agreement that the <i>original</i> dwellinghouse has been altered. In assessing the drawings provided by the agent regarding PD extensions it is not considered that the extent of permitted development works illustrated could be lawfully implemented since many of the works illustrated protrude from existing extensions – thus are subject to the restrictions of paragraph (ja) - rather than from original walls of the property; accordingly this invalidates the alleged fall-back position of a 101.3% permitted development increase.</p>
7.0	CONCLUSION
7.1	<p>Due to the open countryside policy status of the development site, any proposal must adhere to the specified replacement dwelling criteria in order to be deemed acceptable; by virtue of its scale and design, the proposal is not considered to meet these policy stipulations. As such the proposal is considered contrary to Policies CS4, CS5 and CS6 of the Shropshire Core Strategy and MD7a of the SAMDev Plan, as well as the overall aims and objectives in relationship to sustainable development as set out in the NPPF. There are no other material considerations which outweigh this conclusion in the overall planning balance; planning permission is therefore refused.</p>
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management

	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ❑ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ❑ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of</p>

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 and SAMDev Policies:
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS11 - Type and Affordability of housing
MD2 - Sustainable Design
MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

RELEVANT PLANNING HISTORY:

PREAPP/17/00455 Proposed Replacement Dwelling PREUDV 20th September 2017
18/02962/FUL Erection of replacement dwelling; installation of package treatment plant PDE
SA/76/0791 Erection of an extension to provide utility room and porch and erection of a private double garage. PERCON 14th October 1976

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 Mrs Heather Kidd

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

-



<u>Committee and date</u>
Central Planning Committee
25 October 2018

<u>Item</u>
8
Public

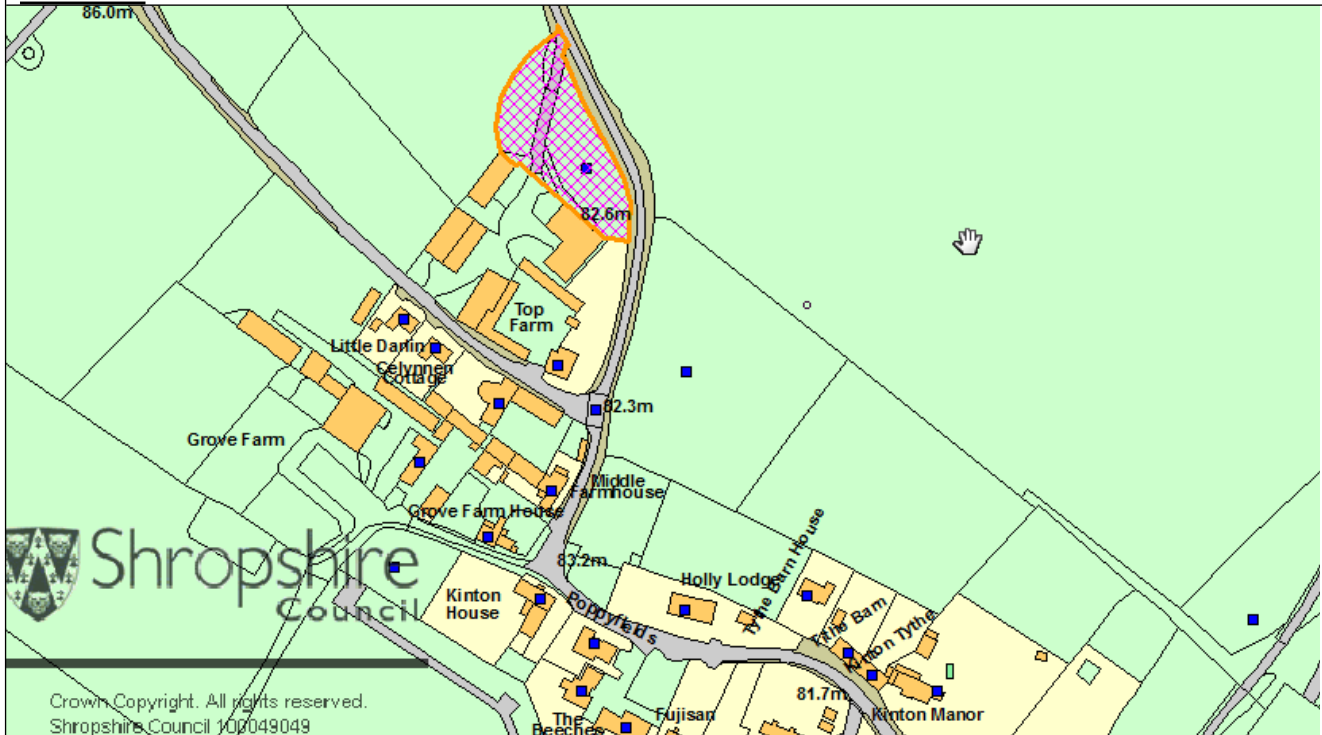
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 18/03967/REM	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Approval of Reserved Matters (access, appearance, layout, scale, landscaping) pursuant to Outline application 13/05065/OUT for the erection of dwelling including re-aligned agricultural access and removal of agricultural shed		
<u>Site Address:</u> Proposed Dwelling North of Top Farm Kinton Shrewsbury Shropshire		
<u>Applicant:</u> Mr J Hitchen		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 336973 - 319742



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the approval of Reserved Matters to include access, appearance, layout, scale and landscaping pursuant to Outline application 13/05065/OUT for the erection of a dwelling including re-aligned agricultural access and removal of agricultural shed.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a piece of land that forms part of Top Farm that is situated on the north west edge of the village of Kinton.

3.0 REASON FOR COMMITTED DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to an application made, by or on behalf of, or relating to the property of a member of staff who either directly or indirectly reports to the Planning Services Manager.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **WSP on behalf of SC Drainage:** Recommends drainage conditions.

- 4.1.2 **WSP on behalf of SC Highways:** No Objection subject to the development being constructed in accordance with the approved details, and the recommended conditions.

Observations/Comments: As part of the proposed development the internal access drive is to be realigned so that it will meet the adjoining highway at a 90-degree angle rather than the oblique angle at present. The proposal is a betterment of the current situation and is therefore acceptable from a highways perspective. The improved access driveway should be wide enough for two vehicles to pass for a distance of 12 metres from the adjoining carriageway edge to accommodate agricultural vehicles.

- 4.1.3 **SC Ecology:** The proposal should provide ecological enhancements. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species. Inclusion of integrated bat roost features into the building design are recommended.

- 4.1.4 **SC Affordable Housing:** As this development has a S106 agreement an affordable housing proforma will be required so the contribution can be calculated and agreed.

4.2 - Public Comments

- 4.2.1 A site notice has been erected and the Parish Council and nearest neighbour have been notified but no response has been received to this publicity.

5.0 THE MAIN ISSUES

The principle of development of the site for the erection of a dwelling has already been established by the Outline application. The purpose of this reserved matters application is to determine whether the matters reserved for approval are acceptable, and in this instance include the following:

- Layout, scale and appearance
- Access
- Landscaping

6.0 OFFICER APPRAISAL

6.1 Layout, scale and appearance

- 6.1.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity.

- 6.1.2 The proposal is for a two storey house with detached garage and has been designed to respond to the agricultural farm yard setting. Its design is influenced by agricultural type buildings and incorporates the use of metal roofing and timber cladding. It is considered that this approach is more appropriate than an urban designed dwelling.

- 6.1.3 It is considered that the proposed layout of the site and the scale, design and appearance of the proposed dwelling are acceptable and would have no significant adverse impact on the character and appearance of the locality and accords with CS6 and MD2.

6.2 Access

- 6.2.1 Conditions 4 and 5 attached to the outline consent required details of the access, driveway and parking to be submitted for approval as part of the reserved matters. These details have been submitted and Highways have no objection to the application subject to the recommended conditions being imposed.

6.3 Landscaping

- 6.3.1 A landscaping proposal has been submitted that indicates hard surfaced areas, lawn, retention of the existing hedge and the planting of an orchard. It is considered that the proposed landscaping is appropriate and acceptable for this rural location and as suggested by the Ecologist trees should be locally native species.

7.0 CONCLUSION

7.1 The principle of development has been established by the Outline permission. It is considered that the proposed scale, layout and appearance of the dwelling and landscaping of the site are appropriate and would not adversely impact on the character and appearance of the locality or wider area or impact on residential amenity. A safe means of access and adequate parking and turning areas will be provided within the site. It is therefore considered that the proposal accords with Shropshire LDF policies CS6 and MD2 and the aims and provisions of the NPPF.

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 and Site Allocations and Management of Development (SAMDev) Plan:
CS6 and MD2

RELEVANT PLANNING HISTORY:

13/05065/OUT Outline application for the erection of dwelling including re-aligned agricultural access and removal of agricultural shed GRANT 24th September 2015

11. Additional Information

List of Background Papers

18/03967/REM - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Ed Potter

Appendices
APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The external materials shall be as indicated on the approved plans or in accordance with details to be submitted to and approved in writing by the Local planning Authority.

Reason: To ensure a satisfactory appearance to the development.

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

3. Prior to above ground works a scheme of foul drainage, and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

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

4. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

5. Any gates provided to close the improved agricultural access shall be set a minimum distance of 12 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

6. All hard and soft landscape works shall be carried out in accordance with the approved plans prior to the first occupation of any part of the development hereby approved. The trees and plants shall be locally native species and any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by the end of the first available planting season by trees and plants of the same species.

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



<u>Committee and date</u>
Central Planning Committee
25 October 2018

<u>Item</u>
9
Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

LPA reference	17/05969/FUL
Appeal against	Appeal Against Conditions Imposed
Appellant	Andy Cutler – Marstons PLC
Proposal	Minor works to rear to improve toilet access, fire escape and provide shelter to yard area
Location	The Dog And Pheasant 20 Severn Street Shrewsbury
Date of application	13.12.2017
Officer recommendation	Grant Permission
Committee decision (delegated)	Delegated
Date of decision	08.03.2018
Date of appeal	01.05.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

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