

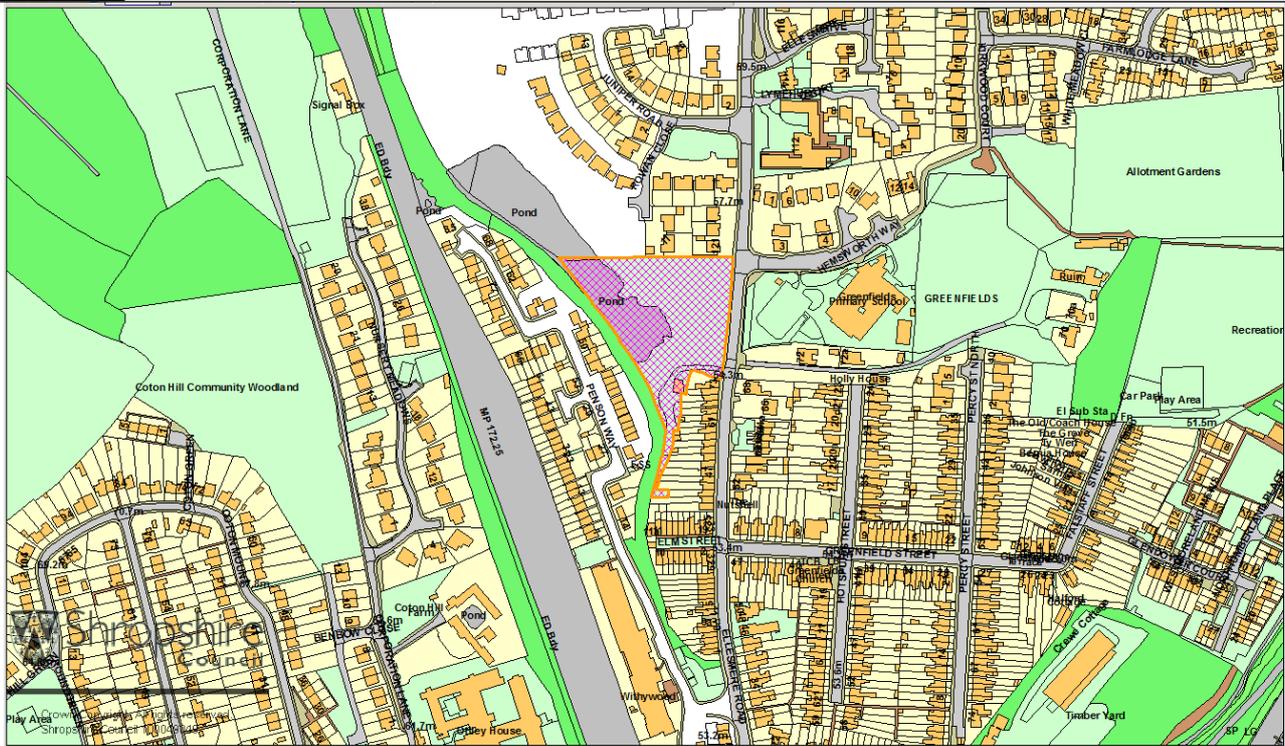
## Development Management Report

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### Summary of Application

<b><u>Application Number:</u></b> 17/05772/OUT	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Outline application for the erection of 36No dwellings and associated infrastructure (to include access, appearance, layout and scale)(re-submission)		
<b><u>Site Address:</u></b> Proposed Residential Development Land To The West Of Ellesmere Road Shrewsbury Shropshire		
<b><u>Applicant:</u></b> The Saxonby Group		
<b><u>Case Officer:</u></b> Kelvin Hall	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349261 - 313972



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 2 and the completion of a Section 106 agreement to provide affordable housing and a financial contribution towards highway improvements.**

## REPORT

### 1.0 THE PROPOSAL

1.1 Background: Outline planning permission for the erection of three blocks of residential units (38no.) on land off Ellesmere Road was refused on 28<sup>th</sup> June 2017 in accordance with the resolution of the Central Planning Committee which was made at its meeting in June 2017 (application ref. no. 16/03225/OUT). The reasons for refusal were as follows:

- 1.2
- 1. The proposed development would be located on a green field site in the open countryside outside of any settlement identified in the adopted Development Plan as suitable for open market residential development. The site is not allocated for development in the Development Plan and nor does it meet any of the exceptions to the approach to sustainable development set out in the Plan. The proposed residential development on the site would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement hierarchy. Whilst it is acknowledged that the proposed development offers a number of local community benefits, these are not considered to carry sufficient weight to outweigh the strategy of the Plan. As such, the proposal will conflict with Policies CS1, CS4 and CS5 of the adopted Shropshire Core Strategy and MD1, MD3, MD7a and S16 of the adopted SAMDev Plan, as well as national guidance contained within the National Planning Policy Framework in respect of residential development in the open countryside.*
  - 2. The site constitutes one of the remaining vestiges of open countryside within the immediate area. The development of this green field site for thirty eight dwellings would erode the character of the area by removal of the existing frontage hedgerow and by introducing development of a predominantly urban form into the open countryside which would appear incongruous and intrusive to the detriment of the rural setting of the locality. The proposal would thereby be contrary to the provisions of the Framework and Policies CS6 of the adopted Shropshire Core Strategy and MD2 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan.*
  - 3. The proposed development, due to its design, scale, massing and layout, is considered to be an overdevelopment of the site which would be out of keeping with the prevailing character of the surrounding area and would not form a suitable transition between adjoining development types. As such, it would appear as an incongruous urban feature to the detriment of local amenity and would thereby be contrary to Policies CS6 of the adopted Shropshire Core Strategy and MD2 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan.*

- 1.3 An appeal has been made against the Committee decision to refuse the previous application ref. 16/03225/OUT. The Planning Inspectorate has confirmed that this is to be dealt with by a hearing to be held on 15th May 2018.
- 1.4 Current proposal: The current application for residential development at the site seeks to address the above reasons for refusal. The application has been submitted in outline however it includes detailed matters of access, appearance, layout and scale. The only matter reserved for subsequent approval is landscaping. It proposes the construction of 36 dwellings to be provided in three apartment blocks. Two of these blocks (blocks A and C) would have frontages close to the Ellesmere Road. Block B would be situated behind block A, and orientated perpendicular to it along the northern side of the site.
- 1.5 The site slopes down from east to west and the development has been designed to follow the topography. Blocks A and C would be seen as two storeys from Ellesmere Road, with an additional floor of accommodation within the roofspace. From the rear elevation of these blocks there would be three storeys, with under-croft car parking at ground floor level. Block A would be 38 metres wide and block C would be 25 metres wide. From the Ellesmere Road side they would measure approximately 4.8 metres to eaves and 9 metres to ridge.
- 1.6 Block B would have three storeys with parking on part of the ground floor level and additional roofspace accommodation. This block would be 32 metres wide x 19.5 metres deep, with an eaves height of 7.6 metres and a ridge height of 11.8 metres.
- 1.7 Vehicle access to the site would be via a new access road connecting directly to Ellesmere Road at a point between the two roadside apartment blocks. There is an existing track at the south-eastern side of the site which connects to Ellesmere Road. At present this is used informally by residents of the terraced properties to the south to access their rear gardens. The current application proposes that this access is removed and that these residents use the proposed new access instead.
- 1.8 The pond on the site would be retained. This, and other land to the rear of the apartment blocks, would be set aside for amenity space and habitat enhancement.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located in the Greenfields area of Shrewsbury, to the north of the town centre. The site comprises an area of greenspace of approximately 0.8 hectares in size. This is predominantly laid to grass but includes the southern part of a pond. The site slopes down from east to west towards the pond.
- 2.2 The majority of the application site lies just outside of the development boundary of Shrewsbury. A small part of the southern side of the site falls within it but the area where the apartments would be situated lies outside of it. The development boundary runs alongside both the western and eastern boundaries of the site. Surrounding land use is principally residential. Land to the west is a recently built housing estate developed by Lovell's, providing 147 dwellings. Land to the north is a residential development recently constructed by Redrow Homes for 75 dwellings. A hedgerow

forms the eastern boundary of the site. Beyond this is the A528 Ellesmere Road, one of the main arterial routes into and out of Shrewsbury. Further to the east is the established residential area of Greenfields and Greenfields School. To the south is a row of two-storey terraced houses which front Ellesmere Road.

2.3 Notwithstanding the presence of built development surrounding the site it is nevertheless classed as 'countryside' for planning policy purposes as it lies outside of the development boundary.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Local Member, Cllr Phillips, has requested that that application is determined by Planning Committee. The Planning Manager in consultation with the Committee Chairman has agreed that this request is based on material planning reasons. As such, in line with the Council's Scheme of Delegation, it is appropriate for the application to be determined by Planning Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

4.1.1 **Shrewsbury Town Council** Supports the application. Members were pleased to receive a presentation from the applicant and be given the opportunity to ask questions. Having looked at the revised scheme, the majority of Members considered it to be an improvement, one remained neutral and another chose not to comment. Overall, the Town Council supports this application based on the revised scheme.

#### **4.1.2 SC Planning Policy**

1. This policy comment re-addresses the principle of permitting residential development on land west of Ellesmere Road in relation to application 17/05772/OUT for 36No. dwellings.

2. This application requires a re-assessment of the principle of residential development in relation to the reasons for refusing previous application 16/03225/OUT for 38No. dwellings. These refusal reasons appear to indicate that the principle of development is related to the scale, massing and design of the proposed development. The reasons for refusing application 16/03225/OUT may be briefly summarised as:

a) The proposed development is located on a greenfield site in the open countryside outside of any settlement identified for open market housing. The site is not allocated for development nor does it meet exceptions to the approach to sustainable development in the Plan and would be incompatible with the principles of sustainable development and would undermine the development strategy in the adopted Local Plan. The proposed development does offer a number of local community benefits but do not outweigh the conflict with the strategy and policies CS1, CS4, CS5, MD1, MD3, MD7a and S16;

b) The site is one of the remaining vestiges of open countryside and the proposed development would erode the character of the area by removing the frontage hedgerow to the site to introduce a predominantly urban form into the open

countryside contrary to policies CS6 and MD2;

c) The design, scale, massing and layout is considered to be overdevelopment out of keeping with the prevailing character of the surrounding area and would not form a suitable transition between the adjoining development types forming an incongruous urban feature to the detriment of local amenity contrary to policies CS6 and MD2.

3. The current application 17/05772/OUT is considered to partially address the refusal reasons for application 16/03225/OUT in the following ways:

a) The scale of the development has reduced to yield 36No. dwellings equal to a reduction of 2 dwellings from the development of 38No. dwellings proposed in the previous, refused application 16/03225/OUT;

b) The newly proposed development does have the similar massing as it still comprises three building blocks of comparative size and floor area and so, requires further assessment in respect of the scale and grain of the surrounding development. However, further details about the design and materials for these building blocks have yet to be submitted to satisfy Policy MD2 and so, further consideration may be given to the effects of these details on the suitability and impacts of the overall design;

c) This further consideration of the detailed design and materials may support the current recognition that a greater variety in the roof plan and in the design and character of the elevations of the building blocks has been achieved in a way that better references elements of the local vernacular style;

d) The proposed development has the potential to respect and mitigate for any harmful effects on the landscape, habitat and biodiversity of the application site.

4. Although application 17/05772/OUT does not entirely mitigate for the matters raised in refusal reasons b). and c). this new application goes some way to addressing these matters and additional evidence from the applicant may further weigh in favour of this revised development proposal. It is therefore appropriate to re-assess the principle of residential development on this land in relation to the revised development proposed in application 17/05772/OUT.

5. In re-assessing the principle of residential development for the reduced capacity of 36No. dwellings in application 17/05772/OUT this determination still encounters some of the policy constraints identified in relation to application 16/03225/OUT. These constraints are identified in refusal reasons a). and b) and may be briefly summarised as follows:

a) The application site adjoins the built form of Shrewsbury but lies outside the development boundary of the town and so, residential development of this land is contrary to Core Strategy Policy CS5, which strictly controls new, open market housing development in the open countryside;

b) The open character of this land remains significant despite the application site being completely bounded by residential development and being visually enclosed within the townscape of Shrewsbury. The site is bounded to the south by the historical housing of the Greenfields neighbourhood, by contemporary housing on previous allocations to the east at Herongate and to the west on former Network Rail land and the current development of permission 13/05124/FUL by Redrow Homes in the countryside to the north. This Redrow Homes development, permitted in 2014, was approved when a five year supply of deliverable housing sites could not be

demonstrated. The housing land supply is now equal to 6.04 years and so, Policy CS5 must be considered in determining the current application;

c) The application site maintains a visual relationship with the surrounding countryside landscape. The land also accommodates habitats and species that afford some biodiversity value to the land as part of the Shropshire Environmental Network protected by Core Strategy Policy CS17.

6. The application site has a close connection with the built form of Shrewsbury being visually enclosed within the residential development in the Greenfields neighbourhood. This enclosure of countryside into the urban form of Shrewsbury is not uncommon. The townscape is characterised by ‘wedges’ of open land often penetrating deep into the town along rivers and brooks or as discrete areas of public and private parkland and amenity spaces reflecting the effects of landownership decisions and the purpose and use of their land. Many of these open areas of land form part of the urban ‘green’ infrastructure because either:

a) the landowner uses their land in a manner that does not require built development and so, the land remains open and unimproved or is improved / formally laid out as parkland, gardens or amenity spaces;

b) or, the landowner actively seeks to develop their land and the scale and layout of these developments enables some open land to be retained which contributes to the urban ‘green’ infrastructure.

7. The submission of application 17/05772/OUT with a reduced scale of development, on land now enclosed within the townscape of Shrewsbury, might therefore represent an opportunity in relation to Policies CS6, MD2 and CS17. The proposal might permit improvements to the natural environment within the town by partially retaining and improving the countryside character of the land, conserving the biodiversity of the site and its contribution to the Shropshire Environmental Network in relation to Policies CS6, MD2 and CS17. These effects, in turn, may contribute to the health and well-being of the local community by enhancing the urban ‘green’ infrastructure in Greenfields. These considerations might complement the improvement noted in the design of the proposed scheme, subject to further design details required in any subsequent reserved matters.

8. A grant of permission for application 17/05772/OUT with a reduction of 2 dwellings in the site capacity would now permit the retention of the frontage hedgerow to the application site but the larger proportion of the application site would still be used for housing development. However, the remainder of the site would largely retain the existing character of open countryside and could make a significant contribution to the urban ‘green’ infrastructure of the Greenfields neighbourhood. This comprises the existing open body of water on the site caused by the gentle slope of the site and the surrounding topography. The open land adjoining this body of water would also be retained with some limited improvement and along with the boundary trees around the site would provide some important habitat and contribute to the visual and recreational amenity of the land.

9. The benefits of these outcomes should be weighed against the long term potential to retain the whole site in open uses. The successive submission of applications to develop this land clearly indicate the landowner’s intentions for his

land. In this respect, the emerging review of the Local Plan would provide a further opportunity to bring the land forward for development on the edge of the town to help satisfy the anticipated increase in the scale of development within Shrewsbury. The County town is currently expected to provide for 25% of the housing development in Shropshire and this is likely to increase to 30% in the Local Plan review.

10. Whilst the land is designated as open countryside and is protected by Core Strategy Policy CS5 it is appropriate to also address the effect of other policies on the principle of developing this land. The application site is visually enclosed within residential developments on the edge of Shrewsbury and has visually become a part of the town, albeit the land remains open and is outside the current development boundary.

11. As the land lies within the townscape of Shrewsbury, Core Strategy Policy CS2 : Shrewsbury and Settlement Policy S16 might also be addressed in relation to application 17/05772/OUT. Policy CS2 sets out the broad strategy for Shrewsbury but in reality, this policy provides little comfort to this application. The primary focus for development in Shrewsbury is to make the best use of previously developed land and buildings and to bring forward land allocated for development in the Sustainable Urban Extensions to the town with other sustainable housing land releases in the SAMDev Plan meeting the balance of the housing required.

12. Settlement Policy S16 seeks to explain this strategy in a much finer grain of detail and recognises in S16.3 that 'New housing development will be delivered through a combination of existing brownfield sites and a range of new greenfield sites, both sites allocated for development and windfall opportunities'. In this respect, land to the north of the application site was approved for housing development during a period when the housing land supply was constrained. As the housing land supply increased, the Council continued to recognise the benefits of allowing this proposed housing to proceed to development. This circumstance was reflected in the guidance in paragraph 4.169 to Policy S16 that 'The Council recognises that land off Ellesmere Road could be a potential long term direction for growth for the town, but considers that such growth should be linked with the delivery of the (North West) Relief Road. The scope for significant developments in that area is particularly affected by the need for the road as, cumulatively, development would have adverse traffic impacts on this major approach to the town centre. Any proposals for development on land west of Ellesmere Road brought forward in the context of Policy MD3 would need to be co-ordinated with and, where necessary, help fund the Relief Road, providing land and/or contributory finance as appropriate'.

13. The Local Plan recognises the west of Ellesmere Road to be a potential focus for housing development capable of delivering greenfield windfall sites to support the housing land supply in Shrewsbury in accordance with Policy MD3. In the case of modest sites like the current application and the site of the adjoining Redrow Homes development, a contribution to the North West Relief Road would not be essential. However, such sites may contribute to the range and choice of housing especially in north Shrewsbury where the proposals would not have adverse traffic impacts on this major approach to the town centre.

14. A need for this development in order to contribute to the supply of housing in Shrewsbury is not currently evident in the Five Year Housing Land Supply Statement (2017). The supply of housing in Shrewsbury is in excess of 7,500 dwellings and so, exceeds the requirement for Shrewsbury of 6,500 dwellings by just over 1,000 dwellings. Any further provision of windfall housing sites would therefore only serve to provide greater surety over the flexibility of the supply and to offer a wider range and choice in the type, size and tenure of the dwellings available in the town. In this respect, it might be possible to consider approving application 17/05772/OUT in relation to Policy MD3 to satisfy the local objectives set out in Settlement Policy S16.3.

15. SAMDev Policy MD3 seeks to manage the delivery of housing development by managing the objectives of the Local Plan strategy in Core Strategy Policies CS2 and S16 to deliver the planning and development strategy for Shrewsbury and in Policy CS5 to strictly control new development in the Countryside. This requires the determination of application 17/05772/OUT to firstly identify whether:

- a) the application site makes a significant contribution to the character of the open countryside adjoining Shrewsbury in relation to Policy CS5;
- b) or whether it might be better to bring the land forward for housing development in relation to Policies CS2 and S16 and to secure the long term protection of part of the land in open uses.

16. The latter alternative option would enable the site to contribute to the range and choice of housing being delivered in north Shrewsbury and would secure a significant proportion of the land in open uses to contribute to both the Shropshire Environmental Network and the urban green infrastructure in the Greenfields neighbourhood. A positive determination of application 17/05772/OUT in relation to Policy MD3 to meet the objectives of Policies CS2 and S16 would also require the following material considerations in Policy MD3 to be satisfied:

- a) The residential proposal met the design requirements of relevant policies in the Local Plan which is considered in paragraph 3 of this policy comment;
- b) Sites of five or more dwellings include a mix and type of housing that has regard to local evidence and community consultation that is considered separately in the consultee responses to this application.

#### 4.1.2 **SC Conservation**

This is an outline application (including access, appearance, layout and scale) for the erection of three blocks of residential units and associated infrastructure on proposed Residential Development Land to the West of Ellesmere Road Shrewsbury Shropshire. The proposal site lies opposite the Greenfields Primary School and adjacent to a row of Victorian terraced properties along Ellesmere Road.

Background and planning history:

The site is an area of former agricultural land, together with the rear of garden plots which have served as community allotments in the past century. A previous application on the site, which had been put forward for approval by the case officer, was refused by committee decision in 2017 and is currently being appealed. Our comments during that time included broad support, from a design and historic

environment perspective, for the principle of development on the site, and its reduced footprint, but expressed concerns about the depth and bulk of the built form, concluding that 'the scale of this development is still significant in the context of the surrounding urban grain'.

**Policy context:**

The proposal is not within the Conservation Area, so this comment is provided in relation to design matters, and policy MD2 and MD13 of the SAMDEV plan apply. In addition to the above policies, due regard to the following local and national policies and guidance has been taken, including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, as well as national policies and guidance, including the relevant sections of the National Planning Policy Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 do not apply.

**Design context:**

The appointment of a new architect for this re-submission provided an opportunity for the re-working of the scheme. Whilst there appears to be more variety in the roof plan, and an approach to design which better references elements of the local vernacular style in terms of its character, including the flat topped double height bays and projecting gables, the floor area and size of each of the three blocks is still the same or similar to the refused scheme. In terms of context, the scheme continues to fail to respect the scale and grain of surrounding development and its bulk appears to dominate both the terraces to the south and the detached properties to the north.

The information submitted with the application has not included sufficient detail of the proposed finishes and materials – sensitive use of materials can overcome adverse impacts, and in this case could reduce the visual effect of the bulk of the individual blocks. Without such information, we cannot comment fully on the proposed appearance of the building and therefore its impact or acceptability.

It is not considered that the additional details submitted provide sufficient information to be able to provide any substantive further comment from a design perspective. Conditions should be imposed to require the submission of details for approval of all external materials, including details of roofing materials, the design of eaves and verges, details of all joinery including depth of window reveals and brickwork type and bond.

4.1.3 **SC Archaeology** No comments to make.

4.1.4 **SC Highways Development Control**

Further details required (comments dated 18/01/18). There is insufficient detail submitted with the application to make an informed Highway comment, at this time.

The application proposes a development of 36 apartments with vehicular access directly to the A528 Ellesmere Road. The application is a resubmission of planning application 16/03225/OUT which was refused in June 2017.

The development is described in the submitted Design and Access Statement and

Planning Application Supporting Statement and shown on the Site Plan as Proposed (Drawing No. L001) and floor layout/apartment mix plans (Drawings No's L020, L021, L022 and L023).

A Highway Access Statement has also been provided, however, this document was superseded by a Technical Note which was accepted during the consideration of planning application 16/03225/OUT. It is considered that an updated version of the previously accepted Technical Note or a further Transport Assessment/Statement is required in support of this application.

Comments in respect of the submitted documents and drawings are set out below: -

Site Plan as Proposed (Drawing No. L001):

The configuration of the access road and turning head is currently not considered to meet Shropshire Council's standards for adoption as public highway. Any review of the road layout will need to show the proposed gradient of the access road and footways and demonstrate that the road and turning areas are able to accommodate a large refuse collection vehicle. Alternatively, clarification should be requested as to whether the internal road is intended to be privately managed/maintained in which case alternative means of refuse and recycling collection may need to be identified.

The apartment block boundaries fronting the A528 Ellesmere Road require minor adjustments to provide a 2 metre wide footway to ensure consistency with that approved for the development site to the north and to provide or safeguard minimum 2.4 x 43 metre visibility splays to Ellesmere Road.

It is noted that a section of the car parking within the row of 14 car parking spaces to the rear of the access road do not have sufficient manoeuvring width within the access road and may result in vehicles oversailing the wide footway opposite to the detriment of pedestrian safety.

The access point to the under-croft parking within Block C appears to differ from that indicated on the Lower Ground Floor Apartment Mix plan (Drawing No. L020) and requires clarification and amendment to ensure that the drawings are consistent.

Parking: Contrary to Paragraph 5.29 of the submitted Planning Application Supporting Statement (*96 parking spaces*), the Site Plan as Proposed and Lower Ground Floor Apartment Mix drawings show a total of 64 parking spaces for the apartments, including four designated disabled spaces. A further 9 spaces are shown to the rear of the terraced houses (No's 57-73 Ellesmere Road) resulting in a total parking provision of 73 spaces.

The submitted floor layout/apartment mix drawings (No's L020, L021, L022 and L023) do not show the number of bedrooms within the apartments or any specific internal facilities, for example, lifts, stairs or refuse storage. The mix of apartment units and bedrooms are, however, set out within the Design and Access Statement and applying a rate of parking based upon 200% for the 3-bedroom units and 150% for the 1 and 2-bedroom units (plus 9 spaces for the existing terraced houses) the total parking requirement would be 66 spaces. With 73 spaces shown within the site and

buildings combined there is a small surplus and some flexibility in the provision.

In view of the small surplus of parking provision, it is considered that the disabled parking spaces to the north of Block B should be reviewed. These spaces are remote from the southern end of Block A and all of Block C and it is considered that the location of the disabled parking spaces should be reviewed for each block with a view to providing more accessible disabled parking, either within the under-croft parking in close proximity to lifts, or within the parking area at the rear of the access road.

General Comments:

Paragraphs 3.6 and 5.28 of the submitted Planning Application Supporting Statement make reference to the new access to Ellesmere Road operating “in conjunction with the existing access / on the southern edge of the site”. It was previously considered that the existing access would be closed in favour of the new access arrangements to the additional parking at the rear of the terraced dwellings. No details of any alternative arrangement appear to be shown on the submitted Site Plan as Proposed (Drawing No. L001) and it is considered that this should be clarified.

It is understood that a financial contribution towards a controlled pedestrian crossing on Ellesmere Road has been secured from the adjacent residential development site to the north and it is considered that a pro-rata contribution is also appropriate from this site to enable the delivery of the controlled crossing to be progressed to provide safe access from the development to the primary school and the wider network of pedestrian and cycle routes.

The principle of a contribution from this site towards the traffic signal controlled pedestrian crossing on Ellesmere Road was identified during the consideration of 16/03225/OUT. Based upon the contribution from the adjacent residential development site, the amount is calculated as £24,000 for the current number of apartments and confirmation of this contribution is requested from the applicant.

It is also considered that the future of the existing on-street parking bays fronting No's 57-73 Ellesmere Road should be determined in conjunction with the location of the traffic signal controlled pedestrian crossing and in light of the use of the improved access and parking arrangements shown to the rear of the terraced houses.

4.1.5 **SC Drainage** Recommends a condition to require the submission of a surface and four water drainage scheme.

4.1.6 **SC Regulatory Services** Recommends conditions.

Noise: Having considered the noise assessment it is recommended that a condition is imposed to require that glazing in the façade facing Ellesmere Road is of a minimum standard of 6-12-6 and shall have acoustically attenuated trickle vents that achieve equal noise attenuation to the glazing.

Contamination issues: A Ground Investigation Report, dated 11<sup>th</sup> August 2015 has been submitted in support of this application. The investigation was undertaken over 2 and a half years ago and the soil analysis results taken from 4 boreholes only and

from the topsoil at a reported depth of 0.00m. The report states that made ground is present as recorded in CP3 and CP4 and includes old domestic type waste, ash, clinker, rope, pipe etc. which does not appear to have been sampled.

CP4 was monitored for landfill gas and elevated levels of CO2 recorded.

Having regard to the age of the report, the size of the site and that soil analysis was obtained from the surface from 4 boreholes only I do not consider that sufficient site coverage and assessment has been carried out and therefore further investigation is required. Accordingly, if this application was approved, full contaminated land conditions should be included (see Appendix 1)

#### 4.1.7 **SC Ecology** Recommends conditions and informatives.

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

This response is an updated version of my colleague's response to application 16/03225/OUT.

A Preliminary Ecological Assessment was carried out in June 2015 by Turnstone Ecology. This was updated in April 2016. Great crested newt surveys were carried out on spring 2016 and spring 2017. A Great Crested Newt Mitigation and Management document has also been submitted.

Great crested newts: A medium population of great crested newts has been recorded in the pond within the development site boundary (max. count 22).

Turnstone Ecology and the applicant have used Natural England's Discretionary Advice Service to inform an appropriate mitigation strategy at this site. (This can be found in the documents associated with planning application 16/03225/OUT, reference DAS/11746/207322, dated 3rd March 2017). It would be useful if this document could be attached to 17/05772/OUT.

The pond and associated marginal vegetation, hedgerows, trees and scrub around the site will be retained. Proposed access will be via a new road directly off Ellesmere Road, resulting in the loss of a short section of poorly connected hedgerow.

A Natural England European Protected Species Licence will be required prior to the commencement of development.

In order to avoid killing and injuring of great crested newts the following reasonable avoidance measures will be put in place:

- Translocation program that will last a minimum of 60 days between April – October inclusive and when overnight temperatures are over 5 degrees.
- Temporary Amphibian Fencing.

- Permanent log piles will be created to the south of the pond, acting as an area for translocation.
- Vegetation within the exclusion area will be maintained short to minimise suitable habitat for great crested newt and aid capture.

In order to mitigate for the loss of great crested newt habitat:

- All optimal GCN terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148ha of dense ruderal and grass habitat around the edges of the pond) and 0.042ha of sub-optimal habitat will be temporarily lost during works but then recreated and enhanced post-construction.
- Unit B will be constructed on columns to raise it up to the levels of the eastern half of the site and although there will be temporary loss of sub-optimal habitat during construction, the area under the unit will be recreated as habitat suitable for foraging and hibernating GCN.
- A new hedgerow and an associated earth, wood and rubble bund vegetated with tall herb and shrubs will be recreated along part of the northern boundary.
- The proposal within the 0.8ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078ha of unsuitable hard-standing with 0.54 ha of optimal great crested newt habitat (pond, dense vegetation around and beyond the pond and hibernaculas/refuges) being retained, created and/or enhanced.

In order to enhance the site and mitigate for the loss of great crested newt habitat:

- Enhancements to the pond.
- Improved terrestrial habitat around the boundaries.
- Drainage during and post construction will ensure the water table and pond will not be effected
- The pond will be fenced (post and wire) to prevent and deter human and dog disturbance other than for monitoring or management purposes.

Monitoring of the pond will be completed on an annual basis for 10 years and include survey for great crested newts to monitor the breeding population and also check on water quality, diversity of aquatic life and presence of any fish. If a notable negative change in the GCN population is recorded and/or it is clear water quality and aquatic life has deteriorated, then the source of the cause will be established and appropriate measures put in place under guidance from a suitably qualified ecologist. If fish are found to be present measures will be put in place to remove them.

Natural England has provided discretionary advice regarding this proposal and its potential to impact on the favourable conservation status of great crested newts. Natural England was able to conclude that the favourable conservation status of great crested newts can be maintained, and that a licence from Natural England is likely to be granted.

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in

the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

A Construction Environmental Management Plan, Landscaping plan and Habitat Management Plan will need to be submitted with the Reserved Matters application.

Bats: The site has the potential to support foraging and commuting bats. Enhancements for roosting bats should be included in suitable locations on site. SC Ecology would recommend integrated bat boxes are used. The existing gaps in hedgerows and along the northern and eastern boundaries of the site should be replanted to add to the ecological value of the landscaping around the boundaries of the site. The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

Badgers: The bare earth and patchy vegetation that dominates the site could be used by foraging badgers. No badger setts were recorded. Despite the lack of evidence found during the survey it is recommended a pre-construction check for setts is completed approximately 8 weeks prior to the start of works. Mitigation measures should also be put in place to ensure foraging/dispersing badgers do not become trapped within any excavation works associated with construction works. Excavations should either not be left uncovered overnight or ways of escape for badgers provided (wooden planks or graded earth banks).

Birds: In order to minimise potential impact on nesting birds, vegetation should be removed outside of the nesting bird season. Integrated swift bricks should be included within the site design in appropriate locations and opportunities for house sparrow and house martin should be included in the site design.

Conditions:

It is recommended that conditions should be included on the decision notice to require: submission for approval of a Construction Environmental Management Plan; landscaping plan; habitat management plan (post-construction); details of bat and bird boxes; external lighting; requirement for European Protection Species licence or details of why this is not required; pre-commencement badger check; works to adhere to ecological report (see Appendix 1).

- 4.1.8 **SC Affordable Housing** 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% this would mean a provision of 3 Affordable houses on site along with a financial sum for the remaining percentage. The assumed tenure split of the affordable homes would be 2 for affordable rent and 1 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 Council's 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.

4.1.9 **SC Learning and Skills** Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast that capacity will be exceeded. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that additional place contributions are secured via S106 funding.

4.1.10 **Cllr Phillips (Local Member – Bagley)** Objects. Though there has been some moderate changes to the frontage of this application, the renewed application is hardly any different in terms of density. Therefore my objections on the grounds of density, plus other issues including pressure on services, infrastructure (including roads/traffic) and the environment still stand. The objections set out at the last full planning meeting which led to the rejection of this application have not been addressed.

#### 4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition 74 residential properties in the local area have been directly notified. 23 objections have been received on the following grounds:

- Greenfield site not allocated for development
- No justifiable reason for development of greenfield site; brownfield more appropriate
- Not a suitable transition between adjoining development types
- Only cosmetic changes have been made to the proposal that was refused
- Out of character with surrounding area; houses would be more appropriate
- Excessive density; Redrow site is much lower density
- Concerns over overlooking
- Would be overbearing to and dominate neighbouring properties
- Blocks should be lowered by at least one floor
- External balconies are inappropriate; should be removed or reduced to Juliette style to avoid overlooking
- Adverse effect on privacy to residents to north
- Block B would have a ground floor level 1.15 metres above ground floor of adjacent houses
- Ellesmere Road is nearing capacity
- Premature until North West Relief Road is built
- Not sustainable
- Adverse impact from additional traffic; already too much traffic including HGVs
- Negative impact on highway safety
- Impact on pedestrian safety including route taken to school

- Impact on parking in area
- 'ghost island' would keep town-bound traffic moving but close to a pedestrian crossing which will not
- Query contents of construction traffic management plan
- Ellesmere Road too narrow
- Monitoring of traffic speed is required
- No mention of disabled spaces or electric car charging points
- Additional pressure on already over-subscribed primary school
- Infrastructure (schools, medical facilities, roads, etc.) to support new development is not in place
- Flats will lower the tone of the new housing estates
- Impact on pond and great crested newts and other species; impact on habitat for badgers, reptiles, bats, and migratory birds
- Pond has changed in size significantly in last 40 years
- Noise and air pollution already reaching unacceptable levels
- Impact on flood risk following building of Redrow development
- Area is subject to regular flooding
- Supporting documents out of date
- Does not address the reasons for refusal
- Noise tests were not carried out at peak time and are therefore meaningless

## 5.0 THE MAIN ISSUES

- Planning history
- Policy & Principle of Development
- Sustainable development
  - o Design, layout and scale
  - o Landscape
  - o Residential amenity
  - o Highways and traffic safety
  - o Biodiversity and ecology
  - o Trees and woodland
  - o Flooding and drainage
  - o Historic environment
  - o Land contamination
  - o Developer contributions

## 6.0 OFFICER APPRAISAL

### 6.1 Planning history

- 6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Core Strategy and Site Allocations and Management of Development (SAMDev) Plan. The application should be considered on its own merits and in relation to the adopted policies. Nevertheless the planning history of the site is a material consideration that needs to be taken into account in this process.

As set out above, the reasons for refusal of the previous scheme can be summarised

6.1.2 as follows:

- The location of the site within the countryside in an area not allocated for development in the Development Plan. It would be incompatible with the principles of sustainable development and would undermine the development strategy as set out in the Plan. The benefits of the proposal are insufficient to outweigh conflict with this strategy;
- Incongruous and intrusive to the detriment of the rural setting of the locality;
- Overdevelopment which would be out of keeping with the prevailing character of the surrounding area due to its design, scale, massing and layout.

6.1.3 The applicant has amended the proposal to seek to address the above issues, and the views of Officers on the extent to which this has been achieved are discussed below.

## 6.2 **Policy and Principle of Development**

6.2.1 Development Plan: Although a small part of the site lies within the development boundary of Shrewsbury, the majority of the site including that part which includes the residential blocks, lies outside of it. As stated above, for planning policy purposes the site must therefore be considered to fall within the 'countryside'. Policy CS1 of the Core Strategy sets out the strategic approach for guiding and managing new development over the lifetime of the Core Strategy. It states that Shrewsbury, as a sub-regional centre and Shropshire's growth point, will accommodate approximately 25% of Shropshire's residential development over the plan period. Other identified Key Centres will also accommodate growth, and in rural areas development is to be located predominantly within Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth. Policy CS1 states that outside of these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.

6.2.2 Policy CS2 sets out the development strategy for Shrewsbury. It states that the primary focus for development in Shrewsbury is to make best use of previously developed land and buildings and bring forward land allocated for development. The development strategy for Shrewsbury is supplemented by policy S16 of the SAMDev Plan. This reiterates the focus for development to be within the town's development boundary.

6.2.3 The site lies predominantly within the countryside and Core Strategy policy CS5 seeks to strictly control new development in such areas in accordance with national planning policies. It states that housing should be located where it will enhance or maintain the vitality of rural communities and isolated homes in the countryside should be avoided unless there are special circumstances such as, inter alia, the essential need for a rural worker to live permanently at or near their place of work in the countryside. The Core Strategy policies are complemented by those of the adopted SAMDev Plan, which provides additional detail to the over-arching policies contained in the Core Strategy.

6.2.4 Policy MD7a of the SAMDev Plan is concerned with managing housing development in the countryside. It states that new market housing will be strictly controlled outside

of Shrewsbury, the Market Towns, Key Centres, the Community Hubs and Community Clusters. Outside of these areas, exception site dwellings such as affordable housing to meet a local need and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.

- 6.2.5 As noted in the Committee report to the previously refused application, it could be argued that the application site has a stronger relationship with the urban area of Shrewsbury than with the wider rural area, particularly now that the recently-approved developments to the north and west have been built. Residential areas to the west, south and east are all located within the defined settlement boundary. However, as noted by the Planning Policy team, this enclosure of countryside into the urban form of the town is not uncommon and many of these open areas form part of the urban green infrastructure. The wider benefits to the town of these pockets of open land are acknowledged. However the development of this land for residential purposes would not accord with the general settlement strategy as set out in the Development Plan.
- 6.2.6 It is acknowledged that planning permission was granted for the Redrow housing development that adjoins the site to the north and which is also outside of the development boundary. However it is important to note that this permission was granted at a time when the Council's housing land supply was constrained and, for Shropshire as a whole, fell just below five years. In the absence of a five year housing supply the Committee report for that application explained that a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) was the most significant material consideration when determining planning applications for housing and took precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date.
- 6.2.7 At the current time the Council can demonstrate that it has more than five years supply of housing land. As noted by the Council's planning policy team, the supply of housing in Shrewsbury is in excess of 7500 dwellings and so exceeds the requirement for the town by 1000 dwellings. As such additional housing sites to contribute to a five year supply of housing are not required at the current time, and the primacy of Development Plan policies is restored.
- 6.2.8 Notwithstanding the above, policy MD3 of the SAMDev Plan does state that in addition to supporting the development of allocated sites, planning permission will also be granted for other sustainable housing development having regard to adopted policies, particularly CS2, CS3, CS4, CS5, MD1 and MD7a. It states that the settlement housing guideline is a significant policy consideration and states that, where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries may be acceptable. In terms of the current application there is no evidence that the guideline of 6500 dwellings for Shrewsbury will not be delivered during the Plan period.
- 6.1.9 The Committee report relating to 16/03225/OUT recognised that the principle of residential development of the site would be contrary to the Development Plan.

However it also noted that simply because a development proposal does not accord with the development plan does not mean that it should be automatically refused planning permission. If there are other material planning considerations that weigh in the development's favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. This situation continues to apply to the current proposal and these material factors are considered further below.

## 6.2 **The presumption in favour of sustainable development**

6.2.1 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. This advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6). Para. 14 establishes a presumption in favour of sustainable development and states that the presumption in favour of sustainable development should be seen as the 'golden thread' running through both plan-making and decision-taking. For decision-taking the Framework states that this means that unless material considerations indicate otherwise development proposals that accord with the development plan should be approved. In this case the proposal is contrary to development plan policies. It is for the decision maker to decide whether there are material considerations and/or additional benefits to the proposed development that would override this conflict with the adopted Local Plan.

6.2.2 The NPPF policies above regarding sustainable development are an important material consideration. The NPPF details the three dimensions to sustainable development, namely an economic role, a social role and an environmental role. The nearest settlement is the town of Shrewsbury which, being the main settlement in Shropshire, has significant sustainability credentials. The application site is situated close to the edge of the town and is considered to be in a sustainable location. It is possible to access local services, shops and other facilities, including public transport, reasonably easily without having to rely upon private transport. The benefits/mitigating factors of the scheme are discussed below.

6.2.3 **Economic Role:** The NPPF states that significant weight should be placed on the need to support economic growth through the planning system. The delivery of housing is a contributor to economic growth. The proposal would provide construction jobs, New Homes Bonus, increased council tax payments, and additional local expenditure by future residents, although none of this has been quantified. Nevertheless, these are considered to weigh in favour of the development.

6.2.4 Officers acknowledged that such benefits would also accrue in respect of development situated within the development boundary and are not, in themselves, considered to carry substantial weight. It is anticipated that something above and beyond the minimum required or expected under policy and guidance would be necessary to tip the balance in favour of such development. The proposal would be liable for CIL which would provide financial contributions to infrastructure within the area. The applicant has also agreed in principle to contribute £24,000 towards a new pedestrian crossing along Ellesmere Road. Based upon the advice of the Council's highways team it is considered that this crossing is necessary to make the development acceptable in highway terms. It is considered that this level of

contribution is proportionate to the scale of the development being proposed and is entirely in line with advice received from the Council's highways team.

6.2.5 **Social role:** Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities. In social terms the proposed development would provide 36 dwellings. Under the Council's policy a development of this size and in this area is required to include 10% affordable dwellings. This would amount to 3.6 dwellings i.e. 3 dwellings on site with a financial contribution to cover the remaining 0.6 of a dwelling. For the current proposal the applicant has agreed to over-provide on the amount of affordable housing, and would be willing to provide five on-site affordable dwellings. This represents an additional benefit over and above policy requirements and carries weight in the planning balance.

6.2.6 Policy CS6 requires development that is likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. For reasons explained above it is considered that the proposed development would meet this requirement. In addition, the proposals would provide 9 off-street car parking spaces for use by existing residents of the dwellings to the south on Ellesmere Road. Policy CS6 also requires that new development is designed to be adaptable, safe and accessible to all; to respond to the challenge of climate change; and to adapt to lifestyle needs over the lifetime of the development. There is no reason to believe that the development could not be designed to meet these requirements and there is no objection to the scheme on this basis.

6.2.7 This remains a predominantly open market-led housing development on a site that lies outside the defined settlement boundary. The adopted Development Plan includes a set of policies that would lend support for a residential development outside but close to the edge of the settlement but it would have to provide 100% affordable housing that meets an identified local need. The current application is not such a scheme and is therefore not compliant with Policies CS5, CS11, MD3 and MD7a. Nevertheless, the proposed development would provide some social and economic benefits which should be attributed some weight in the planning balance.

6.2.8 **Environmental Role:**

**(i) Design, Layout and Scale**

Core Strategy 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. It requires new development to protect, restore, conserve and enhance the natural, built and historic environment. 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. It requires the achievement of local standards for the provision and quality of open space. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2

requires that development proposals contribute to and respect locally distinctive or valued character and existing amenity value.

6.2.9 Whilst the application has been submitted in outline, matters of layout, scale and appearance have been provided at this stage. In relation to the previous application, the Council's Conservation and Design Officer did offer broad support from a design and historic environment perspective for the principle of development on the site. However concerns were expressed about the depth and bulk of the built form, concluding that 'the scale of this development is still significant in the context of the surrounding urban grain'. Similarly, in relation to that previous proposal, Members raised a number of concerns regarding the design, scale, massing and layout of the scheme. These concerns were reflected in the third reason for refusal as set out in Section 1 above

6.2.10 The submitted Design and Access Statement for the current application has described the objectives for the revised scheme. These include: to develop a place of distinctive character; to innovatively handle the changes in site levels; to enhance the contribution of the pond to the site; to reduce the visual impact of cars on the site. In responding to the concerns raised by Members regarding the previous proposal a number of alterations to the scheme have been made.

6.2.11 The proposal would provide 6no. one bed apartments, 25no. two bed apartments of differing sizes, and 5no. three bed apartments. As such it would provide a mix of dwellings to cater for a variety of households. The number of dwellings has been reduced from 38 to 36. The proposal would retain the existing pond on the site, and land which is not proposed for apartments or internal roadways would provide amenity space with an area (not including the pond) of approximately 2400m<sup>2</sup>. This would exceed the target set out in SAMDev Plan policy MD2 of 30m<sup>2</sup> per person and which would suggest an open space provision of some 2130m<sup>2</sup>. The design retains the under-croft parking arrangement that was also proposed as part of the previous scheme.

6.2.12 Elevations are made up of a number of house scale components. Adjoining internal service cores have been set back to enhance the building shape and reduce the massing of the apartment blocks. Building vernaculars along Ellesmere Road include examples of double gables and this style is replicated in the current application. Large dormers and chimneys would provide distinctive features to the roofscape. These would provide an element of a domestic frontage to the scheme, and are consistent with other properties in the locality.

6.2.13 The Council's Conservation and Design Officer has acknowledged that the revised proposals provide more variety in the roof plan. In addition the officer considers that it offers an approach to design which better references elements of the local vernacular style in terms of its character, including the flat-topped double height bays and projecting gables.

6.2.14 It is acknowledged that the floor area and size of the apartment blocks is similar to that of the refused scheme. Nevertheless it is considered that the current proposal introduces features which reduce the apparent massing of the development and

which are more in keeping with other properties in the area. Street elevation drawings have been provided and these illustrate that the height of the two blocks fronting Ellesmere Road would be generally in line with that of the Victorian terrace to the south.

6.2.15 The previous scheme proposed the removal of the roadside hedgerow. The current scheme has been re-designed to allow for this to be retained. Other than as required for the formation of the access into the site the hedgerow will be preserved. It is considered that this would maintain some of the character of the area and provide a soft edge to the development thereby improving its appearance. Detailed specifications of the proposed finishes and materials to be used have not been submitted at this stage. Further discussion is required on this element of the scheme however Officers consider that it would be appropriate for this to be dealt with as part of a planning condition. It is considered that the revised submission, as a whole, represents an improved scheme which can be recommended to Members. It is noted that, having considered the revised proposal, the majority of members of the Town Council feel that it constitutes an improvement and that the Council as a whole supports it.

6.2.16 **(ii) Landscape**

Supplementing policy CS6, policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity. The site is currently undeveloped and appears historically to have been farmland. The new development will change that appearance and in doing so would not protect or conserve the natural environment locally. It retains a distinctly rural character and appearance and development of this site would adversely affect its rural character. Its development will alter its current appearance.

6.2.17 Included in the evidence base for the SAMDev Plan is the Shrewsbury and Atcham Landscape Sensitivity and Capacity Study 2007. In the report the application site is listed as being in the southern part of a much larger area designated 'Shrewsbury Zone 17'. Sensitivity is taken to mean the sensitivity of the landscape itself to change irrespective of the type of change which may be under consideration. Capacity is taken to mean the ability of a landscape to accommodate different amounts of change for a development of a specific type, such as housing. The landscape sensitivity of Zone 17 is categorised as being Medium, the key characteristic of which is a landscape susceptible to change and which has value as a landscape resource. The capacity of Zone17 to accommodate residential development is Medium, which means the thresholds for change are intermediate with some ability to accommodate development in some parts. The Study considered the site to have "some capacity for housing in the south", due to its less sensitive characteristics.

6.2.18 Importantly, the application site is located within this less sensitive area and in principle the site could be developed for residential purposes (subject to appropriate design, scale and layout) without causing material harm to landscape sensitivity. The site equates to the retained vestige of the wider Zone 17 area, following the approval of new residential development on the land to the north. Nevertheless, the Capacity and Sensitivity Study does envisage some development taking place on the site

without introducing an intrusive change to the otherwise semi-rural appearance of the area.

- 6.2.19 The proposed development would alter the existing character of the area by introducing new built form, lighting and additional residential paraphernalia. That being the case, the Landscape Sensitivity and Capacity Study informed the SAMDev Plan and has concluded that the application site is capable of accommodating new development without adversely affecting the undeveloped character of the area. This needs to be balanced against the general aims of the over-arching but non-site specific policies CS6 and MD2.
- 6.2.20 In addition, the landscaping proposals for mitigating the effects of the development on this greenfield site remain a reserved matter for future consideration. However, it is considered that a bespoke scheme that integrates with the strategy necessary to improve biodiversity enhancements across the site will be capable of adding environmental value to the development.
- 6.2.21 **(iii) Impact on residential amenity**  
Core Strategy policy CS6 requires that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. The siting of the proposed apartments in relation to surrounding houses is generally in line with that which was negotiated as part of the previous scheme. Block A is located close to the new dwellings to the north on the Redrow Homes development. There are two dwellings on the southern edge of this development that are particularly affected by this proposal. The westernmost one of these (plot 68) is a two storey detached dwelling house. It is accessed from within the site and it faces west so that its rear garden faces east towards Ellesmere Road. The side elevation of this property faces across the application site but there are no windows above ground floor level. There is an opening at ground floor level on the southern elevation however visibility of the proposed development would be restricted by a close board fence along the intervening boundary. The rear elevation contains a centrally-positioned pair of patio doors serving the dining room flanked by windows on either side serving the lounge and kitchen.
- 6.2.22 The dwelling is set at a lower ground level than Block A which will be a full three storeys in height (at the rear) with additional living accommodation within the roof and a set of external balconies at first and second floor levels. The degree of separation between the dwelling and the proposed Block A is from the house to Plot 68 is approximately 23.5 metres and approximately 12 metres from the corner of the private curtilage. There would be no balconies on the nearest part of the rear elevation of Block A, and it is considered that the windows to the side wall should be obscure glazed to reduce overlooking.
- 6.2.23 Block A would also potentially affect the easternmost dwelling on the southern side of the Redrow development (plot 69). This detached dwelling house is set a similar level to Block A but its rear garden steps back down the slope and the dwelling is set only 5 metres or so away from Block A. There are a number of windows on the side wall of Block A serving habitable rooms (kitchen/living rooms) at each floor level and these would directly overlook the side and rear of Plot 69. In relation to the previous

scheme the applicant agreed that these would be obscure glazed to prevent overlooking of that dwelling house, and it is considered that this would be appropriate for the current scheme. In addition and as above, there would be no balconies at the northern part of the rear elevation of Block A to help avoid direct overlooking of the rear garden area.

- 6.2.24 In relation to the southern side of the site the house at the northern end of the existing terrace has windows in its ground and first floor elevations facing the application site. It is considered that it would be appropriate therefore for the windows on the southern elevation of Block C to be obscure glazed to maintain privacy and amenity.
- 6.2.25 In relation to proposed Block B at the north-western side of the site this would be approximately 20 metres away from the nearest dwellings on the Redrow homes site. There would be no external balconies facing the Redrow development. The two dwellings most affected within the Redrow scheme have end elevations facing the application site with no windows serving habitable rooms affected. The indicative plans show that tree planting can be accommodated in the intervening ground, and this can be agreed through the landscaping which is a reserved matter. As such it is considered that the separation distance is adequate. The dwellings on the Lovell's site to the west are on higher ground on the opposite side of the pond. The degree of separation and elevational differences mean there is unlikely to be any loss of privacy or loss of light arising from the development.
- 6.2.26 The Public Protection Officer has commented that the future occupiers of the apartments, especially in those facing Ellesmere Road, are likely to experience noise disturbance. He has recommended that mitigation is provided through the provision of a minimum specification of glazing, and that the trickle vents achieve an equivalent noise attenuation. These requirements can be secured by way of a planning condition.
- 6.2.27 Subject to measures discussed above including obscure glazing, landscaping and noise attenuation it is considered that the proposals can be designed to provide satisfactory protection to residential amenity in line with policies CS6 and MD2.
- 6.2.28 **(iv) Highways and traffic safety**  
Core Strategy policy CS6 requires that development is designed to be safe and accessible to all. Para. 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved, and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 6.2.29 The site will generate new traffic within the surrounding road network. The existing traffic flows along Ellesmere Road, an important arterial route into and out of the town centre, are relatively high. The site is close to the key intersection at Ellesmere Road/Chester Street and Castle Foregate to the south. A considerable number of objections have been received from within the local community on this issue.
- 6.2.30 In broad terms the highways implications of the proposal are similar to those raised by the previous scheme. The site would be served by a new vehicular access off

Ellesmere Road. The existing parking bays on the road outside the terraced houses to the south would be removed and relocated to within the development site. This would facilitate the provision of a new pedestrian crossing, for which the applicant is willing to provide a financial contribution. This can be secured through the provision of a Section 106 agreement.

- 6.2.31 Traffic and access issues were not included in the reasons for refusal and it is considered that these matters were deemed to be acceptable. In principle it is considered that an acceptable site access and internal road layout can be provided to meet Council standards. The Council's highways consultant has confirmed that the number of car parking spaces proposed is acceptable. However the level of detail submitted with the current application falls short of that submitted as part of the previous scheme. The Council's highways consultant has raised concerns over this and has set out the additional information that is required in order that an informed view can be made. Further information has now been submitted. This includes swept path drawings and additional details of the site access design. Members will be updated on any further comments from the Council's highways team in advance of the Committee meeting.
- 6.2.32 **(v) Impact on Biodiversity and Ecology**  
Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. The NPPF places high importance on protection of biodiversity interests and new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment.
- 6.2.33 The site contains an important natural asset in the form of a pond which has been recorded as supporting a medium population of Great Crested Newts (GCNs). A number of specific reports and surveys have been provided by the applicant and these have been assessed by the Council's Ecologist.
- 6.2.34 The Conservation of Habitats and Species Regulations 2010 requires local authorities to give due weight to the presence of protected species on a development site. Planning permission may be granted provided there is no detriment to the maintenance of the species population at favourable conservation status in their natural range. The Regulations advise that if any detriment would be caused by the proposed development, planning permission should only be granted provided:
- There is no satisfactory alternative; and
  - The development is in the interests of public health and safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- 6.2.35 Natural England has concluded that the favourable conservation status of great crested newts can be maintained, and that a licence is likely to be granted. Nevertheless the local planning authority is required to consider three tests prior to determining the planning application. The completed European Protected Species 3

tests matrix is included as Appendix 1 to this report.

- 6.2.36 The Council's Ecologist has recommended a series of planning conditions related to biodiversity interests. These include the requirement to submit for approval a Construction Environmental Management Plan, a landscaping plan, and a habitat management plan. Subject to these being included on a grant of planning permission there is no objection to the proposals on ecological grounds.
- 6.2.37 **(v) Trees and Woodland**  
The existing hedgerow along the eastern side of the site would be retained other than as required to form the site access. It is considered that the retention of this feature is to be welcomed as maintaining an existing visual screen and ecological connectivity. This weighs positively in the overall planning balance. Further amenity improvements can be secured as part of a landscaping scheme and a habitat enhancement scheme.
- 6.2.38 **(vi) Flooding and drainage**  
Core Strategy policy CS18 advises that development should integrate measures of sustainable water management to reduce flood risk, and avoid an adverse impact on water quality and quantity.
- 6.2.39 The application is accompanied by a Flood Risk Assessment. The site falls within Flood Zone 1, which is the least susceptible to flooding. The proposed development would have a finished floor level of 54.00m above ordnance datum, which is 600mm above the level of the extreme flood. Surface water runoff would be to soakaways and the existing pond, and foul drainage would be connected to the existing sewer. Details of the proposed surface and foul water drainage system can be dealt with by a planning condition, as recommended by the Council's Flood and Water Management consultants.
- 6.2.40 **(vii) Historic environment**  
The site does not lie within a conservation area or an area of archaeological significance. It does not contain any listed buildings and would not result in any adverse impact on the setting of a heritage asset. There is no objection to the proposal on heritage grounds.
- 6.2.41 **(viii) Land contamination**  
Policy CS6 of the Core Strategy requires all development proposals to take proper account of potential hazards and to undertake necessary remedial measures to ensure that development is safe. The NPPF emphasises the need to minimise pollution risk and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any remediation proposals.
- 6.2.42 The Public Protection Officer has considered the contents of the Ground Investigation Report submitted with the application and has concluded that, based upon the results and methodology, further assessment is required. This can be required through the submission of a site investigation scheme and a condition can be imposed on the decision notice to require this.

**6.2.43 (ix) Developer contributions**

Policies CS9 and CS11 of the Core Strategy seek to secure the provision of affordable housing either on the development site or, where appropriate, as an off-site financial contribution. The applicant is offering to exceed the required 10% contribution (equivalent to 3.6 dwellings) by providing five affordable dwellings on site. This can be delivered through a Section 106 agreement.

6.2.44 As noted above the applicant is also willing to provide a contribution of £24,000 for a new pedestrian crossing near the school on Ellesmere Road. It is considered that this would offset some of the impacts of the proposed development from additional traffic and footfall in the area, and is necessary to make the development acceptable and in line with CS9 and CS11.

6.2.45 In relation to the previous scheme proposed for this site there was discussion regarding additional contributions appropriate towards the North West Relief Road. The Council's planning policy team have confirmed that, in the case of modest sites such as the current proposal, such a contribution would not be essential. Officers do not consider that it is necessary to seek such a contribution for this proposal.

**7.0 CONCLUSION**

7.1 The application seeks to address the reasons for refusal of a previous application for residential development on this site off Ellesmere Road. As with the refused application, the currently proposed development lies outside of the development boundary of Shrewsbury and on land which is not allocated for residential or other development. Whilst the site is surrounded on all sides by residential development it nevertheless falls within an area designated as countryside for planning policy purposes. The housing development strategy for Shrewsbury as set out in the Development Plan seeks to direct new dwellings to allocated land and also sites within the development boundary. The Plan, under Core Strategy policy CS5, seeks to strictly control new development in the countryside, including open market residential development.

7.2 The emerging review of the Local Plan will provide an opportunity to bring the land which is the subject of this application forward for development. In addition the proportion of housing development that Shrewsbury is expected to provide is likely to increase from 25% to 30% in the Local Plan review. Nevertheless at the current time the site remains a part of the countryside and forms part of the environmental network of Shrewsbury.

7.3 Notwithstanding the above, policy MD3 of the SAMDev Plan does state that in addition to supporting the development of allocated sites, planning permission will also be granted for other sustainable housing development having regard to adopted policies, particularly CS2, CS3, CS4, CS5, MD1 and MD7a. In assessing the acceptability of the current proposals therefore, it is necessary to look into whether the overall benefits of the proposal would tip the balance in favour of granting planning permission. The Council's planning policy team consider that the proposal might permit improvements to the natural environment by partially retaining and improving the countryside character, conserving the biodiversity of the site and its contribution

to the environmental network. The policy team suggest that these effects in turn may contribute to the health and well-being of the local community by enhancing the urban 'green' infrastructure in Greenfields.

- 7.4 In the assessment in the sections above Officers consider that the current proposal provides a number of improvements over and above the previous refused scheme. This includes enhancements to design and appearance which, whilst limited, would result in a more sympathetic development. The assessment indicates that the proposal would bring about improvements to the ecological value of the area through improved habitat. In terms of highway matters, whilst it is acknowledged that the proposal would result in additional traffic to the area, it would provide improvements to the local highway through contributions towards a pedestrian crossing point and new off-street parking spaces for existing residents. It would offer an over-provision of affordable housing and provide a mix of housing sizes to cater for different household types. The proposal would also assist in meeting the Government's ambition to boost significantly the supply of housing.
- 7.5 The development of the site for housing would conflict with a number of policies of the Development Plan and this should be given significant weight in the decision making process. Nevertheless Officers consider that the site lies within a highly sustainable location. It is bordered on all sides by residential development, much of which has been developed recently. In addition the limited impact that may arise to local landscape character can be satisfactorily ameliorated through a comprehensive landscaping scheme which would be agreed as part of the reserved matters. It is not considered that the proposal would result in significant harm to the local area and it would provide a number of benefits. Officers are of the view that these benefits are sufficient to outweigh the conflict with planning policies in this instance. As such, subject to the imposition of conditions as set out in Appendix 2 and to the completion of a Section 106 agreement to provide financial contributions towards highway improvements, and affordable housing, it is recommended that planning permission is granted.

## 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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose 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 give 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 1970.

## 9.0 FINANCIAL IMPLICATIONS

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

## **APPENDIX 1 - EUROPEAN PROTECTED SPECIES: The 'three tests'**

### **Application reference number, site name and description:**

17/05772/OUT  
Proposed Residential Development Land To The West Of Ellesmere Road Shrewsbury  
Shropshire  
Outline application for the erection of 36No dwellings and associated infrastructure (to  
include access, appearance, layout and scale)(re-submission)

### **Date:**

3<sup>rd</sup> April 2018

**Officer:**

Sophie Milburn  
Assistant Biodiversity Officer  
sophie.milburn@shropshire.gov.uk  
Tel.: 01743 254765

Kelvin Hall  
Technical Specialist Planning Officer  
Kelvin.hall@shropshire.gov.uk

**Test 1:**

Is the development '**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The development will not cause harm to interests of public health and safety, subject to the recommended suite of planning conditions and completion of a Section 106 obligation. It will also deliver a range of economic and social benefits, all as explained in detail in this report.

**Test 2:**

Is there '**no satisfactory alternative?**'

The site is a largely undeveloped parcel of land located in the countryside on the edge of the largest settlement in the county. It has not been allocated for any specific use in the adopted local plan. The local planning authority is currently able to demonstrate a 5 year housing land supply, as required by the NPPF. However, the NPPF requires other material planning considerations that may weigh in favour of the development to be assessed in the planning balance. The assessment has been set out above in this report. The land to the north and west has recently been developed for housing and the site is now a relic of what once had been a substantial tract of open countryside. There are a number of allocations contained within the local plan for new housing development but these are primarily to the south and west of the town. Within the area around the application site there are no other similar sized land parcels capable of delivering new residential development of similar scale. The proposed development would make a modest but important contribution towards meeting the Council's housing requirements. As such, it is considered that no other satisfactory alternatives exist and this Test has been satisfied.

The proposed development would affect some identified features of nature conservation value, as explained in the Ecologist's observations. However, as described within the supporting Ecological Report, enhancements within the site area would not only serve as compensation but would also enhance habitat and landscaping features in the locality, benefiting the local protected species as a whole, in particular the bat and Great Crested Newt population.

The assessments carried out by the applicant submitted with the planning application have been carefully assessed by the Ecologist and Natural England and it has been concluded that the development will not cause unacceptable harm to any statutory or non-statutory designated nature conservation sites. The proposal therefore accords with the provisions of the Conservation Regulations 2010 and the relevant advice and guidance set out in the Framework. Therefore, it is considered that this Test has been satisfied.

**Test 3:**

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

A medium population of great crested newts has been recorded in the pond within the development site boundary (max count 22).

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

Turnstone Ecology and the applicant have used Natural England's Discretionary Advice Service to inform an appropriate mitigation strategy at this site.

The pond and associated marginal vegetation, hedgerows, trees and scrub around the site will be retained. Proposed access will be via a new road directly off Ellesmere Road, resulting in the loss of a short section of poorly connected hedgerow.

In order to avoid killing and injuring of great crested newts the following reasonable avoidance measures will be put in place:

- Translocation program that will last a minimum of 60 days between April – October inclusive and when overnight temperatures are over 5 degrees.
- Temporary Amphibian Fencing.
- Permanent log piles will be created to the south of the pond, acting as an area for translocation.
- Vegetation within the exclusion area will be maintained short to minimise suitable habitat for great crested newt and aid capture.

In order to mitigate for the loss of great crested newt habitat:

- All optimal GCN terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148ha of dense ruderal and grass habitat around the edges of the pond) and 0.042ha of sub-optimal habitat will be temporarily lost during works but then recreated and enhanced post-construction.
- Unit B will be constructed on columns to raise it up to the levels of the eastern half of the site and although there will be temporary loss of sub-optimal habitat during construction, the area under the unit will be recreated as habitat suitable for foraging and hibernating GCN.
- A new hedgerow and an associated earth, wood and rubble bund vegetated with tall herb and shrubs will be recreated along part of the northern boundary.

- The proposal within the 0.8ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078ha of unsuitable hard-standing with 0.54 ha of optimal great crested newt habitat (pond, dense vegetation around and beyond the pond and hibernaculas/refuges) being retained, created and/or enhanced.

In order to enhance the site and mitigate for the loss of great crested newt habitat:

- Enhancements to the pond.
- Improved terrestrial habitat around the boundaries.
- Drainage during and post construction will ensure the water table and pond will not be effected
- The pond will be fenced (post and wire) to prevent and deter human and dog disturbance other than for monitoring or management purposes.

Monitoring of the pond will be completed on an annual basis for 10 years and include survey for great crested newts to monitor the breeding population and also check on water quality, diversity of aquatic life and presence of any fish. If a notable negative change in the GCN population is recorded and/or it is clear water quality and aquatic life has deteriorated, then the source of the cause will be established and appropriate measures put in place under guidance from a suitably qualified ecologist. If fish are found to be present measures will be put in place to remove them.

Natural England has provided discretionary advice regarding this proposal and its potential to impact on the favourable conservation status of great crested newts. Natural England was able to conclude that the favourable conservation status of great crested newts can be maintained, and that a licence from Natural England is likely to be granted.

Following the guidance of Natural England, Shropshire Council can conclude that the proposed development will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Sophie Milburn to Kelvin Hall (dated 15th January 2018) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence;
- Lighting plan;
- Construction Environmental Management Plan
- Habitat Management Plan; and
- Landscaping plan.

## 10. Background

### RELEVANT PLANNING POLICIES

**National Planning Policy Framework:**

The following paragraphs are considered to be relevant:

2, 7, 9, 14, 17, 32, 35, 47, 49, 50, 56, 58, 60, 61, 109 and 118.

**Shropshire Adopted Core Strategy:**

Policies CS1, CS2, CS5, CS6, CS11, CS17 and CS18.

**Shropshire Adopted SAMDev Plan:**

Policies MD1, MD2, MD3, MD7a, MD12 and S16.

**RELEVANT PLANNING HISTORY:**

16/03225/OUT Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure REFUSE 28th June 2017

16/03539/TCA To fell 1No fully mature tree T1 and 1No Lime Tree T2; removal of remaining hedge line H1 and removal of section of hedge H2 NPW 9th August 2016

**Appeal**

18/02633/REF Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure INPROG

**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)
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Cabinet Member (Portfolio Holder)
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Cllr R. Macey
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Local Member
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Cllr Alex Phillips
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Appendices
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APPENDIX 1 – European Protected Species: The ‘three tests’
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APPENDIX 2 – Conditions
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## APPENDIX 2 - Conditions

### STANDARD CONDITION(S)

1. 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.

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. Approval of the details of 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. The submitted details shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

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.

4. The development hereby approved shall be carried out in accordance with the following approved plans and drawings:

- L200 Proposed Site Plan, received 9th March 2018
- L201 Block A Plans, received 9th March 2018
- L202 Block B Plans, received 9th March 2018
- L203 Block C Plans, received 9th March 2018
- L204 Block A Elevations as Proposed, received 9th March 2018
- L205 Block B Elevations as Proposed, received 9th March 2018
- L206 Block C Elevations as Proposed, received 9th March 2018
- L210 Proposed Ecology Site Plan, received 13th March 2018
- L024 Key Street Elevation and Section through Block B, received 14th January 2018
- 02432-01 A Indicative Access Design, received 9th March 2018
- 02432-02 A Swept Path Analysis, received 9th March 2018
- 7122-3 Streetscene, received 30th November 2017
- 7122-4 Inner Streetscene (x2), received 30th November 2017

- 7122-6 Inner Site Streetscene, received 30th November 2017
- 7122-7 Rear View Streetscene, received 30th November 2017
- L000 Location Plan as proposed, received 30th November 2017

Reason: To define the permission for the avoidance of doubt.

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

5. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

6. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers, canopies, brickwork type and bond have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

7. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be constructed prior to the development being occupied.

Reason: In the interests of visual amenity and the character and appearance of the area.

8. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. 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 section 118 of the NPPF.

9. No development shall take place until a habitat management plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

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

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

10. No development shall take place until details of the makes, models and locations of bird and bat boxes have been submitted to and approved in writing by the local planning authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 8 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for house martins (house martin nesting cups).
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

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

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

11. No development shall commence until a lighting plan has been submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat

and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

12. No development shall take place until either:

- a) a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority; or
- b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of great crested newts, a European Protected Species.

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

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

14. 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.

15. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory landscaped setting for the development.

16. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

Reason: In the interests of visual amenity and for the avoidance of flood risk.

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

17. Unless as otherwise approved by the reserved matters scheme, all soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

18. Before the development hereby permitted is first occupied the windows in the north and south facing elevations of Blocks A and C shall be fitted with top-opening casement windows and glazed with obscure glass only. The windows shall thereafter be retained in the approved form in perpetuity.

Reason: To prevent overlooking of neighbouring properties in the interests of residential amenity.

19. Glazing in the façade facing Ellesmere Road shall be a minimum standard of 6-12-6 and shall have acoustically attenuated trickle vents that achieve equal noise attenuation to the glazing.

Reason: to achieve a suitable internal environment conducive to good health and wellbeing for future residents.

20. Prior to the use of the car parking spaces a minimum of one electric vehicle (EV) plug ready charging point shall be installed for every 10 parking spaces or part thereof provided.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

21. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and 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 submit a mitigation strategy that sets out appropriate actions to be taken during the works.

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

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

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

Reason: In the interests of visual amenity.

23. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Great Crested Newt Mitigation and Management (Turnstone Ecology, November 2017), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of and enhancements for great crested newts, a European Protected Species.

#### **Informatives**

1. 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 187.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in

before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. 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](http://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.

#### 4. Drainage advice:

1. The surface water drainage proposals in the FRA are acceptable in principle. The Environment Agency has updated the guidance on Climate Change in March 2016 and 35% should be used for residential development in the Severn catchment. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

### 3. Highway gully spacing calculations should be provided.

Should gullies be the only means of removing surface water from the highway, spacing calculations will be based on a storm intensity of 50mm/hr with flow widths of:

- o 0.5m on all carriageways with footways, or;
- o 0.75m on all carriageways adjacent to a flush soft verge, or;
- o 1.0m on carriageways which have a hard-shoulder.

Gully spacing shall be no less than 20m on balanced carriageways except in vulnerable areas for 1 in 100 year storm events.

Close spacing of gullies on a development will increase maintenance liability for both emptying and of the road surface around the ironwork. Amending the vertical profile or installing kerb drains should be considered where spacing's are less than 20m. Alternatively, to reflect the increased liabilities, a commuted sum would be applied to any gully within the minimum 20m spacing.

In addition Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" requires that exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site, or contribute to surface water flooding of any area outside of the development site.

Therefore the proposed management of exceedance flows generated by this return period must also be considered and catered for.

This must be demonstrated by the provision of a contoured plan of the finished road levels showing the proposed management of any exceedance flow. (The discharge of any such flows across the adjacent land would not be permitted)

Vulnerable areas of the development, where exceedance is likely to result in the flooding of property, or contribute to flooding outside of the development site, highway gully spacing should be doubled over the entire length of highway contributing to the vulnerable area to ensure a 100mm/hr storm event is managed or attenuated on site.

Reason: By calculating highway gully spacing's in this way it will ensure a highway surface water drainage system for a site which is fully compliant with regulations and is of a sufficiently robust design.

### 5. Contaminated land:

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>

#### 6. 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 and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

#### General site informative for wildlife protection:

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.