

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 17/05234/FUL

Parish:

Shrewsbury Town Council

Proposal: Erection of 15 dwellings (including 2 affordable) to include new access road and associated parking (amended description)

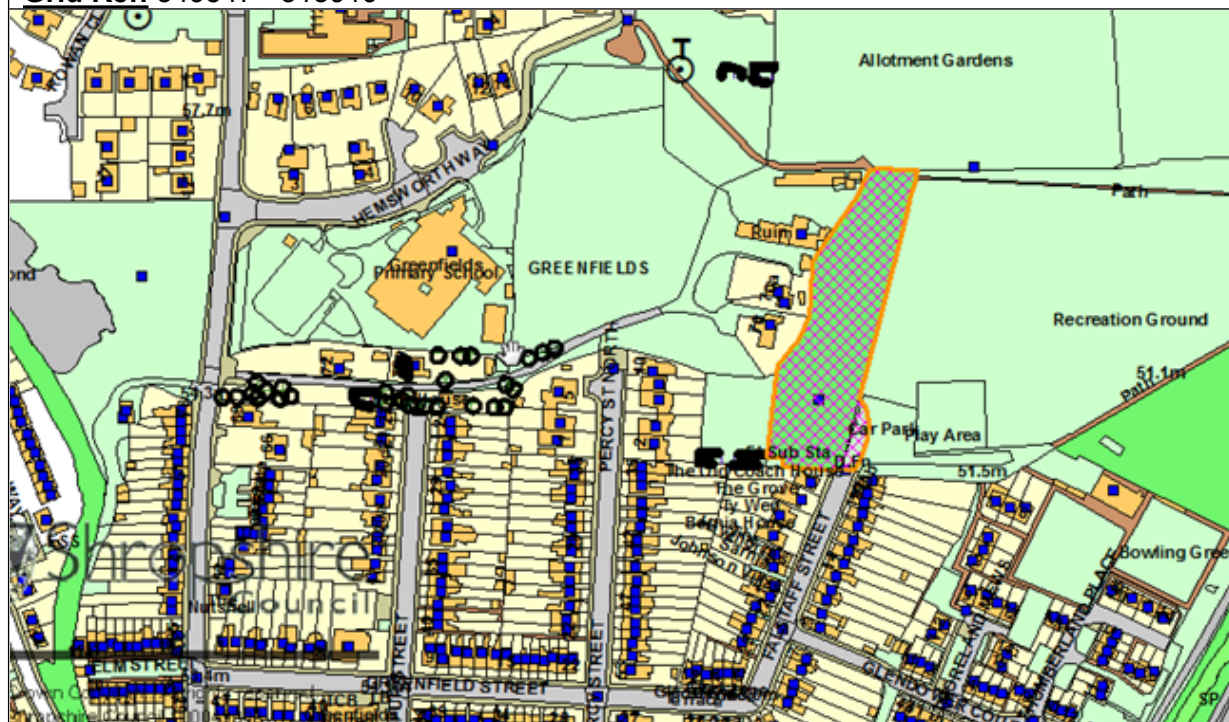
Site Address: Land Off Greenfields Recreation Ground Falstaff Street Shrewsbury Shropshire

Applicant: CSE Developments (Shropshire) Ltd

Case Officer: Jane Raymond

email: planningdmc@shropshire.gov.uk

Grid Ref: 349547 - 313919



Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure 2 affordable houses.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of 15 dwellings to include 2 affordable and the provision of a new access road and associated parking.
- 1.2 It is a revised application to that reported to members at the 15 February 2018 Central Planning Committee which was for 17 dwellings. At that meeting Members resolved *‘That consideration of the application be deferred to a future meeting of this Committee for further discussion in relation to the tree survey and an amended site layout if necessary as a result’*.
- 1.3 The application has been amended and now indicates 15 dwellings with a revised house type for plot number 1 to allow more space around the protected Lime Tree at the entrance to the site. In all other respects the application remains much the same to that previously submitted with access being provided off the end of Falstaff street and the provision of two parking spaces per dwelling with two additional visitor parking spaces.
- 1.4 This report supersedes and replaces the previous report. All issues will be considered in relation to the most up to date and latest revised version of all the information, documents and drawings submitted.
- 1.5 Any references to the NPPF have been amended to reflect the new paragraph numbering of the revised NPPF July 2018.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an overgrown vacant piece of land to the west of Greenfield recreation land and was previously owned by Shrewsbury Town Council. The trees that remained on the site following its previous use as a tree nursery were cleared prior to the submission of a planning application by the Town Council in 2012 for residential development of the site for 8 large detached dwellings that were described as ‘eco homes’.
- 2.2 The site is accessed off the main Ellesmere Road into Shrewsbury via the residential streets of Greenfields and Falstaff Street to the South. To the North of the site are allotments, to the East the Greenfields Recreation Ground and to the West two detached dwellings, and Greenfields School lies further to the West.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The local member requested that the application be determined by committee and the manager with responsibility for development management in consultation with the committee chairman and vice chairman agreed the request to be based on material planning reasons. Members at the February Central Planning Committee

resolved 'That consideration of the application be deferred to a future meeting of this Committee'

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **CONSULTEE COMMENTS** (The consultee comments below are a summary of the latest received from all consultees and the full version of all comments received can be viewed on the planning file viewable in public access.)

4.1.1 **SC Archaeology (23 November 2018):**

The proposed developed site is located east, and within the former grounds, of Greenfields house, which are understood to have been laid out in the mid-19th century. Whilst the Historic Environment Record does not contain any records relating directly to the proposed development site itself, there are a number within the near vicinity of it. These include a Roman rectilinear enclosure (HER PRN 04713) c.140m to the north-west; finds of worked flint (HER PRN 01579) and a Late Bronze Age socketed axe (HER PRN 02619) from the allotments immediately to the north; and an Early Neolithic stone axe (HER PRN 01582) from the northern end of Falstaff Street. In addition, it is understood that the land adjacent to the site was used as a prisoner of war camp during World War II (HER PRN 29129). On present evidence, the proposed development site is therefore considered to have low-moderate potential for archaeological remains of prehistoric, Roman and 20th century date.

An Archaeological Desk Based Assessment by the Centre of Archaeology at Staffordshire University has been submitted with the application in relation to requirements set out in paragraph 189 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan. On the basis of the archaeological potential of the site as outlined above, the Assessment concludes that further archaeological mitigation is necessary.

Given the findings of the Assessment it is advised, in relation to paragraph 189 of the NPPF and Policy MD13 of the Local Plan, that a phased programme of archaeological is made a condition of any planning permission. Given the nature of the proposed development, this should comprise an initial evaluation trenching exercise followed by further mitigation as necessary.

4.1.2 **SC Highways (22 May 2018):** Please note that, from a highway and transport perspective and in the context of the planning application consultation process, the general principle of the proposed development remains acceptable, with the proposed reduction in dwellings (i.e. 15). Together with all previous comments, conditions and informatives made in the former Highway Advice Notes.

As previously stated, Greenfields/Falstaff Street for its entire length, is subject to considerable congestion due to on-street car parking. This occurs on both sides of the carriageway, principally by existing residents, who have no other means of off-street parking provision. This results in specific difficulties for both cars and larger vehicles accessing the area, and remains of considerable concern to the local community, as demonstrated by the individual local objections and the Greenfields

Community Group. However, it should be remembered that this situation already exists and is a product of the existing car ownership/travel patterns of the local community, and will therefore continue regardless of whether this development proceeds or not.

This development is not contributing to the local on-street parking issue, as it is actually providing adequate off-street parking for the new dwellings. Therefore, this application can only be considered on the basis of the new additional traffic impact on the local highway network.

‘Greenfields’ is a relatively large residential area served by a number of cul-de-sac streets, including Hotspur Street, Percy Street, Falstaff Street, Glendower Court, Northumberland Place, etc. All of which feed into Greenfields Street, which provides the only means of vehicular access to Ellesmere Road (A528) and the wider highway network. These local streets are principally bounded closely on both sides by over 300 terraced houses, together with a much smaller number of detached/semi-detached dwellings, a Church, two recreational facilities (public and private), allotments as well as a few small businesses. It is likely that this level of existing development (equivalent to 350 dwellings) could potentially generate in excess of 2000 traffic daily movements. This includes about 450 trips, taking place within the busiest peak hour (worst case). However, given the proximity of a number of local amenities, (i.e. school, town centre, employment, railway/bus station, etc.) then it is likely that a relatively high proportion of sustainable travel movements could be undertaken. Thereby reducing the overall amount of traffic movements in the area, as reflected by the traffic numbers recorded within the unofficial survey undertaken by the Greenfield Community Group.

The proposed development of 15 new dwellings, when considered in the same way as the existing established development of Greenfields, could potentially generate about 90 trips per day, including 20 trips within the busiest peak hour. This equates to less than a 4.5% increase in traffic along Falstaff/Greenfields Street (worst case). It should also be remembered that prospective residents of these new dwellings could adopt the same sustainable forms of travel, such as walking and cycling, as enjoyed by the existing Greenfields residents. Thereby further reducing the potential impact of any new vehicular movements along Greenfields Street. In addition, it is known that general traffic volumes can fluctuate daily by as much as 8%, in and around Shrewsbury. Therefore, it is not considered that, in this case, there is sufficient enough traffic generation to contribute to the likelihood of ‘severe harm’ as required to be demonstrated by the development, as defined in the National Planning Policy Framework to warrant a reason for refusal on highway safety grounds.

Notwithstanding the above, the greater impact generated by this new development will be specifically during the construction phase, where there could well be some difficulties for HGV deliveries. It is considered therefore, that a suitable construction traffic management plan and community liaison protocol is established to manage large vehicle movements in/out of the site and along Falstaff/Greenfields Street, to minimise the impact of such vehicles on the local streets and community.

Furthermore, local concern has been expressed in respect to this development

proposal, having a negative effect on the existing public rights of way and cycleways, and in particular the safety of pedestrians and cyclists, especially children, both within and around the Greenfields Recreation Ground. From a highways and transport perspective such concerns and vulnerable users are always carefully considered. However there is no evidence that these proposals will have any negative impact on pedestrian or cyclist safety, at this location. The estate road proposed, to serve these new dwellings, is to be constructed to an adoptable standard, so that it can become an extension of the existing public highway. Where this new council asset crosses or bounds an existing PROW or foot/cycleway, then it will be necessary for the developer to implement all appropriate temporary safety requirements during construction. With any completed infrastructure providing unimpeded accesses for all users to these pedestrian/cycle facilities. Indeed, in all likelihood this new development and the estate road will define these pedestrian/cycle routes more clearly and may in turn make their usage more attractive to potential users.

4.1.3 **SC Waste Management (11 July 2018):** No comments

4.1.4 **SC Rights of Way (8 November 2018):** No Definitive Public Right of Way will be affected by the development.

4.1.5 **SC Drainage (14 November 2018):** The proposed surface water drainage strategy in the Flood Risk Assessment and Drainage Resume is acceptable in principle. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.1.6 **SC Trees (20 August 2018):** I have reviewed the further information submitted in the amended Proposed Landscape Plan (PL-010-G) and the amended tree report (access2trees, Rev 3, August 2018) and I can confirm that between them they address almost all the concerns I had raised in my previous consultation response (dated 18th July 2018).

My only remaining concerns are that:

i) the proposed facilitation tree pruning works are ambiguous in part and should be clarified and more clearly specified to the written agreement of the LPA; and

ii) none of the submitted plans clearly show the location of the areas where special 'no-dig' construction techniques are to be employed within the root protection area of retained trees and hedges. This information can only be gleaned from reading the text within the relevant sections of the Arboricultural Method Statement (Section 11 of the tree report), but given its importance to the successful retention of trees on the site, I believe it should be more readily visible on key plans such as the General Arrangements Plan, the Proposed Site Layout or the Tree Protection Plan.

However, in the interests of expediency I consider that these issues could be addressed through the use of suitable conditions to any permission granted for this application.

(18 July 2018): I have visited the site and reviewed information submitted with this

application and can report that whilst having certain reservations about the scheme, chiefly regarding the proximity of retained and adjacent trees to the proposed dwellings, I do not consider them sufficient to object to this application on arboricultural grounds, for reasons more fully explained below. (For ease of reference I have underlined those sections of this consultation response where I recommend further clarification or suggest amendments to submitted plans and documents).

A number of amendments have been made to the original layout and design, as can be seen in the amended General Arrangements Plan (FS-GA-200 D), the amended Proposed Site Layout (PI-002 G) and the amended Proposed Landscape Plan (PL-010 F). An amended tree report has also been submitted (access2trees, Revision 02 – July 2018).

The key amendments with regards to tree-related issues can be summarised as follows: the three originally proposed southern-most units, closest to the protected lime tree (T1 in the tree report), have been merged into a single unit. This unit has subsequently been reduced in size and units 5 – 11 have been realigned to increase the rear garden space between the properties and the trees behind them along the western site boundary. The new vehicular access point to the site has been realigned slightly so as to reduce potential impact on the roots of T1. The majority of the hedgerow along the eastern boundary is to be retained, but most of the poorly formed young trees within it are proposed to be removed and replaced with a double staggered avenue of new trees either side of the existing path, half within the hedge and half on neighbouring land (with the agreement of the owner).

Direct Impacts of the Proposed Development

i) Tree felling and hedge removal:

The Arboricultural Impact Assessment of the tree report (section 10) identifies a total of sixteen trees to be felled. Four of these are classed as category 'U' and as such are unsuitable for retention irrespective of any development at the site. Of the remaining twelve trees, nine are category 'C' trees of low quality and three are category 'B' trees. The Council would generally seek the retention of category 'A' and 'B' trees within a development. In this case, one category 'B' tree (T13 – a mature sycamore on the western boundary) is identified for removal due to unavoidable root damage as a result of construction of the sewer link for the development. Two other category 'B' trees (T29 & T31 – both semi-mature ash in the hedgerow along the eastern site boundary) are suggested for removal due to possible infection with ash die-back disease and structural defects. Whilst I do not agree that these trees are in such a poor condition as to warrant their removal at the current time, for the sake of consistency and uniformity in the avenue of replacement trees to be planted under the landscape proposals for the scheme, I do not object to the removal of these ash trees as part of the current application.

In addition to the trees to be felled, short sections of the hedgerow on the eastern boundary (H1) are to be removed to create vehicular and pedestrian accesses to the site. Whilst no direct hedgerow replacement planting is proposed, I consider this level of hedgerow loss to be relatively minor and acceptable. Sections 10.1.19 -

10.1.21 of the tree report deal with mitigation replacement planting, should hedgerow H1 in fact be removed in its entirety. I would strongly resist removal of the whole hedge, since appropriate 'no-dig' construction techniques for those parking bays and sections of access road that fall within the root protection area of the hedge can be employed to avoid causing excessive root damage (further discussed below). Thus there should be no need to remove the hedge.

ii) Incursions into the Root Protection Area of retained trees and hedge:

The amended layout will require construction activity within the root protection area (RPA) of a number of trees and hedge, as follows: the south-east corner of unit 1 impinges fractionally into the adjusted RPA of the protected lime tree T1. In response, it is proposed that this dwelling be constructed using screw pile and beam foundations to minimise potential root damage from excavations for strip foundations. Also, a permeable gravel path and parking area are proposed to the south and east of unit 1. These impinge marginally into the RPA of T1, to the extent of 5% of its total surface area. I consider this level of incursion to be acceptable, but in any event the proposals are to use a 'no-dig' form of construction for the path and parking bays, utilising a 3D cellular confinement system. This should avoid damaging the roots beneath these hard surfaces. In connection with this point, the Tree Protection Plan (Appendix 2 of the tree report) shows the tree protection barrier to be installed around the margin of the adjusted RPA of T1. However, once development starts, this barrier will need to be set back along the edges of the path and parking bay in order to allow construction of the 'no-dig' surfaces and I would recommend that this be reflected in amendments to the Arboricultural Method Statement (section 11 of the tree report) and Tree Protection Plan.

In passing, I would suggest that there may be merit in changing the parking bays to unit 1 from the proposed loose gravel surface to porous block paving, to match the rest of the scheme and also reduce the chance of gravel being displaced onto the access road.

Incursion into the RPA of trees T11, T16 and T17 and groups of trees G1, G3 and G7 will be necessary to create pedestrian access and refuse bin paths to serve the rear of mid-terrace units 7 and 10. A similar treatment is proposed for construction of these paths as for that in unit 1, ie a 'no-dig' method comprising a 3D cellular confinement system with a porous surface dressing. I consider that this should be suitable to avoid causing undue damage to roots of the trees. However, a temporary setting-back of the tree protection barrier will be required in order to allow construction of the paths. I would recommend that this is reflected in amendments to the Arboricultural Method Statement and Tree Protection Plan (section 11 and Appendix 2 respectively of the tree report). Similar amendments should be made to cover works within the RPA of trees T23 and T26, as described below.

The parking bays for units 5, 7, 10 and 15, the two visitor spaces and part of the access drive (running from alongside retained hedgerow tree T26 northwards past units 12 – 15) fall within the RPA of the boundary hedge H1 and retained hedgerow trees T23 and T26. Construction of the parking bays, road and associated kerb edging have the potential to cause significant damage to the roots of retained trees

and hedges. Section 11.1.18 of the Arboricultural Method Statement recommends a 'no-dig' 3D cellular confinement system be employed for construction of the access road and associated edging within the RPA of trees T23 and T26. It does not, however, make any reference to the parking bays running alongside the hedge H1. I consider it essential that a 'no-dig' method of construction is also employed for these parking bays and I would urge that the Arboricultural Method Statement and Tree Protection Plan are amended accordingly. Careful consideration will need to be given to the form of edging to be used on the hedge side of the cellular confinement system.

Whilst referenced in the text of the tree report, the 'no-dig' construction zones are not identified on any of the plans that I have seen. Given its importance to successful tree and hedge protection during any approved development, I would recommend that all key plans to be used on site (including but not necessarily limited to the 'General Arrangement', 'Site Layout' and 'Proposed Landscape' plans) be amended to also clearly show the location of the zones of 'no-dig' construction.

Finally, section 11.1.19 of the Arboricultural Method Statement recommends that porous asphalt is used for the surface dressing in the 'no-dig' construction areas. However, this does not accord with the Proposed Landscape Plan, which shows block paving as opposed to tarmac for the parking bays alongside hedge H1 and the northern end of the access drive and parking bays in front of units 12 -15. This discrepancy between the plans should be rectified and either porous asphalt or block paving specified and used on all approved plans and drawings as relevant. For consistency of appearance with other parts of the development, I would suggest that block paving would be preferable to porous asphalt, but whatever surface dressing is chosen, it is essential for ongoing root health and growth that it be permeable to water and air.

iii) Facilitation pruning works:

The tree report notes that due to suppression and competition from neighbouring trees, many of the trees along the western boundary have unbalanced crowns with over extended branches to the east (ie projecting over the site). A number of trees are identified within the tree survey schedule (Appendix 1 to the tree report) for some or various combinations of the following pruning works: 'canopy raising' to 5m (although T1, the protected lime tree, is scheduled for canopy raising to 6m); 'crown reduction' by between 10 and 20%; and 'end weight reduction' by between 10 and 20%. The need for canopy raising is not questioned in light of the proposed residential development, but I am not convinced of the need to raise the canopy of T1 to 6m – perhaps to this height over the access road, but I consider that it should be restricted to say 3m canopy clearance over the grassed area to the south-east of unit 1. Also, I am not convinced of the need for overall reduction and reshaping of the canopy of T1, or the need for crown lifting of the protected London Plane (T3, located offsite). Further, the tree report does not explain what is meant by the percentage figures given for canopy or end weight reduction – for example does this refer to volume, or branch length? For clarity and the avoidance of doubt I would prefer to see a specification which describes these works for each tree in terms of maximum length of branch to be removed and remaining canopy

dimensions (height and spread) and the maximum size of pruning wound to be created. I would recommend that, should permission be granted for this application, a pre-commencement condition is used to ensure that the facilitation tree works are clarified and re-specified to the written satisfaction of the local planning authority prior to works taking place on site.

Indirect Impacts of the Proposed Development

Once constructed, even after the proposed canopy pruning works, many of the units will have rear elevations facing mature trees or groups of trees, with branches extending to within metres of their houses. Whilst purchasers will have bought their properties in full knowledge of this fact, the proximity of these trees is likely to lead to future concerns arising from for example excessive shading, overbearing presence, worries about safety and seasonal nuisance issues. It could be argued that householders have the right to prune overhanging trees, but the ultimate size of the trees and proximity to the dwellings means that such pruning would be a periodic and ongoing maintenance requirement. The currently submitted layout has moved some units further from the western boundary, by foreshortening the amenity space to the front of the properties. It is hoped that this, in combination with the option of periodic pruning as necessary, will be effective in providing a reasonable degree of separation between the trees and houses.

Landscape Proposals

i) Boundary treatment:

The proposed Landscape Plan depicts 1.8m high closeboard fencing to the rear boundaries of all the units. This runs through the RPA of all trees along the western site boundary and excavations for the post holes could potentially damage the roots of these trees. A suitable specification for erection of the boundary fence (for example encompassing hand digging and micro-location of the post holes and sleeved foundations) should be prepared and inserted into an amended Arboricultural Method Statement and/ or landscape plan.

ii) Tree planting details:

The Plan proposes creating an avenue of a fastigate variety of English oak trees. I support this species selection – ‘Koster’ is a variety that keeps an upright, compact shape that should form an attractive landscape feature for the future without overly dominating the frontage of the new properties. However, the proposed size of the trees to be planted is 10-12cm girth ‘standard’ and given that half the trees are to be planted into gaps within an existing 2m high hedge, for a more visible and immediate impact I would recommend that the tree size be increased to at least 12-14cm girth, ‘heavy standard’ size. For quality and likely success in establishment, I would recommend that stock grown in specialised tree growing containers (such as ‘air pots’, or the Barchams tree bag) be specified, rather than rootball or bare root planting stock.

The new trees are to be planted alongside an existing tarmac surfaced path and, in the case of the trees within hedge H1, alongside newly created parking bays and

access road. In order to forestall future problems of root growth disrupting these hard surfaces, a suitable planting pit specification should be provided, incorporating an approved proprietary root barrier with root deflecting ribs to a depth of 45cm – 60cm, installed in accordance with manufacturers guidelines on all sides of the tree bordering a hard surface.

Finally, given the public nature of the planting site, I would recommend that a specification be provided for an appropriate tree protective barrier to be installed around each newly planted tree, to deter vandalism.

I would suggest that the amendments to the landscape proposals outlined above, if accepted, could be incorporated into a final approved plan, under a landscaping condition to any permission granted for this application.

Ideally I would prefer my recommendations and suggested amendments to the tree report (the Arboricultural Method Statement and Tree protection Plan), if accepted, to be incorporated within a revised document and plan prior to determination. If, however, there is not time to do this I accept that it would have to be done under condition, should permission for this application be granted.

4.1.7 SC Ecology (20 November 2017): An Ecological Assessment was carried out on this site in September 2017 by Star Ecology.

Habitats

Habitats on the site consist of scattered scrub, felled broadleaved woodland (approximately 10 years ago), saplings, tall ruderal vegetation, a species-poor hedgerow with ornamental trees along the eastern boundary, a mature lime tree in the south-east corner of the site and fencing along the western boundary. 'The stumps of felled trees remain and the majority of these have started to re-grow.'

The landscaping scheme should include tree and shrub planting using native species of local provenance.

Bats

There are no potential roosting features on the site, although bats are likely to forage on the site.

The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.

Birds

The trees, hedgerow and scrub provide potential nesting opportunities for birds.

Works should ideally take place between September and February to avoid

harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for birds.

Other species

The site is suitable to support badgers and hedgehogs and suggests working methods to protect these species during the works.

Recommends conditions for inclusion on the decision notice.

Badgers (07 March 2018)

No further badger survey is required. The working methods (closing trenches etc.) will ensure that any badger that may enter the site during the works will be protected from harm.

- 4.1.8 **SC Parks and Recreation (20 November 2017):** Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.

Based on the current design guidance the development (17 houses) will deliver 57 bedrooms and therefore should provide a minimum 1710m² of usable public open space as part of the site design.

Currently the site design plan does not identify any POS provision and therefore it does not meet the MD2 policy requirement. The site must be redesigned and altered to meet the policy requirements.

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

- 4.1.9 **SC Learning and Skills (17 November 2017):** 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 they will exceed current capacity. 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 any contributions are secured via CIL funding.

- 4.1.10 **SC Regulatory Services (28 Feb 2018):** Regulatory Services has already commented on a previous application to redevelop this site (12/00620/OUT) and

conditions in respect of contaminated land were included in the Decision. As far as Regulatory Services is aware, no information has been submitted in respect of any site investigation and therefore our comments remain as previously made:

In 2010, Shrewsbury Town Council were informed that Shropshire Council had concerns regarding the proposed use of this piece of land as allotments and possible future development with residential as it was suspected that the land may be contaminated.

It has been known for many years that the Greenfields Recreation Ground was used as a tip but the full nature, extent and depth of the waste has never been determined but it is likely to be similar in nature to that known to have been tipped on land to the south extending down towards Coton Hill.

Given the proximity of the proposed development site to a known historical tip it is not considered unreasonable to think that the made ground may extend onto this site and therefore if this full application is approved, the following conditions in respect of contaminated land should be attached to the approval and any assessment should also include potential risks from soil gases and also risks to controlled waters as the area is particularly sensitive in this respect.

- 4.1.11 **Natural England: (6 March 2018):** The Standing Advice for badgers states that a survey for badgers should be undertaken if 'there are signs of setts or badgers in the development site or nearby'. In determining a planning application, it is the responsibility of the Local Planning Authority to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site. It provides detailed advice on those protected species most often affected by development to enable an assessment to be made of the suitability of a protected species survey and, where appropriate, a mitigation strategy to protect the species affected by the development. Standing Advice is a material consideration in the determination of applications in the same way as bespoke advice provided by Natural England.

4.2 PUBLIC COMMENTS

- 4.2.1 **Veolia (03.05.2018):** Comments that this area already creates issues for the collection of waste and recycling due to single very tight access. Seeks confirmation of how refuse vehicles will access the properties and how the waste receptacles would be housed at the developments and where the collection points will be.
- 4.2.2 **West Mercia Constabulary (17.11.2017):** Provides advice with regards to 'Secured by Design'.
- 4.2.3 **Shropshire Fire and Rescue Service (10.11.2017):** Provides advice with regards to Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'.

- 4.2.4 **Sustrans (18.07.2018):** Sustrans has looked over the new plans submitted by the developer. We have also further investigated local residents concerns, that the proposed development will involve the diversion of the existing cycle route through the park.

We feel reassured that the existing route will not be diverted. As explained by Jane Raymond from the planning team:

The existing cycle route will remain as it is and is not being diverted. The first part of it is not currently defined and is part of the car park and entrance to it. The only change is that the first left hand corner of the car park and access to the car park will also be used by vehicles, cyclists and pedestrians to access the new development. A section of hedge will be removed. The new development will include its own road and pavement, and cyclist and pedestrians will also be able to use that and then join back up with the existing cycleway if they wish.

So, users of the route will still be able to continue as they do now, but there will be the option of using the new development for access, if desired. So this gives us reassurance on this point and also we hope to local residents.

All forms of traffic – vehicles, cyclists and pedestrians will be able to use the left hand corner of the car park to access the new development. We would particularly re-iterate our desire to see more resolved designs showing the integration between the access to the new development and the car park. We would expect this to allow for easy access to the park by pedestrians and cyclists, with adequate and well positioned dropped kerbs in place.

We do appreciate the concerns of local residents, there will be more vehicles using Falstaff Street to access the new development and particularly during the construction phase itself. However, having reviewed the planning documents again, we don't feel that at this stage we have any additional comments to make beyond our response posted on the 17th May. Should there be any further developments with the design proposal, we will of course be keen to review any changes.'

(17.05.2018): We have received confirmation that 'An informative will be placed on any planning decision for approval informing the applicant that the route must be maintained and continue to be unobstructed and available at all times (even during the construction phase)'. In principle provides us with re-assurance that the cycle route through Spring Gardens will continue to operate with the level of access currently offered.

We do appreciate the concerns of local residents that there will be significantly more vehicles accessing the new development from Falstaff Street and in the location of the cycle route. For 17 dwellings, based on two vehicles per household we would estimate roughly 68 additional vehicle movements per day, 476 per week accessing the development. However, the nature of the development, being a essentially a cul-de-sac, means that vehicles should be travelling very slowly, with drivers alert to the likely presence of pedestrians and children.

Our preferred treatment for this development would be a 'home zone' style, which emphasises priority for pedestrians and cyclists, with drivers essentially become a 'guest' in the street. This is often achieved through measures such as removal of centreline markings, fewer kerbs with reduced distinction between footway and carriageway. The use of alternative paving materials can also clearly signal to drivers that they are entering a area that is fundamentally different from normal road space. The current plans show a more traditional approach by the developer, so we feel there is an opportunity here for them to improve the quality of the streetscape proposed.

The submitted layout plans do not provide much detail about the integration between vehicle access to the development, the car park and the cycle route. We understand that revised plans for the development are due to be submitted. So whilst at this stage we are reassured that the route will be kept open and accessible, we would be keen to see design details for this integration included in the new plans.

4.2.5 **Sustainable Transport Shropshire (25.04.2018):**

The amendment seems principally to consist of a range of more detailed plans, which are welcome indeed.

However, not very much has changed. We can find no written explanation of the thinking behind any amendment. The danger introduced by the conflict between car traffic, people cycling, and people walking, remains the same.

(24.04.2018): The need to provide, encourage, and facilitate sustainable modes of transport is a key theme of the NPPF. Sustainable modes of transport are principally walking, cycling, buses, trains, which cause less damage to the planet, and bring health benefits to users.

Yet this proposal, which abuts a Walking/Cycling path, part of Shrewsbury's Cycle Network, does the opposite. It discourages the use of these more sustainable modes, by cutting across the foot/cyclepath and introducing conflict and danger with a new road.

It is perhaps symptomatic that the application scarcely mentions cycling. Generally, 'access' means 'access by car'. Cycling is just simply ignored.

On walking, 'it is envisaged that most pedestrian traffic will continue to use the wide pathway with the playing field site...Pedestrian access would be along a pavement on the west side of the new roadway' is all the Design and Access Statement has to offer (p9), neatly ducking also the issues of loss of recreation land, or ownership.

The impact of the scheme on existing users is not discussed, except the vague claim that 'pedestrian safety will be safeguarded and pedestrian connectivity will be enhanced.' We cannot find any specific proposals.

Another puzzle: '... (these) footpaths through the site will assist pedestrians, particularly school children, to gain access to the school premises' (Transport

Statement, B, para 2, p3). Again, no proposals for such footpaths could be found.

We support the call by residents for a Transport Assessment, as the condition 'whether: - the opportunities for sustainable transport modes have been taken up' has clearly not been fulfilled.

We believe the applicant has some way to go to satisfy the demands of the NPPF. Introducing extra danger to people cycling and walking must be opposed, and so we oppose the proposal.

- 4.2.6 **Shropshire Playing Fields Association (12.07.2018):** The nomination of the Greenfields Recreation Ground as an Asset of Community Value which includes the site access point at Falstaff Street has been approved and has been listed accordingly. The proposed point of access therefore conflicts with the confirmed nomination. The access point would appear to clearly be exclusive to the recreation ground site and therefore if this planning application were to proceed an alternate access point needs to be found.

Summary of comments received 29.04.2018 and 23.05.2018:

We note from previous cases (Radbrook College) that Shrewsbury Town Council have expressed and made a comment in relation to the provision of infant and junior play provision and that there should be a 25m/50m buffer zones between the play and recreation area and the nearest property.

The proposed houses lie within this 25/50metre buffer zone and therefore this proposal is not acceptable.

We assume the reason for this buffer zone would be to safeguard the interests of young children whilst playing on either the equipped play area or grass site from close surveillance by residents of the new homes.

We trust Shrewsbury Town Council have already commented on the proximity of potential residents to the play and recreation area and that this needs to be considered in the interest of childrens safety.

Objects to the proposed loss of a valuable public open space currently being used for natural adventure play by the young children in that nearby catchment.

This specific area of the recreation park provides the same kind of valuable ecological benefits that attracted young children like Charles Darwin less than 1 mile away to explore their natural environment through natural adventure play.

The site has been an integral part of the community and used for recreational activities by many residents, in a multi-functional manner for over 100 years meeting the needs of residents of all ages from that area of town.

The loss of this valuable designated public recreational open space would contravene the United Nations Charter on the rights of children to play.

The proposal will result in the erosion of a depicted open space and does not represent sustainable development as defined by the NPPF.

It is important to ascertain exactly what benefits if any, this proposal will bring future generations if this loss of open space were to be agreed.

We would ask that where a planning committee member represents both Shropshire Council and Shrewsbury Town Council they should be excluded from voting on this matter.

The LPA does not have a robust up-to-date assessment of the need for open space, sport and recreation facilities (as required by the NPPF) so cannot provide the critical evidence on which those eligible members can make an informed decision.

The land owner and applicant has not put forward evidence to show there is a quantitative or qualitative surplus of recreation land serving this local community and considers this lack of evidence (as required by the NPPF) gives grounds for this application to be refused.

Building on public open space is contrary to the NPPF as the applicant has provided no evidence to demonstrate a surplus of recreation provision, no attempt to replace the loss of open space with an equivalent piece of land and no attempt to provide alternative sports and recreation provision.

As well as not adhering to the NPPF it does not adhere to local policy as it is not providing on site open space as part of the design as required by MD2.

4.2.7 **Shrewsbury Town Council**

(09.08.2018): The committee were asked to reconsider this application due to amended plans received. Members were pleased to see that some of their comments had been considered according to the latest plans but felt the density of the site with 15 dwellings was still too high and therefore objected to the amended application. If the quantity of dwellings were reduced, Members would like to see the number of affordable units being maintained.

(24.05.2018): In considering the amended plans, members continued to support the general principle of development on the site; this having been established at outline.

However, in light of the considerable interest, Members did raise a number of concerns:

The extent to which traffic from the new development might compromise the safety of the pedestrians and cyclists. This area is promoted as a safe route to school using the path across the existing car park. Members were unsure why a second cycle path was required and, as it takes a longer route, were concerned it would be underused and the existing route would still be used.

If the need was to align the new road layout with cycle/footways then it would make more sense moving the hammerhead from the middle of the development site to the end so that cycle/pedestrian traffic could continue along to the exiting routes towards the school.

Members wished to see traffic calming measures conditioned to any approval.

The quantity of affordable housing is considered inadequate and Members would like to see at least 4 out of the 15 dwellings allocated to affordable housing, thereby addressing local concern of houses not meeting local need.

(24.11.2017): The Town Council raised no objections to this application.

4.2.8 **Cllr Alex Philips**

(17.06.2018):

In previous comments I stated that development on this site for 17 homes (later revised to 15) should not take place as it contradicted the Council's own policies within SAMDev and other legal documents, stating that no major development should be approved within the Greenfields area (following the approval of the Redrow and Lovells developments) until the North West Relief Road is built.

I believed that it should not be built as though the threshold for what constituted a major development was not defined in relation to this policy, it was defined elsewhere (the 14 homes threshold for what is defined as a major development for the provision of affordable homes).

However, I have looked into this further and I believe that this threshold should be lowered to 10 homes. This is for two reasons:

1. The Statutory Instrument (2010 no. 2184) relating to the Town and Country Planning (Development Management Procedure) (England) Order 2010, laid before Parliament on 9th September 2010 and coming into force on 1st October 2010, which states that a threshold of 10 homes should be applied for major developments (see part c(i) (parts D and E may also apply depending on final plans) Subsection 2 Interpretation under Part 1 Preliminary <http://www.legislation.gov.uk/ukSI/2010/2184/made>

2. A Written Ministerial Statement in November 2014 by the then Housing Minister Brandon Lewis, correcting the anomaly of what is defined as a major development in general and for affordable homes, reducing the latter to 10 homes, making it in line with the Statutory Instrument noted above. Thus, though the Council was legally correct in previously granting permission for 8 homes on this site, this would not be the case if permission was granted for 15 homes on this site, as it would be going against its own policy, set out in SAMdev, of not granting permission for a major development (i.e. 10 homes or more, or the other conditions noted at D and E within the statutory instrument discussed above) until the North West Relief Road is built. Therefore, on the basis of the current plans permission should not be granted.

(09.05.2018):

The revised proposals do little to address the concerns that I had with this development when I originally objected to it in December 2017, and in fact add a couple of issues of concern.

To recap, my original objections, which still stand, included:

SAMdev (roads infrastructure)

If this application is approved it will be going against SAMDev and other Council documentation saying that there should be no significant development in the Greenfields area (following the Redrow and Lovells Developments) until/unless the North West Relief Road is built. Given that this development is above the threshold of 14 homes judged to define a substantial development for affordable housing this development can be considered significant.

SAMdev (general infrastructure)

SAMdev 3.15 and MD8 1 notes that consideration should be given to safeguarding existing infrastructure and only allow development where there is sufficient existing infrastructure capacity. On utilities infrastructure, sewerage pipes are already overburdened with blockages commonplace with resultant public health risks. These will be substantially increased by this development. This development also impacts negatively on parking and roads infrastructure (including the adjoining car park), reducing parking capacity, as it will be partly used by residents and visitors of the new development. It also places extra pressure on an already overburdened and polluted local road network. It also impacts on an existing and well used cycle path, cutting across it, therefore impacting environmentally friendly cycle trips, going against Council policies to encourage alternatives to car travel.

I note the changes in plans since the original application. There are two aspects which I have particular issue with:

1. The new five bed house. This is out of scale in the context of both other houses on the street and neighbouring houses in Falstaff Street.
2. The 'hammerhead' shaped turning area and cycle path within the development. The turning area appears to serve no real purpose (the houses have parking) and the extra cycle path serves no real purpose (a longer route than the existing one).

If the Council grants approval for this substantial development it will be directly contradicting its own policies on substantial developments. Therefore the Council risks judicial review, at significant costs to ratepayers, if it passes this application.

My residents do not object to development per se, and indeed many have commented that previous plans for 6-8 homes struck the right balance between the need for new housing and the pressure on existing infrastructure. However, 15 homes is simply an overdevelopment of this site and is not supported by local

infrastructure.

(12.12.2017):

If this application is approved it will be going against SAMDev and other Council documentation saying that there should be no significant development in the Greenfields area (following the Redrow and Lovells Developments) until/unless the North West Relief Road is built. Given that at 17 homes this development is above the threshold of 14 homes judged to define a substantial development for affordable housing this development can be considered significant.

SAMdev 3.15 and MD8 1 notes that consideration should be given to safeguarding existing infrastructure and only allow development where there is sufficient existing infrastructure capacity.

On utilities infrastructure, sewerage pipes are already overburdened with blockages commonplace with resultant public health risks. These will be substantially increased by this development.

This development also impacts negatively on parking infrastructure (the adjoining car park), reducing parking capacity, which the report notes that this will be partly used by residents of the new development.

If the Council grants approval for this substantial development it will be directly contradicting its own policies on substantial developments. Therefore the Council risks judicial review, at significant costs to ratepayers, if it passes this application.

My residents do not object to development per se, and indeed many have commented that previous plans for 6-8 homes struck the right balance between the need for new housing and the pressure on existing infrastructure. However, 17 homes is simply an overdevelopment of this site and is not supported by local infrastructure.

The petition signatories (over three times as much as for the significantly larger Preston Street development) show the strength of feeling on this application.

This application should be rejected, and only development not judged to be significant (e.g. similar in scale to the previous proposal for eco homes) should be allowed, if the Council is not to breach its own policies and risk legal challenge.

- 4.2.9 **Mr Daniel Kawczynski MP (11.06.2018):** I recently held a public meeting and although I don't interfere with planning issues, I promised to pass onto the Council concerns the residents raised at that meeting regarding 17/05234/FUL (the development of 15 homes off Falstaff Street)

The residents have told me in 2014, following the approval of the Redrow and Lovells developments, the Council stated there should be no 'significant' developments in the vicinity of the Greenfields/Herongate end of the Ellesmere Road. The road on its own was simply not intended to deal with the current volume of traffic, let alone increasing traffic from new developments.

‘Significant’ was not defined in the policy, and the residents have asked that a figure of 14 homes or more can be used to define significant. They have raised further concerns that the development impacts cycle ways and walkways at the entrance to the Greenfields Recreation Ground and would make cycling and walking in this area less attractive.

The residents have asked if you could consider the above in any planning deliberations, and work with the developer to produce a development that is smaller in scale with fewer units (under 14) and considers the needs of residents including cyclists and pedestrians in its design.

4.2.10 **Residents comments:** A total of 105 comments have been received (4 representations, 11 in support and 90 objecting). Many of the objections have been received from the same residents that commented on the application as first submitted and that were summarised in the report to members published 07 February 2018 as follows:

32 letters of objection have been received summarised as follows:

- *Increased traffic due to the number of houses once completed and occupied and during the construction phase, resulting in congestion in the streets that lead to the site.*
- *The noise, dirt and upheaval from the proposed construction phase is unacceptable*
- *There must be a construction management plan in place for all streets in Greenfields.*
- *Requests that a construction traffic management plan and community alert/awareness protocol be made available before the planning application is considered.*
- *Impact on the traffic flows and congestion in the surrounding streets and on Ellesmere Road.*
- *At peak times the roads are congested and sometimes blocked and reduced to single lane with no passing places*
- *Emergency services and delivery vehicles will find it even more difficult to gain access*
- *Photos submitted of evidence of vehicles blocking the road and the queues of traffic on Ellesmere Road.*
- *The relatively straight road will encourage speeding traffic*
- *As a community, we are already regularly in contact with the local police*

regarding speeding, anti-social behaviour and damage to cars - we wish to keep this area safe and secure

- *The Greenfields Community Group reports weekly accidents and damage to resident's vehicles due to the fact that current density and volume of traffic is beyond the road and residential on street parking capacity*
- *Increased vehicles will impact on the safety of cyclists and pedestrians and will require them to cross the traffic.*
- *The path leading from the end of Falstaff Street will become a road*
- *Walking to and from the park will be dangerous*
- *Children will not be able to play safely in the street*
- *Increase in air and noise pollution.*
- *Only 2 parking spaces per dwelling are provided with no visitor parking and is inadequate*
- *The proposed family homes are likely to attract buyers who have an average of 2 cars which would mean an extra 34 cars leaving and entering Greenfields on a daily bases, not including visitors for whom no parking provision is made within the development.*
- *The report refers to spaces being available on the playing fields car park but this should not be used as visitor parking.*
- *Falstaff Street cannot provide space for more cars when the current householders struggle to find parking spaces themselves.*
- *The Traffic Report predicts 13 movements per hour (approximately one every 3 minutes) which is misleading and unrealistic.*
- *The Traffic Statement and the Highway comments (WSP) are produced without any valid research, evidence or data production toward the impacts both vehicular and community.*
- *Questions whether the Transport statement is adequate or reliable.*
- *In May 2014 when the Redrow site was considered it was noted that 'any further large developments off the Ellesmere Road corridor are likely to result in traffic issues at this location which we are unable to manage. Therefore the local highway authority maintains the opinion that any further major developments off the Ellesmere Road (over and above this site and the adjacent committed site) would not be acceptable without a north-west relief road scheme to manage the flow of traffic between the west and northern areas of Shrewsbury'.*

- *Requests that the Highway and Transport Statement is upgraded to a full Transport Assessment*
- *The proposal does not demonstrate that it is considering the health and well-being of the children and residents of Greenfields by encouraging sustainable travel, increasing walking and cycling, lessening traffic generation and its detrimental impacts and reducing carbon and diesel emissions.*
- *The land is not suitable for dwellings and should be put to some community use.*
- *This land is not required to be developed to meet housing targets*
- *The crossing on Ellesmere Road promised for the Redrow development has not been provided and the community has not seen any of the community benefits from CIL.*
- *Further increase in demand will adversely impact the existing foul water sewers that are Victorian and already failing.*
- *The school is already oversubscribed and whilst the future occupiers will be close to the school existing residents on the edge of the catchment will be forced elsewhere.*
- *There is no medical practice and only one dental practice in the area*
- *The two small shops that cover Greenfields, Herongate, Ellesmere Road, and Greenfields Gardens is already insufficient.*
- *The minor changes to the design and landscaping are unclear with regards to quality of materials and finish.*
- *The design and materials need to respect the local vernacular of the adjacent Victorian Streets.*
- *The three storey houses are far higher and out of keeping with the surrounding Victorian houses.*
- *The spacing size and type of windows is not consistent with the Victorian houses*
- *The stone wall (that is potentially listed) is a feature of the community and should not be demolished*
- *The proposal will not enhance the character or appearance of Greenfields, but create a one-dimensional modern enclave appended to the existing community*

- *No information is provided about street lighting*
- *Impact on wildlife and in particular bats and birds that are seen regularly in the area*
- *The site is a wildlife corridor and the bio diversity and open space is significant in terms of the social, health and well-being benefits*
- *The proposal urbanises an open space, doubles the size of Falstaff Street and distorts the Greenfield community.*
- *The tree group on the Western Boundary forms an important backdrop to the recreation ground and has value as group screening the development behind.*
- *Positioning houses close to the trees will put pressure on removing or pruning them.*
- *Afternoon shading of the proposed houses is likely to be a problem.*
- *Any removal of trees and hedges along the existing footpath on the eastern boundary should be replaced to screen any new development from the recreation ground.*
- *A full landscaping mitigation scheme is essential.*
- *Damage to the root protection area of the important Lime tree must be prevented and there should be no crown reduction of this tree*
- *The retention and improved planting of the hedgerow is one of the few welcome aspects of the scheme, but would be spoilt by a metal fence*

4.2.11 A petition was also received 24 November 2017 and signed by 191 residents with their main concerns summarised within the February committee report to members as follows:

- *Increased traffic*
- *Impact on safety of pedestrians walking to school.*
- *Local primary school at capacity and the new residents would also put pressure on health services and roads*
- *Impact on the safe enjoyment of the play area*
- *The impact of additional waste on Victorian Sewers*
- *Parking is tight particularly at evenings and weekends when Falstaff Street becomes a single track road*

- *Noise and dirt during the construction phase and delivery and construction vehicles will cause severe problems*
- *The wall at the end of Falstaff Street is considered to be listed but even if it isn't it adds to the character of the area and should not be removed or altered.*

4.2.12 An additional letter received 07 February 2017 was reported to members on the day of the 15 February committee regarding the size of the root protection area (RPA) for the Lime tree T1 being incorrect. This led to members resolving to defer the application for further discussion in relation to the tree survey and an amended site layout if necessary.

4.2.13 The comments received since the report to the 15 February 2018 Central Planning Committee published 07 February 2018 (both in support and objecting to the application as revised) are summarised as follows:

4.2.14 Support:

- There is planning permission for 8 large detached houses so whatever happens the site is going to be built on and it's now just a question of what's the most suitable type of development for the land and its surroundings.
- Smaller and more affordably priced properties need to be built for the next generation and would be far more appropriate for the area than large detached unaffordable "eco homes" of say £400,000 plus.
- Believes that younger and less well-off families should be provided for first and foremost and supports the application as it will provide more affordable housing for local people.
- As long as parking provided within the development is adequate and won't impact on the surrounding streets then considers there isn't a problem.
- The application includes sufficient parking so won't impact on street parking in Greenfields.
- 15 small houses will create a similar amount of traffic to 8 larger houses already approved so the difference in traffic would be negligible.
- The area proposed to be developed is an area of land referred to by some residents as wasteland and has always been fenced off and over grown and attracts ant-social behaviour.
- Can only ever remember the area being an overgrown mess and does not let family play in the area as it could be dangerous due to what might be found in the undergrowth.
- The land to be built on is overgrown and unsightly and has never been used

as parkland in my life time.

- The way that the petition has been presented has led people to believe that the recreation ground known as the Meadows is to be destroyed and built on and that the footpath and cycleway will be affected.
- There has been a "save our park" campaign which is extremely misleading to anyone that is unsure of the proposals.
- It is clear from the plans that the land being developed is the overgrown area behind the hedgerow, and only a small area of the entrance to the car park will be resurfaced for access into the site.
- The large playing field and children's play park and the large woodland on the other side that is now a haven for wildlife and has safe pathways for dog walkers and children is being untouched by this development.
- Supports the development of this area of wasteland as it is an eyesore that poses potential danger to children in the area and the objections are misleading in that they believe it is the playing area being developed when it is just the scrub land adjoining.
- Cars already race across the recreation ground to reach the allotments which is dangerous.
- Considers that the proposed housing would help reduce the anti-social behaviour that occurs on the recreation ground and the play area and will become a lot safer being overlooked and will make the area safer to walk including later in the evening.
- The proposed houses will have more than adequate amenity space.
- It is nice to see sympathetic redevelopment of one of the oldest areas of Shrewsbury.
- A small discrete development of this nature can only be beneficial to the area and local community, and will create some nice homes for local people and be a credit to the area.

4.2.15 Object: (Comments submitted from residents individually and also from representatives on behalf of the Greenfield Community Group):

- Objects to the development on all the grounds previously set out by the residents of Greenfields.
- Two dwellings have been omitted but the first house is now a very large 5-bedroomed detached house taking up the same amount of space as the two that have been removed.

- The other amendment is that the cycle path and footpath has been diverted along the new roadway and this new route is longer, less convenient and more dangerous than the existing.
- The parking provision on the revised plans is still inadequate leading to stressful and potentially dangerous competition for parking spaces.
- No detail provided of how the new access road will be formed and the cycleway and footpaths and any crossings are not clearly shown.
- There is a right angle of a bend at the joining of Greenfields and Falstaff Street with resulting poor visibility for oncoming traffic and pedestrians. Vehicles often have to reverse to accommodate oncoming traffic but with limited space to reverse too thus causing hazardous conditions. Details of how the construction traffic will be managed and how heavy excavation vehicles including lorries and diggers will get round this bend has not been provided and raises significant safety concerns to both road users and pedestrians.
- How are large development lorries/diggers and tradesmen going to be able to pull off or on to Greenfields Street at the T junction with Ellesmere Road where there is only just enough space for one average size vehicle at this point.
- The significant increase in traffic has not been addressed and impact on air pollution has not been considered.
- Traffic and pollution is so bad along Ellesmere Road that no new building should be allowed anywhere in the area until the relief road is built.
- No consideration given to the safety or convenience of pedestrians or cyclists using the cycle routes and footpaths in the area to access the school, the allotments, the bowling greens or the Flaxmill.
- The applicants report states that an additional car every 3.53 minutes at peak times is satisfactory but here will already be 200 cars trying to access points along Greenfields Street at peak times.
- Considers that the roads are already at capacity for traffic use during peak times and parking is already under-capacity so any additional traffic, however light, will cause considerable congestion and issues within Greenfields and leading onto Ellesmere Road.
- The vehicular access to the site will cut across several existing sustainable and public rights of way including, the entrance and exit to Greenfields Park, access and exit to Greenfields Bowling Club, a footpath and right of way, a cycleway, a council owned car park and land currently owned by Shrewsbury Town Council

- The development will breach the footpaths and cycleways and severely impact, impede and endanger the lives of the users of these paths and Greenfields Recreation Ground, and specifically school children walking to and from Greenfields Primary School.
- There is no permission for a road to access this site across Town Council land, and car park.
- Easement will need to be granted by the Town Council for part of the car park to be used as a road.
- Opposes the easement and use and loss of the car park and Rights of Way and access (exit and entrance to Greenfields Recreation Ground) to the developer.
- A number of easements are already in place for Greenfields Bowling Club and the allotments, including full use of car parking.
- Greenfields Bowling Club objects to the proposed access as they consider it will encroach on their right of way and limit car parking spaces available to them.
- The proposed development will overwhelm the local highway and road network, that is already severely overloaded and will cause an unacceptable impact on the arterial routes of Falstaff Street and Greenfields Street.
- There is no capacity for extra vehicles as current vehicle levels are already endangering residents' lives and the proposal will endanger cyclists and pedestrians who use this as a daily commute.
- Sustrans data shows 600 unique cycle journeys per week through Greenfields Recreation Ground and the Greenfields Community Groups transport assessment shows an average 197 school children and pedestrian journeys 2.45-3.45PM and a total of 243 unique journeys through Greenfields Recreation Grounds.
- The safeguarding of schoolchildren to and from Greenfields Primary School and a busy play area is being ignored.
- Will impede and reverse the use of current sustainable pedestrian and cycling facilities that benefit the community and will breach a Memorandum of Understanding with Sustrans 2011 and the lottery funded cycleway needs protecting.
- There is not enough parking for the number of cars per household assuming two cars.
- The WSP Highway response on behalf of Shropshire Council is far too simplistic and residents question the validity of the assumptions being made

and the reliability of the conclusions reached.

- The Highway response does not address the future impact on the area through the increase in various forms of transport when the Flaxmill is fully operational, the loss of parking spaces in the recreation ground car park due to the new road, the use of the recreation ground car park by residents of the development and their visitors and the loss of on-street parking for some residents at the end of Falstaff Street caused by the widening of the access to the proposed development.
- The point of the Greenfields Community Group traffic survey was to highlight the number of vehicles that come and go, as well as pedestrians, via Greenfields Street. It clearly shows that the majority of journeys are taken via vehicles, and that on the 08.05.2018, between 7.00AM and 9.00AM a surprising 53 vans and 1 lorry journey were also made indicating that journeys are made for work purposes and not just by residents.
- The council cannot justify planning consent until a detailed traffic survey has been carried out.
- The roads are already reduced to a single cars width with few passing places and disagrees that adequate passing is available along the length of both Greenfield Street and Falstaff Street in road junctions and other gaps between parked vehicles to allow the safe movement of vehicles to and from the site.
- At regular occurrence the passing places (namely Hotspur and Percy street) are already at capacity. The rush to make it from one to the other before more traffic creates an undue risk for pedestrians and cyclists.
- Ellesmere Road is also regularly congested and this has worsened recently with the large Redrow and Lovell developments meaning local highways are stretched but standing traffic is also a health and environmental concern due to air pollution.
- The stone wall is a feature of the community and should not be demolished or reduced.
- The previous scheme recognised the need for the development to blend in unobtrusively as possible within the local environment.
- There is no benefit of this development to the local community.
- The houses including the affordable houses will likely be purchased by people from outside the community.
- There is no contribution from the planning application to enhance the existing community.

- The desires and needs of the local community are being sacrificed for the developer to maximise profits.
- The site could be used for outdoor education, recreation or ecological site.
- The site should remain as part of the designated recreation land for the enjoyment of the local community.
- Destruction of mature trees and hedgerow and damage to wildlife habitat that has been enjoyed by the community for years will be lost.
- The trees on-site and on the site boundary represent a grouping of trees with a high amenity value and an important 'Green Space' tied in with the recreation ground and should be preserved.
- They are part of the inter-connected habitats that are so important to a large variety of animals, bats, insects and numerous other creatures. The Scots Pines especially and the Plane tree (external to development site) are important trees in their own right.
- Planting of new saplings as a mitigation for such removal is used by some developers as a trade-off and PR exercise to the general public.
- The Lime tree is a Category A tree at the site entrance and needs to have a root protection area that is acceptable and in line with British Standards BS:5837:2012.
- Crown reduction and crown lifting is not necessary.
- The development will change the fundamental aesthetic, feel and peacefulness of the park.
- Result in the loss of open space, natural amenity and loss of a part of Greenfields recreation ground that has been a park for 100 years and will have an adverse effect on the enjoyment of Greenfields Recreation ground.
- The high density of houses still seems inappropriate for a small site and will change the nature of the area.
- Impact on the overstretched infrastructure including, schools, GP surgeries, dental practices, surface water and foul drainage and mains services.
- The school is already over-subscribed and new housing in addition to the Lovell and Redrow development is reducing the size of the catchment area.
- It is not good enough to pass the buck to Severn Trent for drainage problems arising from foul water from the new development running into the Victorian sewers.

- Concerned that approving this development could set a precedent for further encroachment on the recreation ground or allotments, both of which are extremely well used and valued by the local community.
- There is a possible link between childhood cancers and electro -magnetic fields from bits of electronic equipment and buildings, including sub- stations. It is therefore considered unwise to build homes next to sub stations while this possibility exists and a survey of EMF levels should be made.
- Considers that the archaeological potential in this area is too substantial for there not to be an excavation, and potentially for the development to not go ahead.
- Agrees with the suggestion (by SC Archaeology) that a small excavation should take place before any groundworks commence.
- The impact on the immediate historic environment and nearby heritage assets such as the Flaxmill should be assessed and considers that the proposed modern development will alter this heritage setting and should not be allowed.
- The amended proposals do not take into account the impacts this development will have socially and to the sensitive historic environment and that development will potentially destroy archaeology and having a negative impact on the Flax Mill investment into the area.
- Concerned about what impact the increased traffic and the building work will have on the structure of existing homes.

4.2.16 In addition to objections regarding the planning application the following applications and requests have been made:

- Application for Village Green status of the recreation ground (including the car park) a small corner of which is part of the planning application site
- Nomination to list the application site and the recreation ground as an Asset of Community Value (ACV)
- Request to revoke the previous outline planning permission
- Request for the council to provide evidence that the correct processes and procedures were followed with regard to the classification and sale of this site
- Application for the cycleway and footpath to the East of the development site to be recorded on the definitive rights of way

5.0 THE MAIN ISSUES

Principle of the development/existing use and status of the site

Layout, scale, design and appearance/visual impact

Impact on heritage assets/archaeology

Access, parking and highway implications

Impact on neighbouring properties, residential amenity and pedestrian safety

Ecology
Landscaping/trees
Flood risk/drainage
Developer contributions (affordable housing and open space)

6.0 OFFICER APPRAISAL

6.1 Principle of development/existing use and status of the site

- 6.1.1 The provision of housing within the urban area of Shrewsbury accords with policy CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The land is contained within the urban development boundary and in a sustainable location within walking distance of the Town Centre and therefore residential development of the site is considered acceptable in principle.
- 6.1.2 A request has been made to revoke the previous planning permission and the Greenfields Community Group are still questioning the Council's decision not to revoke that permission. The main reason for the request is that some residents consider that the application site is public open space and part of the recreation ground and that both the previous and this current application should be determined having regard to this.
- 6.1.3 The Group's evidence that the land is public open space and is part of the adjacent recreation ground is based on the following:
- Minutes of a meeting dated 1925 that refer to *'the possibility of providing a Recreation Ground for the Greenfields district and have been in negotiation with Mr John Barker, the owner of Broomhall Estate, for the purchase of a portion of the meadow lying at the back of Broomhall, 3.4 acres in extent'*.
 - Minutes of a meeting dated 1942 stating that *'The committee agreed to the following land being acquired for war allotments subject to its reinstatement within six months of the end of the war: Small portion of Greenfields Recreation Ground, Falstaff Street (10-12 allotments)'*.
 - Minutes of a meeting dated 1956 (regarding the purchase of other land in the area) which states that *'the land should be purchased partly for use as Public Open Space and partly to provide alternative sites for several temporary allotments which are still being cultivated on the nearby Recreation Ground'*.
 - Does not dispute that the site was used as allotments since 1942 and that the land was used as a tree nursery by Shrewsbury Town Council but asserts that although not maintained as recreation ground by the Town Council has been used by dog walkers and some residents who consider it to be public open space.
 - Consider that land registry documents dated 2005 and 2010 (referred to in the latest title) are relevant but have been unable to obtain copies of these from the Town Council or the Land Registry

- 6.1.4 The land has been owned by Shrewsbury Town Council (or its predecessors) since 1926 when it was acquired by “The Mayor Aldermen and Burgesses of the Borough of Shrewsbury”, and has had various uses over the years including allotments and tree nursery. The land was transferred to the Town Council in 2010 following Shropshire becoming a unitary authority. The SABC Local Plan Urban Area map dated November 1997 indicates the land to be ‘white land’ and not protected green or open space. The adjacent land labelled ‘playing field’ is allocated as both ‘Greenspace’ and ‘Recreational Open Space’. Ordnance Survey maps since the 60s have always referred to the land as allotments.
- 6.1.5 The SABC Local Plan was subject to public consultation and was an adopted plan. The application site was clearly not shown as designated public open space or recreational ground within the SABC Local Plan. When the land was transferred to the Town Council from SABC the use of the land was not restricted and there was no covenant attached to the land. Reference has been made to “2005 and 2010 Land registry documents”. Consideration of the Land Registry titles for the site and the adjacent land still held by the Town Council indicates entries in the register dated 2005 and 2010. That does not mean that there are specific documents of those dates, just that the relevant entry was made or amended on that date. With regards to the 2005 entry in the register this is the date that the land was first registered by SABC with the Land Registry. As it had been held since 1926 it would have been unregistered until voluntarily first registered by SABC. The available documents submitted with the registration would have been those referred to on the title which have been considered by officers and do not add anything further to consideration of the land’s status. The 2010 date relates to the entry in the register when the land comprising the site and the adjacent recreation land, together with other land in the town, was transferred to Shrewsbury Town Council.
- 6.1.6 Similarly the original Conveyance (John Baker to the Borough Council 26 March 1926) includes the application site but there are no restrictions on the land or mention of the purposes the land is to be used for. The site is now held by the applicant under a separate title number SL248991 and there is no covenant attached to this title restricting the use of the land. If there had been any covenants attached to the original conveyance or subsequent title documents these would have been recorded on the latest title for this site.
- 6.1.7 The operations manager (Gary Farmer) for Shrewsbury Town Council has worked for SABC and the Town Council for over 40 years and for most of these years and in various roles has been responsible for the maintenance of Greenfields Recreation Ground. Mr Farmer has submitted the following statement with regard to a request for the land to be registered as an asset of community value (AVC) which outlines his knowledge of the site over that time:

To the best of my knowledge when I started in 1978 this area was derelict overgrown land and never part of the recreational facilities. The Parks Superintendent James Beardall was a keen Arboriculturalist and saw an opportunity for the Parks Department to grow our own trees from saplings. This area was cleared and for many years the site was an active tree nursery with no access to the public. This was managed for many years until such time that many of the green spaces had

been planted with now standard trees from this nursery site. Also it should be noted that this was just one of many tree nurseries that we developed. James retired in 2000 and with him the need for tree nurseries expired as he had completed his vision of green Shrewsbury with a new tree stock.

As for this area it remained secure but was left unmanaged until it was disposed of by STC. To be clear only in recent times was this area used as an unauthorised short cut as the boundary fences and access gates were damaged and never repaired. This damage has been more recent when permission was granted to create a cycle way that links through the recreation ground but does not encroach on this area.

The request relating to the application site being registered as an asset of community value has been refused.

- 6.1.8 That some residents have used the site informally to walk their dogs, or that children have used it to play on at different times does not make the land public open space or recreation land. There are also some residents in addition to officers of the Town Council that disagree with this claim that the land has been available as public open space for the periods when it was not in use as allotments or tree nursery.
- 6.1.9 Minutes of various meetings over the years potentially indicate that the land was acquired for use as public open space or for recreational purposes as part of a larger piece of land but this evidence is not conclusive as there are no clear plans or maps to identify what land is being referred to. The application site is bounded by Town Council owned allotments to the North and Greenfield Recreation ground to the East and even if it was originally acquired in 1926 (as part of the larger area) for the purposes of recreation this part has never been maintained or formally used as such. There is no evidence the land forming the site was ever designated as public open space.
- 6.1.10 The current title document (and previous title documents) contain no covenant restricting the use of the land or the future sale of the land. The land was not and is not considered to be public open space or recreation ground by either SABC, Shrewsbury Town Council, or Shropshire Council. Even if the title had a covenant restricting its use, a covenant can be applied to be lifted and planning permission can be decided irrespective of this.
- 6.1.11 With regards to the Town Council following the correct procedures and processes with regards to acquiring or appropriating land for planning purposes under section 232 of the Town and Country Planning Act (TCPA) 1990, section 232 (4) states the following:

(4) Before appropriating under this section any land which consists of or forms part of an open space, a local authority—

(a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and

(b) shall consider any objections to the proposed appropriation which may be made to them.

Open space is defined within section 336 of the TCPA 1990 as *‘any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground’*.

The Town Council were quite rightly of the view that the application site was not public open space and they were therefore not required to follow the procedures outlined in section 232 (4) of the TCPA 1990 prior to making their application for planning permission or prior to selling the land.

- 6.1.12 It is the Council's opinion that this site is separate to and is not part of the Greenfields Recreation ground. The development would not result in the loss of public open space and the provision of 15 smaller family homes rather than the previously approved 8 large 'eco' homes will make efficient use of this vacant site and help boost housing supply in a sustainable location. The proposal is therefore considered acceptable in principle.
- 6.1.13 The request to revoke the previous planning permission has been refused. Since the request to revoke the previous planning application was considered, comments have been made that additional documents should be considered, however there do not appear to be any other documents which address the status of the site as set out above. Currently the land is in private ownership and whilst there is an adjacent recreation ground the site has been treated separately for many decades and as such it is considered that suggestions that the land was or is public open space are unsubstantiated and therefore cannot be given weight in the planning decision making process.
- 6.1.14 The application to register the land owned by the applicant as an ACV has been refused. The land owned by the Town Council including the recreation ground and carpark has been listed as an ACV. The Town Council have already granted an easement to allow the applicant vehicular access to the site across the corner of the car park and the entrance to the recreation ground. That this small part of the car park (to be used as vehicular access) is part of the larger recreation ground owned by the Town Council and deemed to be an ACV should not affect the determination of this current application. The use of this small corner of the access to the car park to access the development site will not reduce the number of car parking spaces available or prevent access to the carpark and the recreation ground.
- 6.1.15 Shropshire Council Commons registration officer has advised that the application to register the Greenfields Recreational Area as a village green is still being determined. The Council as Commons Registration Authority is minded to reject the application as not "duly made" as there have been two trigger events (as set out in Section 15C - Schedule 1A of the Commons Act 2006) with no corresponding terminating event. These trigger events affect a small portion of the application land. The determination of this current planning application need not and should not be held up by this decision.

6.2 **Layout, Scale, Design and Appearance/Visual Impact**

- 6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.2.2 The proposed development will be situated at the end of Falstaff street which predominantly consists of a row of late Victorian semi-detached properties on either side of the road with a row of 4 detached properties on the West side of the road built in the late 1990s. The older properties display a variety of window and door designs and brick detailing. The site and the surrounding houses are not in a Conservation area and there are no listed buildings or listed walls or structures within close proximity of the site.
- 6.2.3 The layout as amended is for a row of 15 houses including 6 semi-detached two storey houses with a third level of accommodation in the roof, 2 semi-detached two storey houses, 2 terraces of 3 two storey houses and a detached two storey house with accommodation in the roof. The layout, pattern and density of development is in keeping with the linear development in the surrounding streets with houses situated on narrow plots. The gardens will not be as long as those in Falstaff Street but it is considered that the size of the rear gardens is satisfactory particularly having regard to the large recreation ground and play area that is available to the front of the site.
- 6.2.4 The proposed dwellings are traditional in design incorporating architectural features found in the houses in the surrounding streets such as stone heads and sills, bay windows and brick corbelling. However they are not intended to replicate the existing houses or to be a pastiche and it is considered that a pastiche would not be desirable.
- 6.2.5 The new houses proposed would be seen as a continuation of the row of the four new houses on the West side of Falstaff Street and it is considered that the scale and design of the houses are appropriate and that the development would have no significant adverse impact on the character and appearance of the locality. It is considered that the scale and appearance of the proposed houses is preferable to the design of the 8 large houses approved in principle under the previous outline permission and is far more appropriate in scale, density, pattern and design taking into account the local context and character.
- 6.2.6 A visual impact assessment (VIA) has been submitted on behalf of the applicant to assess the potential effects that the proposed development would have on the landscape character and visual amenity, on views from publicly accessible locations.
- 6.2.7 The site and its surrounds form part of the urban area of Shrewsbury and the character of the adjacent open space is typical of an urban recreational ground.

Both the application site and the recreation ground are not designated at a National, County or District level and the VIA assesses the 'landscape value' and the 'visual amenity level' of the application site to be 'local level' rather than 'community level'. Community level refers to areas that are recognised landmarks or beauty spots or village greens and common land. Local level landscapes and views are considered to be of value at a local level, either as a local recreational resource or by providing a pleasant visual outlook to residents and visitors.

- 6.2.8 The recreation ground provides a valuable recreational resource to the local community and the application site provides a green backdrop and pleasant visual outlook from this park and the impact on this outlook has been assessed as 'Minor adverse'.
- 6.2.9 The 'Visual Receptor Susceptibility' from the main public view points (the recreation ground and footpaths, Falstaff Street and Shrewsbury Flaxmill Maltings) is assessed as being 'medium' or 'low/medium' as the 'visual receptors' are considered to be people engaged in activities where landscape provides a backdrop to their main activity, such as users of open space and recreational facilities or users of public rights of way in urban areas.
- 6.2.10 The main public views of the proposed development would be from the Greenfields Recreation Ground and the footpaths around it. Walkers and recreational users have been treated as having 'medium susceptibility' to changes affecting their visual amenity and the views are assessed as being of 'local level value'. Having regard to the extant planning permission the VIA assesses the site as having 'negligible landscape value' and 'negligible visual amenity value' and that the scale of effect compared to this current 'baseline landscape' would be 'low/medium adverse' over a 'low/medium' geographical area.
- 6.2.11 The report assesses that the overall level of effect of the proposed development on the visual amenity of the Greenfields Recreation Ground is 'Minor adverse' and the overall level of effect on the visual amenity of the Falstaff Street and the Shrewsbury Flaxmill Maltings is 'Negligible'.
- 6.2.12 Officers generally concur with the finding of the VIA and agree that the impact of the proposed development on the landscape value and visual amenity value of the development site, when considering the extant permission, would be minor or negligible. It is however agreed that both the extant permission and this current proposal would change the outlook from the recreation ground and change the existing green 'backdrop' valued by some residents. Some residents, however, do consider the site to be waste ground and overgrown and an eyesore that has a negative impact on the visual amenity of the area and susceptible to ant-social behaviour.
- 6.2.14 It is accepted that the proposed built development will provide a harder edge to the recreation ground but overtime the built development will be screened by maturing trees. The majority of the existing hedge is now proposed to be retained and the sub-standard trees along the eastern boundary are proposed to be replaced with a new attractive avenue of specimen trees on both sides of the path. In the short term the removal of the existing trees in this hedgerow might be viewed as negative

but replacing them will bring long term improvements and visual enhancement to the interface between the park and the recreation ground.

- 6.2.15 In addition to this enhancement to the visual amenity of the recreation ground the proposal will also bring some benefits in terms of improving public safety. The footpath, recreation ground and play area will be overlooked by the new development thereby improving surveillance and deter anti-social behaviour. The development of the site will make good use of private land that in its current overgrown and neglected state makes a negative impact on the visual amenity of the locality.

6.3 Impact on heritage assets/archaeology

- 6.3.1 The submitted archaeological assessment confirms that there are no statutory designations within the application site although it once sat within the grounds of the former Green Fields/ Broom Hall house dated to the early 19th century. The application site falls outside the Shrewsbury Conservation Area, the nearest part of which is approximately 230m to the East. The Shrewsbury Flaxmill Maltings is located approximately 270m to the East of the application site, beyond the railway line. This group of buildings includes several Grade I, II*, and II listed structures which collectively are regarded as being of international importance from a heritage perspective.
- 6.3.2 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in determining applications special regard is given to the desirability of preserving listed buildings or their setting and preserving or enhancing the character or appearance of a Conservation area. Due to the distance of the site from the conservation area and the listed buildings at the Flaxmill Maltings, and the presence of the recreation ground, the established community woodland and the railway line that separates the application site from these heritage assets it is considered that the proposal would not affect the setting of the listed buildings or impact on the character and appearance of the conservation area.
- 6.3.3 An archaeological report has been submitted to satisfy the requirements of the NPPF and SAMDev policy MD13. The Councils Archaeologist has confirmed that given the findings of the desk based assessment the proposed development site is considered to have low-moderate potential for archaeological remains of prehistoric, Roman and 20th century date and recommends that a phased programme of archaeological investigation is made a condition of any planning permission.
- 6.3.4 Given the nature of the proposed development it is recommended that this should comprise an initial evaluation trenching exercise followed by further mitigation as necessary. The archaeology report also confirms that the proposed development will not affect the significance of any of the known heritage assets in the immediate area or their settings.

6.3 Access, parking and highway Implications

- 6.3.1 The amended plan is for 15 dwellings and indicates 32 parking spaces (2 parking spaces for each dwelling and 2 visitor spaces). This level of parking provision is considered more than adequate in this sustainable location in close proximity to local services and facilities, a primary school and regular bus service, and within walking distance of the town centre and the train and bus station. One of the aims of both Local and National policy is to encourage walking and cycling and use of public transport and to reduce the use of private vehicles and to direct development to locations where the need to travel is minimised.
- 6.3.2 To provide more parking spaces would be contrary to the aims of promoting sustainable transport. SABC local plan parking standards advised a maximum parking provision of 1.5 spaces per dwelling with the aim of reducing reliance on the private car and promoting other more sustainable forms of travel. The NPPF advises that if setting local parking standards these should take account of the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport and local car ownership levels. Families with requirements for parking more than 1 or 2 cars would likely not be interested in purchasing these properties as they wouldn't meet their needs. Future residents (and existing residents) are more likely to choose to live in this area for the very reason that they don't need more than one car in the family due to the potential for walking, cycling and use of public transport. A parking standard of less than 2 spaces per dwelling is considered appropriate for this location and 2 spaces per dwelling is considered to be more than adequate.
- 6.3.3 SAMDev policy MD2 advises that onsite car parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network. Officers are fully aware of the lack of off-street parking in Falstaff Street and the surrounding streets and that on street parking only allows for one car per dwelling which likely represents the current car ownership in this area. It is acknowledged that at weekends and evenings the streets are full on both sides and residents are sometimes unable to park on the street outside their own homes. However the provision of 15 additional houses with 2 spaces per dwelling, plus 2 visitor spaces, and the option for visitor parking along the front of the new houses (as is the case in any other residential area) would not affect the parking situation that already exists. It is therefore considered that the parking provision is more than adequate and that the provision of 15 houses with 2 parking spaces each, plus 2 visitors spaces, would not result in cars over-spilling and parking into the surrounding streets. WSP consultants on behalf of Highways have confirmed that the development would not contribute to the local on-street parking issue, as it is providing adequate off-street parking for the new dwellings and that this application can only be considered on the basis of the new additional traffic impact on the local highway network.
- 6.3.4 Vehicular access will be off Falstaff street via Greenfield Street and on to Ellesmere Road to join the main Highway network. WSP consultants on behalf of Highways have confirmed that they have no objection to the access to the development via this route. Officers are aware that the existing intensive on-street parking results in congestion in the area and that this is of significant concern to the local community. WSP have commented that although this development will introduce additional vehicles movements along the existing highway, it is not considered that there

would be sufficient enough traffic generation to contribute to the likelihood of 'severe harm' as defined in the National Planning Policy Framework to warrant a reason for refusal on highway grounds.

- 6.3.5 Residents have questioned the robustness of the applicants submitted Highway and Transport statement and that it is not based on evidence. The submitted transport statement for 17 dwellings stated the following:

'In terms of traffic generation therefore it is suggested that there is only likely to be a maximum of one movement per household in the peak hour. This would equate to 17 additional vehicles or one movement every 3.53 minutes. The overall traffic movements in any 24 hour period is not likely to exceed 102, based on 6 movements per dwelling using the lower figure in a band width of 6 – 9 movements per household, which is universally acknowledged as the trip generation for assessments of residential traffic. It is highly likely that there will be less traffic movements in the peak hour than the 17 suggested, as traffic patterns will be dictated by end travel journeys and times that prospective residents work'

- 6.3.6 WSP have stated that the proposed development of 15 new dwellings could potentially generate about 90 trips per day, including 20 trips within the busiest peak hour. This equates to less than a 4.5% increase in traffic along Falstaff/Greenfields Street (worst case). They also consider that prospective residents of the proposed dwellings could adopt the same sustainable forms of travel, such as walking and cycling, as enjoyed by the existing Greenfields residents, thereby further reducing the potential impact of any new vehicular movements along Greenfields Street.
- 6.3.7 Residents have conducted their own traffic survey to capture vehicular movements at peak times including 7am – 9am on Greenfields Street which is the only means of access to Ellesmere Road and the highway network. The total vehicular movements recorded in this 2-hour peak period was 236 (including 180 cars, 53 vans and 1 lorry and excluding 23 cycles) which is 118 an hour. Assuming approximately 200 properties in the area that all link to Greenfields Street and assuming that they are all 1 car households, using these survey results (118 an hour) as an indicator of vehicular movements in this sustainable location for households with only 1 vehicle this equates to 0.6 vehicular movements per peak hour per household.
- 6.3.8 Assuming the new occupiers adopted the same existing sustainable forms of travel as these existing residents and only owned 1 car, 15 additional houses would produce 9 trips an hour (one movement every 6.6 minutes) and a 2-car household would generate approximately 18 trips an hour (one movement every 3.3 minutes). These figures confirm that additional vehicular movements in the peak period for 15 dwellings in this location would be negligible.
- 6.3.10 Paragraph 109 of the NPPF advises that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. Officers whilst acknowledging the significant congestion that currently exists at peak times in the Greenfields area and along Ellesmere Road, agree with the

submitted statement that the additional traffic generated by this proposal would have no significant impact on the congestion that already exists and therefore the impact of the proposal is not considered to be severe that would justify refusal.

- 6.3.11 Residents refer to previous reports on other applications in the area and that SAMDev advises that further significant development off Ellesmere Road or in the Greenfields area should not be permitted without the North West Relief Road and that to approve this proposal would be contrary to adopted policy. Policies within both the Core Strategy and SAMDev do not state that no significant development should be allowed on land that requires access onto Ellesmere Road. Paragraph 4.169 of the explanatory paragraphs of S16 does however state the following:

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 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.

Although this application for 15 dwellings is a major application (being over 10 dwellings) and therefore puts it above the threshold for requiring affordable housing, it is not considered to be a significant development. In Highway terms 15 houses is a relatively small and minor development and is not considered to be significant.

- 6.3.12 Residents have also suggested that a full Transport Assessment should be required rather than the Transport Statement submitted. The NPPF advises at paragraph 111 that *‘All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’*. The proposal will not generate a significant amount of traffic and it is not considered necessary to require the applicant to undertake traffic surveys or further justify the anticipated trips per hour or provide further evidence regarding the amount of traffic that will be generated by this proposal.
- 6.3.13 The greatest impact on traffic will be during the construction phase and it is acknowledged that there could be some difficulties for HGV deliveries depending on the times of deliveries and this could result in congestion and disruption to residents. This disruption and impact on traffic can however be minimised and managed by a suitable construction traffic management plan and it is recommended that a condition is imposed to ensure that a Construction Method Statement is submitted and adhered to throughout the construction period.
- 6.4 **Impact on neighbouring properties, residential amenity and pedestrian and safety.**
- 6.4.1 The properties will be located sufficiently far from existing residents so that the development would not result in overlooking, a loss of privacy or loss of light or appear overbearing or obtrusive. The majority of issues raised by residents relate to congestion, disruption during the construction phase, pressure on street parking,

impact on the safety of pedestrians and cyclists and impact on infrastructure.

- 6.4.2 Parking and congestion have been addressed within the above paragraphs. The main concern from residents with regards to cyclist and pedestrian safety relate to alterations to the cycleway and footpath along the East side of the development site and that it will become a road and that walking to the school or park will become dangerous due to the need to cross the road.
- 6.4.3 The footpath and cycleway that residents refer to is for the first part already a shared surface with it being the vehicular access to the recreation ground car park and the first part of the footpath and cycleway referred to above and the footpath that leads to the bowling club and Flaxmill. It is also sometimes used by vehicles for parking to access the recreation ground, allotments and bowling club. There is a pavement on both sides of Falstaff Street and the pavement on the east side of the road leads to the main pedestrian entrance in the gap in the wall. The west side terminates at a wall on this side and pedestrians therefore have to step off the pavement to use the shared surface which forms the carpark (and vehicular access to it) and then leads to the footpath beyond. Pedestrians who use Falstaff Street to access the recreation ground or use the footpaths to walk to school already have to cross the road if they use the pavement on the west side. If using the pavement on the east side the pedestrians will be able to continue along this route using the shared surface of the car park and would not need to cross the vehicular access to the proposed development.
- 6.4.4 Cyclists using Falstaff Street should already be travelling on the road, and not the pavement, and will continue as they do now to cross this shared space to continue their journey on the defined cycleway. The latest amended plan indicates that the short section of access road that will cross the corner of the car park will be defined by a dropped kerb so that level access will be maintained.
- 6.4.5 The footpath/cycleway beyond the vehicular access to the existing car park will remain unaffected by this proposal and the route will not become a road. It is considered that the proposal would not impact on the safety of pedestrians and cyclist any different to the situation that currently exists.
- 6.4.6 An application has been made to include the footpath to the east of the site on the Definitive Map of the Public Rights of Way (PROW). The PROW officer has confirmed that the route was added to the Highways Map as a cycleway in December 2010, when it was formally adopted which allows usage both on foot and with bicycles. It is recognised that the route has been indicated on maps as a footpath for over 50 years and that it is available for use by the public, and that it is now legally recorded and protected by its inclusion on the Highways Map. The PROW officer has advised that the route is used primarily by walkers and cyclists and it would not be possible, appropriate or to anyone's advantage to apply to record it on the Definitive Map of Public Rights of Way and that any application to add it to the Definitive Map would likely be rejected on the grounds that it is already recorded as public highway which has a higher status.
- 6.4.7 Regardless of whether the footpath and cycleway is included on the Definitive Map the first part of this route is shared with the vehicular access to the car park.

Approval of this planning application, that includes using the south west corner of the car park as vehicular and pedestrian access, would not obstruct the cycleway and footpath and it is considered that it would not result in significant levels of traffic that would impact on the safety of pedestrians and cyclists any different to the existing situation.

- 6.4.8 The Greenfields Community group consider that the proposal would breach a 2011 Memorandum of Understanding with Sustrans. A representative of Sustrans has not been able to provide this Memorandum of Understanding but have confirmed the following:

‘users of the route will still be able to continue as they do now, but there will be the option of using the new development for access, if desired. So this gives us reassurance on this point and also we hope to local residents’.

‘We have received confirmation that “An informative will be placed on any planning decision for approval informing the applicant that the route must be maintained and continue to be unobstructed and available at all times (even during the construction phase)”. In principle provides us with re-assurance that the cycle route through Spring Gardens will continue to operate with the level of access currently offered’.

With regards to the increase in traffic and impact on pedestrian safety Sustrans have provided the following comments:

‘We do appreciate the concerns of local residents that there will be significantly more vehicles accessing the new development from Falstaff Street and in the location of the cycle route. For 17 dwellings, based on two vehicles per household we would estimate roughly 68 additional vehicle movements per day, 476 per week accessing the development. However, the nature of the development, being essentially a cul-de-sac, means that vehicles should be travelling very slowly, with drivers alert to the likely presence of pedestrians and children’.

Sustrans assessment of the likely increase in vehicular movements is broadly in line with (but slightly lower than) the applicant’s own assessment and that of WSP. It is considered that the proposed development would not result in a significant increase in traffic at the end of Falstaff that would endanger cyclists and pedestrians that use the footpaths and cycleways in the vicinity of the site.

- 6.4.9 Another matter raised by some residents is that of air pollution caused by the additional vehicles. Given that the vehicle movements for 15 dwellings is not considered to be significant it is not considered that these additional vehicular movements would significantly impact on the existing vehicular emissions in the locality.
- 6.4.10 One resident has commented that it would be unwise to build homes next to a sub station whilst there is a possible link between childhood cancers and electro - magnetic fields (EMF) from electronic equipment and buildings, including sub-stations and that a survey of EMF levels should be made. The emfs.info website advises that *‘Substations are where electricity lines are connected and switched and where the voltage is changed by transformers. They range from the very large*

to the very small but in nearly all cases, the highest field is usually produced by the lines and cables supplying the substation and not by the equipment inside the substation itself. If the substation itself produces a field outside its perimeter, it usually falls away over the first few metres.

- 6.4.11 A document produced by ENA energy networks association advises the following on substations:

‘Small electricity distribution substations, typically one for every few hundred homes, generally produce up to 2 microteslas close to their perimeter fence (occasionally more if built into another building, usually less for pole-mounted transformers), and often no electric field at all. The fields fall rapidly with distance and, within 1 to 2 metres from a typical substation, the fields associated with it are usually indistinguishable from other fields present in homes. Larger electricity transmission substations do not produce very large fields themselves (generally less than a microtesla); the fields close by are mainly produced by power lines and cables entering them. There is no restriction on EMF grounds on how close houses can be to substations’.

- 6.4.12 There is an existing house adjacent the sub-station in the corner of the site and there are many substations throughout the County adjacent to dwellings. It is not consider necessary to request a survey of of EMF levels around this sub station.

6.5 Ecology

- 6.5.1 An Ecological Assessment was carried out on this site in September 2017 by Star Ecology and an Ecological report submitted. The habitats on the site consist of scattered scrub, felled broadleaved woodland, saplings, tall ruderal vegetation, a species-poor hedgerow with ornamental trees along the eastern boundary, a mature lime tree in the south-east corner of the site and trees along the western boundary.
- 6.5.2 MD12 in accordance with CS6 and CS17 seeks to avoid harm to locally designated biodiversity and geological sites, priority species, priority habitats, important woodlands, trees and hedges and ecological networks. Whilst the site does provide some habitat for wildlife it is not a locally or nationally designated site, it does not form part of the environmental network or include important woodlands, trees or hedges other than the protected Lime tree at the entrance to the site which is proposed to be retained.
- 6.5.3 The submitted report and the Councils Ecologist confirm that there are no potential bat roosting features on the site but that the site is likely used by bats, badgers and hedgehog for foraging and/or commuting purposes and that the hedgerow and scrub provide potential nesting opportunities for birds. However there are no badger sets on the site or evidence of protected species.
- 6.5.4 The site is considered to be of low ecological value and conditions are recommended to provide ecological enhancement and to ensure appropriate native species landscaping and lighting of the site. It is therefore considered that the proposal is acceptable from an environmental perspective.

6.6 Landscaping/Trees

- 6.6.1 The tree officer reviewed the revised plans submitted in July and commented that whilst having certain reservations about the scheme regarding the proximity of retained and adjacent trees to the proposed dwellings, does not consider them sufficient to object to this application on arboricultural grounds. The tree officer did however identify some outstanding issues that needed to be addressed including no-dig construction methods, requirement for temporary setting-back of the tree protection barriers to be indicated, further clarification on the specification for the level of pruning and changes to surfacing materials.
- 6.6.2 A revised landscaping plan has been submitted and the key amendments in respect of impact on trees are as follows:
- The three originally proposed southern-most units, closest to the protected lime tree (T1 in the tree report), have been merged into a single unit and reduced in size.
 - Some of the units have been brought forward slightly to increase the rear garden space between the properties and the trees behind them along the western site boundary.
 - The new vehicular access point to the site has been realigned slightly to reduce potential impact on the roots of T1.
 - The majority of the hedgerow along the eastern boundary is to be retained.
 - Most of the poorly formed young trees within the eastern hedgerow are proposed to be removed and replaced with a double staggered avenue of new trees either side of the existing path.
 - A total of thirteen trees are to be removed which include nine of the trees in the eastern hedgerow referred to above, two (T12 and T13) in the middle of the western boundary hedgerow to allow for construction of the sewer link for the development and two trees (T21 and T22) in the top northwest corner.
- 6.6.3 The tree officer has confirmed that the further information submitted in the latest amended proposed landscape plan and tree report address almost all the concerns raised in the previous consultation response (dated 18th July 2018). The only outstanding issues are that the proposed facilitation tree pruning works are ambiguous in part and should be clarified and more clearly specified to the written agreement of the LPA, and none of the submitted plans clearly show the location of the areas where special no-dig construction techniques are to be employed within the root protection area of retained trees and hedges. Although it is included in the text of the Arboricultural Method Statement considers it should be more readily visible on key plans. These matters however can be dealt with by suitably worded conditions which are included in the appendix to this report.

- 6.6.4 This application was deferred by members at the February committee *‘for further discussion in relation to the tree survey and an amended site layout if necessary as a result’*. This was due to an additional representation being received after the publication of the agenda with concerns that the Root Protection Area (RPA) around the now protected Lime tree being insufficient. The latest amended layout plan has moved built development away from the RPA of this Lime tree. The Tree officer states that the southeast corner of unit 1 still impinges fractionally into the adjusted RPA of the protected lime tree T1 but it is proposed to be constructed using screw pile and beam foundations to minimise potential root damage that can be caused by traditional excavations for strip foundations. A permeable gravel path and parking area are proposed to the south and east of unit 1 would also impinge marginally into the RPA of T1, to the extent of 5% of its total surface area. The tree officer considers this level of incursion to be acceptable and in any event the proposals are to use a ‘no-dig’ form of construction for the path and parking bays. It is therefore considered that the proposed development in terms of the impact on the Lime tree is acceptable.
- 6.6.5 In addition the tree officer is satisfied in terms of the tree protection proposed for all other trees within or adjacent to the boundary of the site. The majority of the trees along the western boundary are to be retained and pruned and the four to be removed are potentially not in the ownership of the applicant. The trees that overhang the development site can be pruned without the relevant owners permission but if the four trees proposed to be felled are on land not in the ownership of the applicant then they will have to get the owners consent. However this is a civil matter and does not affect the determination of the planning application.
- 6.6.6 There remains some concern regarding the proximity of the proposed houses to the trees along this western boundary, the majority of which are proposed to be retained and pruned. The tree officer has commented that the revised layout has moved some units further from the western boundary and that this, in combination with the option of periodic pruning by future occupiers as necessary, will be effective in providing a reasonable degree of separation between the trees and houses.
- 6.6.7 The sub-standard trees within the existing hedge to be retained along the eastern boundary that are an important interface with the recreation ground are proposed to be replaced with a new attractive avenue of specimen trees. In the short term the removal of the existing trees might be considered to be negative but in the long term due to the fact that these trees are in poor condition (some with Ash Dieback disease) means that replacing them at this opportunity will bring long term improvements. The replacement trees are proposed to be at least 12-14cm girth, ‘heavy standard’ size which will ensure their successful establishment
- 6.6.8 Subject to the imposition of a condition requiring the implementation of tree protection measures and landscaping proposals and further details regarding the no-dig methods and tree pruning it is considered that the proposals would not negatively impact on any important trees within the site and that the proposed new tree planting will be a long-term enhancement.

6.7 Flood Risk/Drainage

- 6.7.1 The site is situated in Flood zone 1 (the lowest risk of flooding) and whilst Drainage have confirmed that the proposed surface water drainage strategy in the Flood Risk Assessment and Drainage Resume is acceptable in principle full details of the proposed drainage details, plan and calculations should be conditioned to be submitted for approval.
- 6.7.2 Highways have confirmed that the highway drainage design, construction details and specification, may require some amendment, to ensure its compliance with the Council's adoption requirements and that this will be subject to specific assessment when an application is made for a highway S38 agreement.
- 6.7.3 Residents have expressed concern regarding the Victorian drainage system and that it does not have capacity for additional discharge to it. However Severn Trent has a statutory responsibility to supply and maintain a satisfactory means of foul sewage disposal for both existing and new dwellings.

6.8 Developer Contributions (Affordable housing, Public open space)

- 6.8.1 MD2 requires the provision of open space on site calculated at 30sqm per person based on a standard of one person per bedroom. However due to the large recreation ground adjacent to the site it is not considered necessary to provide on-site open space in this instance. By not requiring open space enables the provision of an additional dwelling.
- 6.8.2 CS11 requires that all new housing development makes a contribution to affordable housing calculated at a rate of 10% in this location under the current Housing SPD. This equates to one dwelling on site with the balance as a financial AHC. It has been negotiated with the applicant that due to the site being adjacent to a recreation ground there is no requirement for on-site open space provision and that instead of a financial contribution in lieu of this the additional house provided on site will be an affordable dwelling. It is considered that the over provision of two affordable dwellings provides far greater benefit than 1 affordable dwelling and a small financial contribution towards affordable housing and off-site open space. The two affordable houses will be secured by a S106 agreement.
- 6.8.3 The scheme will also be liable for a financial contribution towards infrastructure under the CIL regulations. This can be spent on local infrastructure identified in the place plans and can include education, maintenance of existing recreation grounds and play areas and maintenance and improvements to roads, cycle-ways, pavements and footpaths or tree and hedgerow planting and maintenance for example.
- 6.8.3 A representative of the Shropshire Playing Fields Association (SPFA) has objected to the application due to the loss of public open space. As outlined earlier in the report neither the Town Council or Shropshire Council consider the site to be Public Open Space and therefore this cannot be given weight in the planning decision making process. The SPFA also considers that the location of the houses goes against the Town Councils Policy on the location of play areas. This document

states the following:

‘Play areas should be accessible enough that parents should feel confident about where their children are playing; within visibility of neighbouring properties and along well used pedestrian routes. They should be sited close enough to housing that encourages informal parental supervision, but is not disruptive to residents enjoyment of their properties. LEAPs should be 25 metres away from the nearest residential building wall, whilst NEAPs should be 50 metres away’.

- 6.8.4 The Town Council also follow the ‘Six Acre Standards on Play’ which is a standard designed by the National Playing Fields Association (NPFA). The minimum distances between a play facility and the nearest dwelling set by the NPFA is 5m for a LAP, 10m for a LEAP and 30m for a NEAP. The play area is nearing a ‘NEAP’ as it does provide play value to 14 year olds. It is considered that the distance of the proposed houses from this play area will be more than the minimum distance of 30 metres set by the NPFA and meets the Town Council guidelines of between 25 and 50 metres. As outlined earlier in the report the provision of houses that will overlook the footpath, the recreation ground and the play area will provide a sense of security for users of the area and will deter anti-social behaviour.

7.0 CONCLUSION

- 7.1 The development of this site for residential development is acceptable in principle, and the site is considered to be of a sufficient size to accommodate the 15 dwellings proposed. The layout, pattern and density of development is in keeping with the linear development and the plot widths in the surrounding streets and the proposed dwellings are traditional in design incorporating architectural features found in the houses in the locality. It is considered that the layout of the site and the scale and design of the houses are appropriate and that the development would have no significant adverse impact on the character and appearance or visual amenity of the locality. It is also considered that the proposal would have no negative impact on heritage assets such as the listed Flaxmill and the Conservation area which are over 200metres way and screened by trees.
- 7.2 It is considered that a safe and satisfactory vehicular and pedestrian access can be provided to serve this relatively small development. Whilst the development will result in additional vehicular movements in the existing congested streets this impact is not considered to be severe and the increase in traffic movements would have no significant impact on the safe movement and free flow of traffic in the locality and on the wider highway network. It is also considered that the provision of 2 car parking spaces, per dwelling, is more than adequate in this sustainable location where there are opportunities for other forms of travel.
- 7.3 It is also considered that the provision of vehicular access to the site at the entrance to the existing car park would not impact on the use of the existing cycleways and footpaths in the locality as this is already a space shared with vehicles, cyclists and pedestrians, and it is considered that the additional vehicle movements would not be significant.
- 7.3 The proposal would not be harmful to protected species, and biodiversity

enhancements will be secured by the imposition of conditions. The tree protection measures will ensure the retention of the significant Lime tree and the trees and hedgerow to be retained, and the proposed planting of a double avenue of trees will provide visual enhancement and the landscape proposal is considered acceptable.

7.4 The proposal is considered to accord with the relevant Shropshire LDF Policies CS2, CS6, CS11, CS17, MD2, MD12 and MD13 and the overall aims and objectives of the NPPF of promoting sustainable development and boosting housing supply.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan: CS2, CS6, CS11, CS17, MD2 and MD12 and MD13.

RELEVANT PLANNING HISTORY:

12/00620/OUT Outline application for the erection of 8 no. dwellings to include allotment space and means of access GRANT 23rd March 2016.

11. Additional Information

List of Background Papers: Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder): Cllr R. Macey
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Local Member: Cllr Alex Phillips

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contaminated on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- a construction traffic management & routing plan and community communication protocol.

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

6. Prior to the commencement of development a plan shall be submitted to the written satisfaction of the LPA that is based on the approved layout and clearly identifies and shows those parts of the scheme where a specialised 'no-dig' construction technique is to be employed, so as to avoid causing damage to the roots of retained trees and hedges. The development shall be implemented in accordance with this approved plan.

Reason: To clearly and simply show where specialised construction techniques are to be used to avoid causing damage to retained trees and hedges in and adjacent the site.

7. Notwithstanding the tree works proposed within the Tree Survey Schedule (Appendix 1) to the BS 5837: 2012 Pre-development Tree Condition Survey (Access2trees, Revision 3, August 2018), all pre-commencement facilitation tree pruning works shall be clearly specified and agreed to the written satisfaction of the LPA, prior to commencement of development.

Reason: for clarity and avoidance of doubt over intended works to retained trees in and adjacent the site.

8. All approved pre-commencement tree works (in accordance with condition 6 and 7) and the tree protection measures detailed in the approved Arboricultural Method Statement and Tree Protection Plan (Section 11 and Appendix 2 respectively of the BS 5837: 2012 Pre-development Tree Condition Survey [Access2trees, Revision 3, August 2018]) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

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

9. The development shall be implemented in accordance with the Arboricultural Method Statement and Tree Protection Plan contained within the approved BS 5837: 2012 Pre-development Tree Condition Survey (Access2trees, Revision 3, August 2018). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration

of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

10. The tree planting and landscaping scheme shall be completed as specified on the approved Proposed Landscape Plan (PL-010 G), prior to occupation of the first dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

11. Prior to first occupation / use of the buildings, the following boxes shall be erected on the site:

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

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

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

12. Notwithstanding the approved landscaping plan prior to its implementation an additional landscaping plan shall be submitted to and approved in writing by the Local Planning Authority to include details of features of ecological enhancements including hibernacula, hedgehog-friendly gravel boards providing passes under fences, amphibian-friendly gully pots and the makes, models and locations of the bat and bird boxes required by condition 11). The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To provide ecological enhancement of the site

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under condition 11). 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.

14. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

15. Before the relevant parts of the work are commenced details of the materials and form of the heads and sills to the window and door openings in the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

16. Prior to the commencement of the relevant work details of all external windows and doors and any external joinery shall be submitted to and approved in writing by the Local Planning Authority. All doors and windows and joinery shall be carried out in complete accordance with the agreed details

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

17. Prior to above ground works commencing details of a scheme of foul drainage, and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of any of the dwellings.

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

18. Prior to the relevant parts of the works commencing full details of the design and construction of any new roads, footways, verges, accesses, and street lighting together with details of the disposal of highway surface water shall be submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of any of the dwellings.

Reason: To ensure a satisfactory access to the site.

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

19. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times, and the car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development