

Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 19/01288/REM

Parish:

Shrewsbury Town Council

Proposal: Approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT, for a mixed residential development of 150 dwellings (additional 8 dwellings) for part of the site (an amendment to reserved matters approval 18/03637/REM), (amended description)

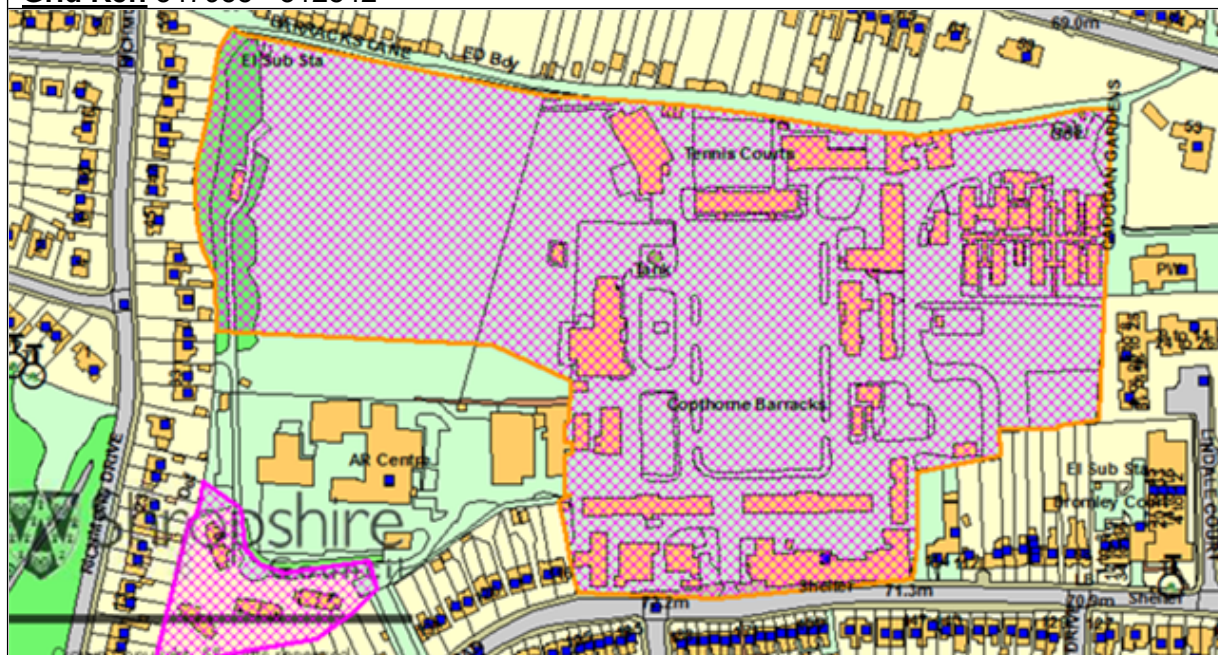
Site Address: Former Copthorne Barracks Copthorne Road Shrewsbury Shropshire SY3 8LZ

Applicant: Bellway Homes Ltd

Case Officer: Jane Raymond

email: planningdmc@shropshire.gov.uk

Grid Ref: 347955 - 312842



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT, for a mixed residential development of 150 dwellings (an additional 8 dwellings) for part of the site, an amendment to reserved matters approval 18/03637/REM.
- 1.2 The whole site already has detailed approval for 216 dwellings and this application only relates to the northern part of the site to allow for a change in the house types and minor alterations to the layout to include 8 additional dwellings (224 in total across the whole site).
- 1.3 This proposal does not change the road layout or the open space provision but changes the house types and house and plot sizes to provide 150 dwellings (plots 27 to 168 and 217 to 224) instead of 142 dwellings (originally plots 27 to 168). 74 dwellings on the southern part of the site (plots 1 to 26 and 169 to 216) will remain as originally approved.
- 1.4 The total increase in house numbers from 216 to 224 also results in an increase in the provision of affordable homes to 45 instead of the 43 previously approved which is a slight over provision.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is part of the former Copthorne Barracks and relates to the part of the site occupied by plots 27 to 168 inclusive on the previously approved layout.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 When the outline application was considered at Committee in August 2017 members resolved that planning permission be granted as per the Officer's recommendation and subject to any Reserved Matters Application being considered by the Central Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **SC Archaeology:** We have no comments to make on this application with respect to archaeological matters.
- 4.1.2 **SC Conservation:** I would refer you to our earlier consultee comments regarding development affecting this site for background. The proposed amendments to the scheme appear to be generally limited to some changes of house type resulting in a limited number of additional dwellings being added to the approved layout.

Having considered this change we have no further comments to add on heritage matters beyond our last set of comments.

4.1.3 SC Ecology: During the previous planning applications at this site it was agreed that the following roosting opportunities would be provided (18/03637/REM):

- 20 bat roost features,
- 20 swift boxes.
- 20 bird boxes

(SC ecology also recommended the inclusion of one bat loft into the site design).

SC Ecology recommended that all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This was to conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

The above points are repeated for the 2019 REM application.

SC Ecology would ask the applicant to also confirm if demolition works at this site have been completed. Following comments from the 2018 REM application, regarding condition 20 EPS licence, works to building B7 and B15 were to occur under an NE mitigation. What additional survey work has been undertaken to allow for demolition without a licence?

4.1.4 SC Drainage: Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined below) within the development site or contribute to surface water flooding of any area outside of the development site.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Gully spacing calculations should be provided demonstrating that the above requirements have been met.

- 4.1.5 **SC Trees:** There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 151 individual trees, 7 groups of tree and 8 hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The site layout has been designed following a number of discussions with the LPA in respect of trees to be retained. Whilst the proposal will result in a large number of trees being removed, these are mainly the lower value specimens, situated within the site where losses would not significantly impact on the wider appearance and character of the area. To mitigate these losses and maintained canopy cover, a landscaping scheme has been submitted that provides for a significant level of large species tree planting.

Where possible, boundary trees have been retained and incorporated into the site layout, with larger gardens provided for properties with trees along the north boundary. The site layout provides a reasonable balance between retaining existing trees and providing new planting.

The proposed landscaping is acceptable in terms of species choice and site position, however additional details regarding planting pits and soil resources are required, particularly where trees are to be situated in or adjacent to hard landscape. Tree soil volumes will need to be calculated for each species and it must be demonstrated that this will be available for each tree. Tree protection details provide in the tree protection plan and arboricultural method statement are acceptable.

No objection is raised to the proposed development subject to the additional tree planting information being provided and a tree protection condition being attached to any grant of planning permission.

4.2 - Public Comments

- 4.2.1 **Sustainable Transport Shropshire:** Representation summarised as follows:

- ☐ Permeability and access to the site deserves reconsideration.
- ☐ Previously pointed out that cycle users and pedestrians are poorly served in this development and this is an opportunity to make amends.

- ☐ A single pedestrian and cycle access is not enough and would like to see more explicit and considered access points between Barracks Lane, the Mount, and the others.

4.2.2 One letter of objection summarised as follows:

- ☐ The proximity of the house on plot 86 to the rear access to Cadogan House a large Grade II listed Georgian House is not appropriate.
- ☐ The large open area in the north east corner of the site (above plot 86) should be left open to assist in the turning and waiting of vehicles in Barracks Lane.
- ☐ The entrance on the corner of Barracks Lane and The Mount is tight just for a vehicle and with the addition of more footfall it could be very dangerous for cars turning into Barracks Lane from The Mount.
- ☐ Not happy about the additional effect on traffic and schools.
- ☐ Not happy with the size of the communal space on the site.

5.0 THE MAIN ISSUES

5.1 The principle of development was approved at the outline stage and detailed Reserved Matters approval has already been granted for the whole site which also covered all the details required to be submitted by conditions 5- 17 inclusive including landscaping, open space provision, tree protection, ecological protection and enhancement, access, parking and traffic implications and developer contributions.

5.2 The main issues relating to this proposal for the development of the 150 houses on the northern part of the site are:

- ☐ the layout, scale and appearance of the houses and
- ☐ the landscaping of the individual plots.

6.0 OFFICER APPRAISAL

6.1 Layout, scale and appearance

6.1.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

6.1.2 The north part of the site is adjacent to Barracks Lane which is on the edge of a Conservation area and the north east corner is adjacent to a listed building

(Cadogan House). The proposal has the potential to impact on these designated heritage assets. Special regard needs to be given to the desirability of preserving the setting of listed buildings and preserving or enhancing the character and appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.1.3 The houses in the locality include a wide range of scale, design and period of buildings and display a wide palette of materials. A variety of scale and design of dwellings is proposed using a mix of materials (both render and brick and different coloured roof tiles). The revised layout includes (as previously) a mix of detached, semi-detached and terraced properties including a mix of 2, 3 and 4 bedroom homes, both open market and affordable.
- 6.1.4 The road layout and the orientation of the houses is not changing, and as previously approved the proposed development will back onto Barracks Lane with the majority of the existing boundary wall retained. This is considered acceptable from both a highway and visual impact perspective maintaining the enclosure of the site and its relationship with Barracks Lane.
- 6.1.5 It is considered that the scale of the buildings along the northern boundary of the site and the plot widths will be in keeping with the existing development that also backs on to Barracks Lane and that the development as amended will continue to preserve the character and appearance of the locality and adjacent conservation area.
- 6.1.6 In addition to retaining the existing wall it is proposed that this is extended in an easterly direction continuing around the north east corner replacing the unsightly security fencing and the wide-open gap that currently gives views of MOD buildings of no architectural merit. It is considered that the closure of this gap with a wall will both improve the character and appearance of the locality on the edge of the conservation area and enhance the setting of Cadogan House.
- 6.1.7 It is considered that the proposal would not harm the setting or the significance of Cadogan House. The enclosure of the development site in this north east corner (the same as previously approved) would not reduce the width of Barracks Lane or make it difficult for vehicles to manoeuvre and Highways previously had no objection to this.

6.2 **Landscaping**

- 6.2.1 The wider landscaping of the site remains the same as previously approved. The landscaping the subject of this application relates to the individual plots including hard surfaced areas (patios and driveways), lawned areas and boundary treatments. These are not noticeably different to the private gardens and driveways previously approved and the proposed landscaping of the individual plots is considered acceptable. A tree protection condition and landscaping implementation tree planting condition is recommended (the same as imposed on the earlier reserved matters approval) to ensure the protection of trees to be retained and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping.

6.3 Other Matters

- 6.3.1 Access – The internal road layout and the vehicular and pedestrian access to the site is not included in the red line of this application and is not proposed to change. Sustainable transport Shropshire have requested that the cycle and pedestrian access is reviewed. This was fully considered under the earlier Reserved Matters application for the whole site.
- 6.3.2 Although the provision of a cycle and pedestrian link at both ends of the development site on to Barracks Lane might have helped provide greater permeability between Copthorne Road and The Mount and encourage cycling and walking in the area it has been demonstrated that is not possible to provide additional DDA compliant pedestrian links. There was also public opposition to this from residents in Richmond Drive and the Mount.
- 6.3.3 The proposed emergency access onto Barracks Lane provides an alternative pedestrian and cycle route to the main access onto Copthorne Road. The proximity to the town centre and the opening-up of the site by the creation of this single access onto Barracks lane will improve permeability between Copthorne Road and the Mount for pedestrians and cyclists (but not vehicles) and will hopefully help promote sustainable modes of transport for both the new residents and the existing residents in the locality.
- 6.3.4 Ecology – The Ecologist has sought confirmation that the proposed enhancement for bats and birds secured as part of the earlier applications will also be provided as part of this revised application. Condition 15 (bat roost features) and 17 (bird boxes and artificial nests) attached to the outline planning permission continues to be relevant and requires the approved details to be implemented prior to the first occupation of the relevant part of the development.
- 6.3.5 Drainage – The drainage team have requested additional information and clarification (as they did when considering the earlier reserved matters application for the whole site) and the following condition was imposed:

2. The submitted surface water drainage proposals are acceptable in principle but prior to above ground works commencing full details of a scheme of foul and surface water drainage to include Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding, and to ensure that the drainage system remains in good working order throughout its lifetime.

An application has been submitted to discharge this condition, but the detail is not yet approved. It is therefore necessary to impose this same condition.

7.0 CONCLUSION

7.1 The principle of development has been established by the Outline permission. It is considered that the proposed minor amendments to the proposed scale, layout and appearance of the houses on the individual plots on this part of the site and the associated landscaping is acceptable and would not adversely impact on the character and appearance of the locality or residential amenity. The character and appearance of the conservation area and the setting of the listed Cadogan House would also not be adversely affected. Sufficient open space and landscaped areas will continue to be provided in accordance with the outline permission and earlier reserved matters approval for the whole site, in addition to satisfactory ecological enhancement and appropriate measures for the protection of the significant trees to be retained. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS17, MD2, MD12 and MD13 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS6, CS17, MD2, MD12 and MD13

RELEVANT PLANNING HISTORY:

16/04228/OUT Outline application (including access) for residential development and associated open space for up to 228 dwellings (C3 use) (including up to 45 apartments for retirement living and the conversion of the Armoury (the 'Keep') to provide up to 9 residential apartments) with landscaping, layout, scale and appearance reserved for later approval (amended description) GRANT 21st December 2017

18/03637/REM Approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT for the erection of 216no. dwellings (conditions 15 and 17 amended and 25 removed by 18/01826/AMP) (Amended description) GRANT 21st December 2018

11. Additional Information

List of Background Papers

19/01288/REM - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POMI5DSTD0HG00>

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Julian Dean

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

2. The submitted surface water drainage proposals are acceptable in principle but prior to above ground works commencing full details of a scheme of foul and surface water drainage to include Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding, and to ensure that the drainage system remains in good working order throughout its lifetime.

3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the first building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and Arboricultural Method Statement have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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.

4. All hard and soft landscape works shall be carried out in accordance with the approved plans and must be fully completed in accordance with a timetable to be submitted to and approved in writing by the LPA. Prior to the planting of any trees additional details regarding planting pits and soil resources shall be submitted for approval. Tree soil volumes will need to be calculated for each species and it must be demonstrated that this will be available for each tree. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

5. The materials for the new build properties shall be as indicated on the approved materials plan.

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