

Committee and date

South Planning Committee

29 April 2014

Item

**7**

Public

## Development Management Report

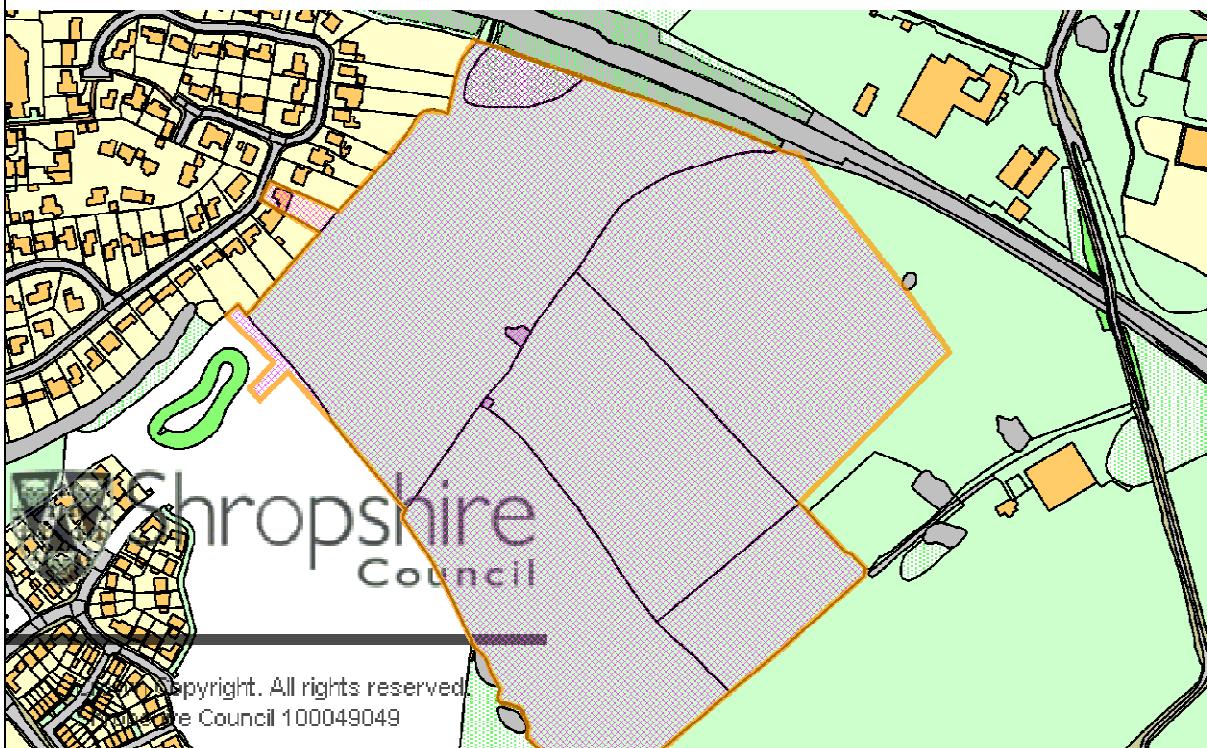
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/00062/OUT	<b>Parish:</b>	Shifnal
<b>Proposal:</b> Outline application with vehicular access (from Stone Drive and Lloyd Grove) to be determined for mixed residential development, public open space, earthworks, balancing ponds, landscaping, car parking and all ancillary and enabling works; demolition of one dwelling (18 Silvermere Park)		
<b>Site Address:</b> Development Land North East Of Stone Drive Shifnal Shropshire		
<b>Applicant:</b> Taylor Wimpey UK Ltd / Gallagher Estates		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 375425 - 307324



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**Recommendation:- Grant Permission as a departure and subject to no objections from The Highways Agency and satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision; contributions to the Travel and Movement Strategy for Shifnal; and maintenance of Town Park/open space by an appropriate body and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This proposal relates to some 13.97 hectares of agricultural land split into four fields and immediately to the south east of the current built up area to the town. The site also includes an area of some 0.7 hectares on its eastern side used for caravan storage.
- 1.2 The proposal is an outline application for residential development of up to 250 dwellings with public open space which would include a town park, associated earthworks, balancing ponds, car parking and other ancillary works. The proposals include the demolition of 18 Silvermere Park to provide a pedestrian/cycle link from the western edge of the proposed development between the town centre and the site, including the Town Park proposal. All matters are reserved for later approval, with the exception of the proposed vehicular access points into the development which would be from Stone Drive and Lloyd Grove which are roads within the Thomas Beddoes Court housing development.
- 1.3 An indicative master plan has been submitted, showing how the site could be developed. This shows a loop road that would link onto Stone Drive and Lloyd Grove, with the majority of the area within the loop forming the Town Park. The existing field boundaries and ponds (one central to the site and another close to the northern site boundary, would be largely retained and would enclose areas of residential development. A hierarchy of streets would be created to serve the development blocks off the main loop road. A spur road off the loop road is shown extending into the eastern portion of the site. The alignment of the internal roads would accommodate a water pumping main easement through the site. At the northern end of the site, close to the railway and adjacent to the existing pond an area of informal open space is shown with new woodland planting shown on the landscape strategy plan. This informal area would extend along the western site boundary with buffer planting on the site boundary and the area would include two proposed surface water attenuation ponds, giving a substantial separation distance (of the order of some 45m) between existing and proposed dwellings. The footpath link from Silvermere Park is shown with a direct link through to the proposed Town Park area.
- 1.4 It is the applicants' intention that the existing and new surface water attenuation ponds and linked swales would be integrated into the open space network to maintain green field run off rates alongside supporting and enhancing ecological habitats and on site biodiversity. The proposed network would restrict peak flows to existing features to the south such as the Silvermere watercourse which outflows to the Wesley Brook to the west. The arrangements would accommodate storms up to the 1 in 100 year (+30% allowance for climate change) return event period and would equate to an approximate 70% betterment over the existing site conditions.

- 1.5 The indicative mix of houses for the site set out in the Design and Access Statement comprise of 15% one and two bed; 50% three bed; 32% four bed and 3% five bed. With regard to scale, and in particular building heights, a zone along the western edge of the area adjacent to Silvermere Park, and adjacent to Revells Rough to the south is identified for dwellings up to two storeys (up to 9m to ridge). The Design and Access Statement advises that the remainder of the site could accommodate dwellings up to 2.5 storeys (up to 10m to ridge), but it is anticipated however that 2.5 storey dwellings would be more limited in their use across the site. Variations in house types across the site would introduce subtle variation in the ridge line and perceived building heights, which is a strong component of the local Shifnal vernacular. The urban form would incorporate focal point buildings, residential squares. Parking would be a combination of on plot spaces, on street parking and parking courts and the layout would seek to minimise the visual impact of this provision.
- 1.6 It must be stressed however that, in the event of outline planning permission being granted, the final layout of the site, along with scale, appearance, landscaping and access within the site would be determined through the consideration of reserved matters application(s).
- 1.7 The application is accompanied by a Planning Statement; Design and Access Statement; Archaeological Report; Ecological Appraisal; Bat Survey and Mitigation Strategy; Great Crested Newt Mitigation Strategy; Environmental Risk Assessment; Flood Risk Assessment; Landscape and Visual Appraisal; Noise Assessment; Services Report; Statement of Community Involvement; Sustainability Statement; Transport Assessment; Travel Plan; Tree Survey and a Waste Audit Statement.
- 1.8 A screening opinion was issued on 20<sup>TH</sup> February 2014 to the effect that the proposed development would not require an Environmental Impact Assessment (ref:13/04548/SCR).

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated outside of the Shifnal development boundary shown in the Bridgnorth District Local Plan and is on safeguarded land which is excluded from the Green Belt. (Saved Local Plan policy S4 protects safeguarded land to meet the future development needs of Shifnal). The site is predominantly agricultural land but also includes an area on its eastern side used for caravan storage. It is bordered by the Wolverhampton to Shrewsbury railway line to the north; the existing Silvermere Park housing to the north west; the Thomas Beddoes Court housing development to the south/southwest which is nearing completion, an existing landscape tree belt feature, known as Revells Rough, to the south, and agricultural land to the east. A section of The Thomas Beddoes Court housing development bordering the application site has outline consent for the erection of a medical centre, but no reserved matters have been submitted for the medical centre. The topography varies but generally has a gentle fall in a westerly direction.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council has submitted a view contrary to the Officer recommendation. It is the view of the Planning Services Manager in consultation with the Chairman that this application should be determined by the South Planning Committee.

**4.0 Community Representations**

- Consultee Comments

4.1 Shifnal Town Council – Object:

4.2 SC Highways Development Control – No Objection:

Shropshire Council as Highway Authority has no objection in principle to a residential development at the proposed location.

It is considered that the proposed development is located within reasonable close proximity to Shifnal Town Centre, and local amenities including the local Secondary and Primary School. Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

It is acknowledged that there are concerns about the impact of development on the traffic situation within the centre of Shifnal and this proposal must be assessed in the context of the above national guidance and Development Plan policies.

**Transport Assessment**

The submitted Transport Assessment addresses key considerations with regard to the proposed development, and associated Trip generation, traffic flows and the assessment of junctions.

The Transport Assessment submitted with the application has assessed the traffic flows from the proposed development and the impacts upon key junctions and their operation in the town at 2013 and future years 2015 and 2026 with and without the proposed development. It has also considered other transport modes and facilities in the locality. Account has been taken of committed developments. The Assessment concludes that the Aston Street/Bradford Street priority junction is predicted to experience capacity constraints and additional queuing, as would the Victoria Road/Bradford Street/Market Place priority junction, and that capacity constraints are already experienced at these junctions: This finding is consistent with Transport Assessments submitted with other development proposals in Shifnal. The Priorslee Road roundabout would be operating over theoretical capacity with the proposed development in 2026 and consideration would need to be given to mitigation at these junctions. The M54 junction 4 would experience additional queuing in the PM peak only, but this would be marginal and likely to be

reduced through appropriate travel planning measures which would be implemented by the developer.

### **Access**

The submitted Transport Assessment states that there is sufficient capacity within the Wolverhampton Road/ Thomas Beddoes Court priority junction and roundabout junctions with the proposed development to accommodate traffic movements from the development.

Development Access Plan submitted as part of the application indicates that the carriageway width at the entry points to the proposed development are 6.1 metres in width, in accordance with Shropshire Council's Design guide for a residential distributor road, that recommends a minimum carriageway width of 6.1 metres is provided where 300 or more dwellings are being served.

### **Proposed Layout**

Details of the proposed layout of the development will need to be submitted and approved as part of a Reserved Matters application. However, consideration will be required to ensure the pedestrian links as outlined on the Application Masterplan are included within any proposed layout. The provision of a new pedestrian link into Silvermere Park will provide a more direct connection to the railway station and town centre and would be beneficial to promoting more walking and cycling from the proposed development.

### **Bus Network**

As part of the planning permission for phase 1 of the development, a contribution has been provided as part of the section 106 agreement towards funding a bus service into that development. It has been agreed with the developer that the implantation of any new bus service will be put on hold pending the outcome of the recommendations of the 'Shifnal Strategy' as outlined below.

### **Shropshire Council Paramics Model**

A wider Travel & Movement strategy for Shifnal, as part of the on-going LDF/SAMDev/Neighbourhood Plan processes is currently being developed. Shropshire Council as Highway Authority have commissioned an independent Paramics Transport Model to evaluate the cumulative impact of all development sites within the Shifnal area.

This strategy is intended to consider the cumulative impact and effect of all the proposed developments in Shifnal on the local highway network, to determine what improvements and mitigation is required to manage the growth of vehicular and sustainable travel within the town. The 'Strategy for Shifnal' will include the upgrade of key junctions where capacity has been identified as an issue, together with the promotion of sustainable transport within Shifnal and improvement to pedestrian and cycle facilities and the existing bus network.

The results of the model have been presented to Shifnal Town Council and formed part of a Public Consultation event, the response to the Public Consultation is currently under consideration and may be subject to further scrutiny by Shropshire Council in response to representations received from Shifnal Town Council.

Shropshire Council as Highway Authority are satisfied that the Transport Model is robust and all developments within the Samdev proposals we have included within the Model, this includes development site under consideration.

### **Section 106 Contribution**

The submitted transport assessment acknowledges that measures will be required to mitigate the impact of the proposed development and other developments within the Shifnal area. In order to make this development acceptable from Highways perspectives, Shropshire Council as Highway Authority would require written confirmation from the applicant that they would be willing to make a reasonable contribution towards the wider strategy for Shifnal to mitigate the impact on the Highway Network.

### **Conditions**

It is considered that there are no Highway grounds for refusing this application subject to the following conditions forming part of the permission and the above mentioned financial contribution secured as part of the Section 106 Agreement to extend to address junction capacity issues within the Town Centre and encourage sustainable travel.

No development shall take place until details of the design and construction of the access roads into the site, at the point where they would link onto Stone Drive and Lloyd Grove, together with details of the disposal of surface water from these access works and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The access works shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory accesses into the site, in the interests of highway safety.

4.3 Highways Agency – Comments awaited.

4.4 SC Trees – No Objection on arboricultural grounds:

I note that the tree survey (Ian Keen Ltd, ref: JTK/8225/so) has plotted and described the trees and hedgerows on the site and calculated their root protection area (RPA), in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. Whilst this information is sufficient to allow me to accept in principle on arboricultural grounds the outline master plan for the site access points, primary road infrastructure and broad pattern of development, it is not sufficient to allow full assessment of the arboricultural implications of the proposed development, nor to show how retained trees and hedgerows are to be protected during implementation of any approved development.

I note that the current application includes demolition of an existing property to allow creation of a pedestrian access to / from Silvermere Park, as well as construction of SuDS ponds nearby. These works could potentially damage the above ground parts or roots of trees that are subject to a Tree Preservation Order

(the Salop County Council [Shifnal] TPO, 1961). The proposed creation of watercourses in other parts of the site could likewise damage established trees and their roots. Particular care should be taken in the location and design of these features, so as to avoid causing damage to protected and other mature trees. Similar care should be taken in the micro-location of the internal road infrastructure, in order to avoid the root protection area of any nearby mature trees.

Therefore, I recommend the following information should be provided as reserved matters to any approval, in accordance with the aforementioned BS5837: 2012.

Arboricultural Implications Assessment to determine the impact of the proposed development on trees and hedgerows, based on a provisional site layout plan and taking account of any mitigation through, for example, tree planting proposals.

Tree Protection Plan to show how retained trees and hedgerows and, where feasible, future planting land, will be protected from ground compaction or other forms of damage during implementation of any approved development. It should also clearly identify the trees and hedges to be retained and protected during development and those to be removed in order to facilitate the development.

Arboricultural Method Statement to show how any works within the tree protection areas will be designed, planned, implemented and monitored, so as to avoid causing damage to retained trees, hedgerows and their roots.

Planting plan showing the species, numbers, sizes, location and planting specification for trees and shrubs to be planted to enhance the appearance of the development and compensate for any removed in order to implement it.

I would recommend the above should be agreed to the written satisfaction of the LPA prior to commencement of any approved development on site. Tree protection measures should be installed as agreed before any site clearance or stripping / profiling work takes place.

- 4.5 Environment Agency – Recommend consultation with the Lead Local Flood Authority (LLFA) i.e. the Council's Flood and Water Management Team.
- 4.6 SC Flood and Water Management – No Objection:  
The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.
1. The Flood Risk Assessment is acceptable in principle. As soakaways are not feasible, drainage calculations to limit the discharge rates to those stated in the FRA should be confirmed and submitted for approval once the drained impermeable area is finalised. As stated in the FRA, the attenuation system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity. As the development is within a Source Protection Zone, surface water run-off should be treated to the levels as detailed in the FRA.  
Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway  
Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

3. Confirmation is required that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site.

4. Informative: The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

5. Informative Consent is required from the service provider to connect into the foul main sewer.

4.7 Severn Trent Water – No Objection:

Recommend condition that the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

4.8 SC Affordable Housing – Comment:

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application.

The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The application supports these figures and shows the correct number and mix at this time, but the size, type and tenure of the affordable homes will need to be agreed with the affordable housing team before a full or reserved matters application is submitted

4.9 Network Rail – Comment:

The developer is reminded that all works should be undertaken on the applicant's land and air-space without encroaching onto Network Rail land or air-space.

(1) Underpass

On page 9 of the applicant's amended Design and Access Statement (Jan 2014) under section B "Design and Movement Concept" it states "The proposed development layout does not preclude pedestrian connections under the railway line to the north should Network Rail reconsider their current position in the future. (Currently they do not wish to grant a right of way)." This statement is not correct as Network Rail has indicated to Shropshire Council and the applicant that they would be prepared to grant public access under the railway line, subject to the agreement of Heads of Terms between the Council and the applicant.

(2) Drainage

The flooding assessment documentation states:

**7.0 CONSIDERATION OF SUSTAINABLE DRAINAGE SYSTEMS**

7.1 Surface water arising from a developed site should, as far as practical, be managed in a sustainable manner to mimic the surface water flows arising from the undeveloped site.

7.2 Part H of the Building Regulations 2002 recommends that surface water run off shall discharge to one of the following, listed in order of priority:

- a) an adequate soakaway or some other adequate infiltration system, or where that is not reasonably practicable,
- b) a watercourse, or, where that is not reasonably practicable,
- c) a sewer.

7.8 All soakage tests failed due to lack of infiltration or due to ingress of groundwater.

Infiltration drainage has therefore been disregarded as a satisfactory means of disposal for surface water run off for the proposed development.

8.6 The proposed on site surface water drainage system would be designed in accordance with Sewers for Adoption standards and offered to STW for future adoption and maintenance.

The system would be designed for no pipe surcharging during a 1 in 2 year storm event and no surface flooding during a 1 in 30 year storm event. Details would also be provided to confirm that surface water will not leave the proposed site in the 1 in 100 year (+30% climate change) storm event. If the system surcharged, details would be provided to demonstrate resultant overland flood flow routes and the additional space made available for exceedence flows. Any excess surface water should be routed away from any proposed or existing properties. Detailed drainage calculations would be provided at reserved matters to demonstrate this using MicroDrainage or similar computer package calculations.

The proposal includes pond attenuation features and surface water to be discharged to the western boundary and indicative routes for ditch network close to the railway boundary.

2.10 A pond is located in the north west corner of the site, into which a watercourse flowing from north of the railway line connects. It is also noted there is a 150mm water main extending to this pond and Severn Trent Water (STW) have confirmed that this main acts as a 'bleed out' to the larger 600mm water main to the east. The valve on this main is opened to clear water from the larger main should a problem occur. It is anticipated STW would control the flow of water so as not to create a flood risk to other parties.

If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere." We recognise that whilst the council are looking to proposals that are sustainable, that in this case, we would need to see the plans for the surface water run off from the site and to determine that they will not impact our infrastructure. The drainage, surface and foul water management systems should not increase the risk of flooding, water saturation, pollution and drainage issues 'elsewhere', i.e. on to Network Rail land.

We would request that either a condition is applied to the planning consent as below or that the developer contacts the Network Rail Asset Protection Engineer prior to any issuing of a planning consent with the detailed plans and that we approve the surface water proposals prior to works on site.

Condition:

"Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to, and approved in writing by the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway from the risk of flooding and pollution.

(3) Open Spaces

From the masterplan there is a landscape buffer running along the Network Rail boundary, with proposed open spaces.

Network Rail would require a suitable trespass proof fence installed adjacent to the boundary with the railway to prevent any landscaped areas or open spaces importing a risk of trespass to the operational railway. We would recommend a fence of a minimum of 1.8m in height and of steel palisade construction.

Any existing Network Rail fencing at the site has been erected to take account of the risk posed at the time the fencing was erected and not to take into account any presumed future use of the site, where increased numbers of people may be using the proposal area. Therefore, any proposed commercial development imports a risk of trespass onto the operational railway, which we would remind the council, is a criminal offence (s23, s55 British Transport Commission Act 1949). As the applicant has chosen to develop a proposal next to the operational railway they are requested to provide a suitable trespass proof fence to mitigate any risks they will import. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund boundary works and enhancements necessitated by third party commercial development.

**4.10 SC Public Protection – No Objection:**

The noise assessment submitted as part of this application states that noise mitigation in the form of suitable double glazing and suitable attenuated passive ventilation systems are likely in properties with bedrooms having windows on the facade facing the railway in the northern most part of the site. As a result it is recommended that specific noise mitigation measures are proposed at reserved matters stage. If details are not supplied with the application conditions will be proposed in relation to noise by Public Protection.

In order to make the properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway. The following condition is therefore proposed should this application be granted approval:

An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

It is also recommended that the case officer conditions construction times for this development as 250 houses may take a significant time to be built and therefore nearby residents will require protection from noise.

I would also recommend the following condition:

No fires shall be carried out on site curing site clearance and construction.

Reason: to protect the amenity of the area.

**4.11 SC Ecology – No Objection:**

I have read the above application and the supporting documents including the Ecological Appraisal and Phase 2 Survey Report, Great Crested Newt Mitigation Strategy and No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSa dated December 2013.

**Recommendation:**

Activity surveys found possible common pipistrelle bat activity around an alder tree in the garden of 18 Silvermere Park. Confirmation should be sought on whether this tree can be retained in the layout.

EPS 3 test matrices for bats and great crested newts should be completed.

The following conditions and informatives should be attached to any consent

## Habitats

The wet woodland type community present around Pond 4 within the site and Ponds 6 & 7 on the boundary are considered to be of particular importance for notable bird species such as the lesser spotted woodpecker and willow tit. The pond habitats are considered to be of local value. These habitats will be retained within and buffered from the development. Objectives and prescriptions for the long term management of these habitats should be outlined within a landscape and ecology management plan for the site.

CSa (2013) state that prescriptions for the future management of retained and newly created habitats should be included within a Landscape and Ecology Management Plan for the site, which should include ecological objectives to maximise the sites biodiversity value in the long term. The following condition is recommended to cover the wildlife species and habitats highlighted below:

## Condition

1. A habitat management plan shall be submitted to and approved by the local planning authority as part of the Reserved Matters and implemented prior to the occupation of the development. The plan shall include:
  - a) Description and evaluation of the features to be managed (to include great crested newts);
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Details of bat and bird boxes
  - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
  - h) Monitoring and remedial/contingencies measures triggered by monitoring.The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

**Reason: To protect features of recognised nature conservation importance.**

## Great crested newt

Fifteen ponds within 500m of the site were surveyed by CSa across four nights in April and May 2013, with ponds supporting great crested newt (GCN) plus Pond 27 having an extra two surveys.

CSa (2013) report that they found a small population of great crested newts within Ponds 8 and 10 directly to the south of the site. Low populations of GCN were also found in 3 other ponds within 500m of the site. The hedgerows, ditches, ponds and rough grassland margins within the site have potential to be used by GCN and CSa have therefore developed a detailed mitigation strategy to demonstrate that significant impacts to GCN can be avoided although a European Protected Species

(EPS) licence will be required to permit the works. The habitat management plan required will also need to include habitat for great crested newts.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

The following conditions are recommended:

### **Condition**

2. No development or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

**Reason: To ensure the protection of great crested newt, a European Protected Species**

3. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Great Crested Newt Mitigation Strategy CSa/1988/09 dated December 2013 and No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSa dated December 2013.

**Reason: To ensure the protection of great crested newts and bats, European Protected Species**

### **Informative**

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

### **Reptiles**

No reptiles have been identified within the site, however a small population of grass snake was recorded by CSa adjacent to the south of the site at New Park Farm, and within the wider landscape. It is considered very likely that grass snake will utilise the hedgerows, ditch lines, ponds and rough grassland habitats in the site for foraging, shelter and dispersal. These habitats will be largely retained and the

mitigation proposals outlined in the Great Crested Newt Mitigation Strategy, such as the erection of herptile fencing, will also limit any impacts to grass snake populations present at the site.

### Bats

The buildings at number 18 Silvermere Park were assessed by CSa(2013) as having low bat roosting potential due to the well maintained and tightly sealed condition of the house, conservatory and garage. However, a small number of droppings (c.10) likely from Daubenton's bat were found within a discrete area in the roof void on top of the boiler and adhering to the wall above, below a possible entry point where the boiler flue pipe enters the roof and small gaps exist between lead flashing and the roof tiles. These are considered to be old droppings.

Activity surveys comprised a dawn return-to-roost survey on 13 August 2013 and two dusk emergence surveys on 20 and 27 August 2013 to determine the presence / likely absence of any roosts. No bats were seen emerging from 18 Silvermere Park over the 3 surveys however a common pipistrelle bat was seen to emerge from a neighbouring house. There was also possible common pipistrelle bat activity around an alder tree in the garden of 18 Silvermere Park. Confirmation should be sought on whether this tree can be retained in the layout. If it cannot then further bat survey work will be necessary.

A European Protected Species licence will be required to permit demolition of 18 Silvermere Park.

A mitigation strategy is proposed by CSa to include provision of bat boxes on trees prior to demolition, an ecological watching brief and control of lighting. New bat roosting opportunities in the new dwellings are recommended as enhancement.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

Certain trees within the margins of the site offer medium to high bat roosting potential. These trees will be retained under the current design proposals, however should it be necessary to remove such trees or if tree surgery work is required (e.g. for health and safety reasons) then further bat survey work may be required to establish the presence / absence of roosting bats.

CSa recommend that bat roost features should be incorporated into the design of new buildings or attached to retained trees. The following conditions are recommended, with condition 3 above requiring the submitted method statement to be followed:

## Conditions

4. Demolition of 18 Silvermere Park shall not commence until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

**Reason: To ensure the protection of bats, a European Protected Species**

5. Prior to the first occupation of the dwellings details of 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, as recommended in the No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSA dated December 2013 shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

6. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*

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

## Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

## Badger

A full survey was undertaken but no badger setts were identified on the site. A badger scat was found on the site in 2012. It will be important to have an updated badger survey no more than 12 months old to accompany the Reserved Matters.

**Informative**

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

**Birds**

Breeding bird surveys were carried out and CSa recorded several species of conservation concern. The most important habitats for birds are the hedgerows, woodland and tree belts on the site boundaries, which are shown for retention on the MasterPlan. Bird boxes are recommended.

**Informative**

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

**4.12 SC Waste Management – Comment:**

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <http://new.shropshire.gov.uk/media/102056/Supplementary-Planning-Guidance-domestic-wastestorage-and-collection.pdf>

- 4.13 SC Archaeology – Comments awaited.
- 4.14 Shifnal Crime Prevention Panel – Comment:  
Should consider lighting footpath link to Silvermere, as this will become main link to the Town Centre  
Recommend condition to provide lighting on all main pedestrian footpath routes  
Explore further cctv coverage of the site, particularly in public and at busy junctions; cctv should cover town park and ask for one cctv camera to be provided by the developer and linked into the existing control room to adequately cover this area.  
Panel would like to seek funding from CIL or other monies available from the developer to assist with the continued operation and improvements to the crime reductions systems in Shifnal, to ensure it remains a low crime area.
- 4.14 -Public Comments  
The comments received are summarised below and the full letters/comments may be found on the planning file:
- 19 Objections:
- Site does not comply with development boundary shown in SAMDev revised preferred options 2013 (site 1006a).
  - Development area is greater than the area allocated for housing in Bridgnorth District Local Plan review by some 5Ha (30% greater)
  - Changes from map displayed at consultation exercise at Village Hall; area smaller by some 3Ha but same amount of housing proposed, increasing density from around 30 per Ha of the phase 1 development to 36.5 Ha; developers have misled the general public and saved land could potentially hold another 100+ houses.
- No further development should take place on safeguarded land controlled by applicant.
  - No demand for 250 houses; over 92% of Shifnal residents oppose further development, as does the current Shifnal Town Council.
  - MP opposes plans that are neither proportionate nor sustainable.
  - Should be no further development on top of the 915+ already approved until the town has been given time to adjust and gauge in real life, how it may adapt to further growth.
- All Section 106 works associated with Thomas Beddoes Court should be completed prior to a consent, including the pedestrian crossing across Wolverhampton Road; footpath widening from that site to bend in A464; pedestrian/cycle path along western edge only partially created to first field boundary and does not extend up to railway line; completion of all drainage works; and carrying out risk assessment for the permanently filled attenuation pond and nearby planned play area.
  - Some green space areas are not maintained and un-kept; play area not installed yet.
- Consent for the site should not be given until there is a solution to Shifnal's traffic problems following the traffic study currently being undertaken by Shropshire Council as highway authority.

- Should be no vehicular access into Silvermere Park as would be detrimental to highway safety.
  - Some driveways in phase 1 do not have adequate turning points and need improvement if Stone Drive is to become main road.
  - Increased traffic on Stone Drive detrimental to highway safety.
  - Shifnal bypass shelved some years ago and planned route now built upon; all A464 traffic has to pass through town centre; restrictions on HGVs flouted.
  - Would add to existing serious parking and congestion problem Shropshire Council unable to solve.
  - Transport Assessment referencing other agents/developers figures inadequate.
  - Should be no further development in advance of Council's Transport study of Shifnal.
- 
- Harms local character; adverse visual impact.
  - Density too high.
  - Harm to natural environment.
  - Loss of existing views
- 
- Pedestrian link would cause harm to amenities of Silvermere Park properties by reason of noise, disturbance, over looking, loss of privacy, vandalism, litter.
  - Town Park would be detrimental to the centre of Shifnal.
- 
- Inadequate Town Infrastructure; schools and medical services cannot cope; lack of parking in Town Centre.
  - Unsustainable development with the current level of employment opportunities in Shifnal.
  - Shifnal deserves a medical centre closer to the town centre.
- 
- Outfall from the pond in the northern corner of the site, locally known as Mead Pit, must connect to the proposed attenuation ponds rather than flow into the rear gardens of Ty Newydd, off Mead Way and downstream to the Silvermere.
  - Outfall rainwater from the site goes into the Mere; water table has become the same level as the gardens and has not been able to cut lawn or cultivate garden for last 2 years due to flooding.
  - Unable to sell property due to flooding.
  - Will cause more flooding.
  - Calculations in relation to the amount of water being released from development are wrong.
  - Large balancing pools above garden levels and water will drain out of pools into gardens.
  - Balancing pools will only work if the floor and sides waterproof and existing pool not lined.
  - Volumes of water entering the Mere will be far more than natural run off and this, combined with the volume of water from hydrobrakes is significantly more than prior to development.
  - Attenuation pools are now being criticised for their danger.
  - 2008 report said Mere outlet was working, this has now been proven to be wrong; even with new overflow pipe in place there is an unacceptable high level of water in the Mere.

-In 2001 Bridgnorth District Council confirmed by letter that the outlet culvert serving Silvermere was blocked; 2008 Thomas Beedoes Court application included statements made by Shropshire Council and consultants acting on their behalf to support FRA That the outlet culvert from the Silvermere to the Wesley Brook was working; In 2011 following extensive work by Cllr Stuart West an overflow pipe was installed to drain surface water from the site into a culvert in Park Street and thence via an open culvert to the side of Brooklands Avenue into the Wesley Brook; reactive measure to alleviate local flooding rather than the correct proactive long term holistic solution for Shifnal. All the current applications discharge directly or indirectly through the Silvermere and then via an overflow pipe rather than an outlet culvert as described in the 2008 documents.

-Residents of Silvermere were promised by Shropshire Council Flood and Drainage Dept that no further development would be permitted on this site until a solution to the drainage of the Silvermere was established and works carried out to significantly lower the water level prior to any further construction.

-Expect Shropshire Council to abide by 2010 report it commissioned from Hyder Consulting UK Ltd which advised area adjacent to the Wesley Brook/Silvermere confluence is a location where development should be prevented now and into the future.

-Has foul water pumping station been approved by Severn Trent Water?

One Comment received:

-Concern regarding the issue of drainage and flood defence.  
-Consideration should be given to consequences of standing, possibly stagnant water in close proximity to residential area.  
-Proposed location for Town Park looks more like a village green for the new development and would not encourage existing Shifnal residents as users.

## 5.0 THE MAIN ISSUES

Principle of development  
Affordable Housing  
Visual Impact and Character  
Drainage  
Highway Safety and Accessibility  
Residential Amenity  
Ecology  
Open Space  
Loss of Agricultural Land  
Archaeology

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The application site does not fall within the Green Belt but is on land outside the current Development boundary for Shifnal, shown in the Bridgnorth District Local Plan, which is safeguarded by policy S4 to be available for possible future use to meet the settlement's long term development needs. At the present time planning permission would normally only be given for developments on the land which would

be acceptable in the Green Belt, provided that such development would not prejudice its ability to meet the settlements long term needs. The erection of open market housing on the site outside of the Shifnal development boundary would be contrary to current adopted Development Plan housing policies. However the National Planning Policy Framework, published in March 2012, must be taken into account and is a material consideration of significant weight in determining planning applications.

- 6.1.2 At paragraph 12 the National Planning Policy Framework (NPPF) states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at paragraph 14 the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless 1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or 2) specific policies in the NPPF indicate that development should be restricted.
- 6.1.3 Paragraph 47 of the NPPF sets out a number of steps that local planning authorities should take to boost significantly the supply of housing. These include a requirement to:-

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

It continues at paragraph 49 that:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

These paragraphs are highly significant in the context of this planning application because Shropshire Council has published an updated 2013 Five Year Housing Land Supply Statement for Shropshire and Shrewsbury. The update is based on changes to the methodology used, having regard to the requirements of the NPPF and appeal decisions across the country relating to five year land supply issues since the publication of the NPPF. The assessment shows that at 1<sup>st</sup> April 2013 , there was a 4.95 year supply of housing land. The Council is now 12 months on from that calculation and the under delivery of housing in recent years is not being rectified even with the consents issued in recent months. The shortfall of housing delivery continues to increase every month meaning that the Core Strategy target for the provision of new homes (an annual target of 1,390 homes, equating to 116

homes built per month) is not being met. Last year 2012/13 there were only 847 homes built in that year, while in 2011/12 there were only 724 homes built across Shropshire. It is highly likely that 2013/14 will likewise be short of the target. Therefore unless the market picks up dramatically, every month that goes by increases the short fall and reduces the number of years' supply of housing land. In consequence Shropshire's five years supply is now below 4.95 years housing land supply and is likely to remain so until the SAMDev Plan is closer to adoption. This means that the existing Development Plan housing policies are not up –to –date and a refusal of this application solely on the grounds that it is contrary to Development Plan housing policy by being partly outside of the development boundary for Shifnal would be most unlikely to be sustained at appeal, and could result in an award of costs against the Council for not following the National Planning Policy Framework guidance on this key principle. The effect of the NPPF has been to change the balance of the material considerations in favour of boosting housing supply and the relative weight which can be attached to the Core Strategy, saved Local Plan policies and the emerging SAMDev policies.

- 6.1.4 While the application site falls is designated 'safeguarded land' under Local Plan policy S4, the lack of a five year supply of housing land renders all policies relating to housing supply 'out-of-date,' including safeguarded land policies where they relate to housing. Ideally the future of all safeguarded land would be determined through the SAMDev Plan process. However it is clear from a recent parliamentary debate (Parliamentary Debate on housing supply and the role of Local Plans, Hansard 24/10/13) and a review of recent appeal decisions across the country, that an emerging Local Plan is afforded minimal weight by the Planning Inspectorate or Secretary of State until submission stage (for non-contentious proposals) or publication of the Inspector's report (for contentious proposals) respectively. Therefore the emerging SAMDev Plan has little weight on the decision on this planning application at this time.
- 6.1.5 A further factor of significance is that the application site forms part of a parcel of land the bulk of which, in the SAMDev preferred options consultation of March 2012 and the revised preferred options consultation of July 2013, has been allocated as a housing site. (Land north-east of the Wolverhampton Road (ref SHI006 – 11.6Ha). In the final SAMDev plan the site boundaries to SHI006 have been adjusted to follow existing boundary features, to accommodate a town park and match those shown in this planning application. The approximate capacity of 250 dwellings for this land has already been included in the Council's 5 year land supply calculations as a commitment. The commentary on this allocation in the revised preferred options document states:

"This site remains linked to the development of sites SHI004 and ELR021 and will play an important role in securing an improved linkage from the south of the town centre/Idsall School and in delivering open space as part of a comprehensive, planned development. The 250 homes proposed will help enable the comprehensive development of the east of the town that is strategically important to the future sustainability of Shifnal."

The allocation of the site for residential development in SAMDev demonstrates that the Council is satisfied that the principle of such development on this site would meet the three dimensions of sustainable development – economic, social and environmental – set out in the National Planning Policy Framework. The Shifnal Town Plan 2009 promoted a new park for the town and this aspiration was reflected in the Shifnal Place Plan, which is part of the LDF Implementation Plan referred to in Core Strategy policy CS11. The inclusion of a ‘Town Park’ is therefore an important aspect of this scheme, the precise form of which would be determined at the reserved matters stage.

The proposal therefore has to be considered on its own merits in relation to the issues set out below.

## **6.2 Affordable Housing**

- 6.2.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as ‘infrastructure’ and indicates the priority to be attached to contributions towards provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. The proposal will deliver affordable housing at the prevailing rate to comply with Core Strategy policy CS11 and the associated Type and Affordability of Housing SPD. The delivery of the affordable housing contribution would be secured through a section 106 Agreement, with the amount being determined at the reserved matters stage in the event of outline planning permission being granted.

## **6.3 Visual impact and character**

- 6.3.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment. All matters other than the accesses onto Stone Drive and Lloyd Grove are reserved for later approval in this case and it would be in these submissions, in the event of outline planning permission being given, that detailed design issues would be assessed. However, in terms of landscape impact it is considered that development of the form indicated in the supporting documents (see paragraphs 1.3 to 1.5 above) and the visual containment of the site by the railway to the north, and the existing built up area of the Town to the south and west, together with a ridgeline to the east, would mean that development of this site would not adversely impact upon the wider landscape. The matters raised by the County Arboriculturalist in relation to the potential impact of development on some existing trees and hedges are matters which can be addressed adequately at the reserved matters stage when there would be an actual, as opposed to indicative, site layout to consider. Measures for tree protection during site works and the submission of an arboricultural method statement in relation to the proposed access works can be covered by condition on any outline planning permission that is issued.

## 6.4 Drainage

6.4.1 The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development. The hydraulic modelling undertaken as part of the Shifnal Surface Water Management Plan concurs with this classification. Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. A flood risk assessment incorporating a drainage strategy accompanies the planning application. The flood risk assessment advises that discussions are ongoing with the Shropshire Council Flood and Water Management Team regarding proposals to install a new lower outfall pipe to help reduce water levels in the Silvermere by approximately 0.2 – 0.3m and this proposal would contribute funding through the infrastructure provision within CIL. The drainage investigations have established that infiltration drainage would not be feasible for the disposal of surface water run-off from the proposed development. It is proposed to discharge the surface water from the site to two attenuation ponds located along the western boundary of the site. The attenuation device within the site would store flows up to the 1 in 100 year (+30% climate change allowance) return period event and limit outfalls to greenfield run off rates. The ponds would outfall to a ditch along the southern site boundary which drains into the Silvermere. The proposed surface water strategy would not increase flood risk at the site or elsewhere, and the effect of the new development would provide a betterment in terms of surface water outflows from the site compared to un-attenuated greenfield rates. The foul sewerage from the site would discharge to the existing Severn Trent sewers in Silvermere Park or Wolverhampton Road via a pumped connection.

6.4.2 The Council's Flood and Water Management Team have advised that details of the proposed surface water drainage can be conditioned and submitted for approval at the reserved matters stage in the event of outline planning permission being given. They do not envisage any unresolvable technical issues to achieving satisfactory drainage here for the number of residential units proposed. Severn Trent Water have responded to their consultation raising no objections and are also content that drainage matters can be dealt with by condition on this outline planning application. The precise drainage details would be fully assessed when a detailed scheme for the site is submitted for approval, should the principle of development be accepted.

## 6.5 Highway Safety and Accessibility

6.5.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:  
“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth

District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. It is acknowledged that there are concerns about the impact of development on the traffic situation within the centre of Shifnal and this proposal must be assessed in the context of the above national guidance and Development Plan policies.

- 6.5.2 The Transport Assessment submitted with the application has assessed the traffic flows from the proposed development and the impacts upon key junctions and their operation in the town at 2013 and future years 2015 and 2026 with and without the proposed development. It has also considered other transport modes and facilities in the locality. Account has been taken of committed developments. The Assessment concludes that the Aston Street/Bradford Street priority junction is predicted to experience capacity constraints and additional queueing, as would the Victoria Road/Bradford Street/Market Place priority junction, and that capacity constraints are already experienced at these junctions: This finding is consistent with Transport Assessments submitted with other development proposals in Shifnal. The Priorslee Road roundabout would be operating over theoretical capacity with the proposed development in 2026 and consideration would need to be given to mitigation at these junctions. The M54 junction 4 would experience additional queueing in the PM peak only, but this would be marginal and likely to be reduced through appropriate travel planning measures which would be implemented by the developer. It states that there would be no capacity issues in relation to the Wolverhampton Road/ Thomas Beddoes Court priority junction and roundabout junctions with the proposed development. The other junctions studied, comprising of Bradford Street/Victoria Road; Curriers Lane/ High Street; Curriers Lane/Aston Road; and Priorslee Road/Telford Services are judged to have sufficient capacity to not require mitigation measures.
- 6.5.3 An analysis of accident data in the Transport Assessment concludes that there is no existing accident problem or identifiable accident trends within the study area that would be exacerbated by the proposed development. The mitigation measures set out in the Assessment comprise of a Travel Plan to encourage use of sustainable transport modes including walking, cycling and public transport; off-site highway improvements through the wider Travel and Movement Strategy being developed for Shifnal to which a contribution from this development would be provided; the provision of a new pedestrian link into Silvermere Park to give a more direct connection to the railway station and town centre; and improvements to public transport, noting that as part of the planning permission for phase 1 of the development, a contribution has been provided as part of the section 106 agreement towards funding a bus service into that development (not yet operational), which could be extended into the proposed development – This would be a matter for consideration as part of the ‘Shifnal Strategy’.
- 6.5.4 A number of public consultation responses have made reference to off site highway works that formed part of the planning permission for the first phase of the Thomas Beddoes Court development having not yet been carried out. These works have been the subject of discussions between the applicant and SC Highways Development Control. At the time of writing this report it is understood that the provision of the pedestrian crossing and footpath widening works on

Wolverhampton Road are imminent. SC Highways Development Control have requested that no work be carried out to the junctions within the Town Centre until decisions have been made on the Travel and Movement Strategy for Shifnal discussed in paragraph 6.5.5 below. With regard to the footpath/cycleway link along the western side of the site not having been completed up to the railway line, the applicants have explained that the approved alignment includes land that is outside of their control and within the rear gardens of adjacent properties. This matter remains the subject of a current investigation and, in the event of the current application being approved, would be a matter to consider in the layout of a future reserved matters application for the current application site.

- 6.5.5 SC Highways Development Control have commented a wider Travel and Movement Strategy for Shifnal is currently being developed. This strategy is intended to consider the cumulative impact and effect of all the proposed developments in Shifnal on the local highway network, to determine what improvements and mitigation is required to manage the growth of vehicular and sustainable travel within the town. The ‘Strategy for Shifnal’ will include the upgrade of key junctions where capacity has been identified as an issue, together with the promotion of sustainable transport within Shifnal and improvements to pedestrian and cycle facilities and the existing bus network. The Council’s Highways Officers are content that the proposed accesses into the application site would be acceptable and not detrimental to highway safety. The proposed highway contribution towards the ‘Strategy for Shifnal’ which would be sought as part of any grant of planning permission would include a review of the existing bus network and possible improvements to the service currently provided to encourage sustainable travel within Shifnal, reducing the impact on the Highway Network. Due to highway capacity issues which have been identified, any resolution to grant consent would have to be subject to satisfactory agreement being reached on the contribution that this development proposal should make to off site highway works/sustainable travel measures through the Section 106 Agreement. The comments of the Highways Agency had not been received at the time of writing this report and the recommendation also has to be subject to the receipt and content of their comments.
- 6.5.6 The proposed footpath connection through Silvermere Park would provide a convenient route through to the Town Centre. It would provide a sustainable transport option and alternative to the private car for shorter trips to facilities in this area. It would accord with paragraph 29 of the National Planning Policy Framework which seeks to give people real choice about how they travel.

## **6.6 Residential Amenity**

- 6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise. The creation of a footpath link through to Silvermere Park through the demolition of an existing dwelling and its subsequent use would not unduly harm the residential amenities of the locality.

- 6.6.2 The proposed dwellings on the application site could be affected by the presence of the presence of the railway line. A Noise Assessment has been submitted with the application, which is based upon a 24 hour period of on-site noise monitoring. It concludes that installation of standard thermal double glazing and suitable attenuated passive measures (e.g. trickle vent) systems would reduce internal and external noise levels to within recommended noise levels. It recommends also that the orientation and internal layout of the proposed dwellings close to the railway line can be designed with the windows of habitable rooms located on facades facing away from the railway. SC Public Protection are content with the findings of this report. These are matters which would be taken into account in the submission of reserved matters application(s) should outline planning permission be given.
- 6.6.3 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere with SC Public Protection recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays and Bank Holidays) to mitigate the temporary impact. This matter could be conditioned on any approval issued.

## **6.7 Ecology**

- 6.7.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. The Council's Planning Ecologist has raised no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by conditions requiring the approval of a habitat management plan; the obtaining of a European Protected Species Licences with respect to Great Crested Newts and bats; work to be in accordance with the submitted Great Crested Newt Mitigation Strategy and Bat Mitigation Strategy; the provision of bat boxes and any external lighting. The precise details of the landscaping would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatics relating to great crested newts, bats, badgers and nesting birds would be attached to any planning permission issued.
- 6.7.2 European Protected Species (EPS) Licences will be needed with respect to Great Crested Newts and bats. The EPS tests in respect of Great Crested Newts are considered to be met in that there is an overriding public interest due to the key role of this site identified through all stages of the SAMDev process as a housing site and open space to enable the comprehensive development of the east of the town that is strategically important to the future sustainability of Shifnal. A further significant factor is the priority given in the National Planning Policy Framework to the supply of housing sites in sustainable locations where Councils are unable to demonstrate a five year land supply. The site location and context, and the connectivity required to the existing built up area with sustainable transport options/links, means that there is no satisfactory alternative to the development of this land for residential purposes. It has been established through the investigations carried out and with the recommended mitigation that the development would not be detrimental to the maintenance of the population of Great Crested Newts bats at a favourable conservation status within their natural range. These same factors are judged to mean that the EPS tests in relation to the Licence needed with respect to bats are also met in this case.

**6.8 Open Space**

- 6.8.1 A number of comments have been made about the layout of the public open space and town park shown on the indicative master plan. The precise form of these areas would be a matter for consideration at the reserved matters stage, should outline planning permission be given, and regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January 2012. The equipping of open spaces with formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts.

**6.9 Loss of Agricultural Land**

- 6.9.1 The site lies on a mixture of Grade 2 and Subgrade 3a agricultural land, with some 0.7Ha used for storing caravans. The NPPF states at paragraph 112 that "Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality." This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), and the inclusion of this land as a residential development site in all the SAMDev consultations and inclusion in the Final Plan, it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

**6.10 Archaeology**

- 6.10.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, including areas of archaeological interest. An Archaeological Desk Based Assessment has been submitted with the application. The assessment concludes that archaeological remains in the form of brick kilns and clay extraction pits may be present within the northern part of field C (close to the railway) and elsewhere within the site, although there is nothing to suggest from the desk-based research alone that significant archaeology is present within the site. Archaeology should not therefore be viewed as a constraint to development although it is recommended that consultation be undertaken with the Historic Environment Team of Shropshire Council in order to agree an appropriate archaeological strategy. It is hoped to have a response from the Council's Archaeology Team in time for the Committee meeting.

**7.0 CONCLUSION**

- 7.1 The proposed development on this safeguarded land would be contrary to current Development Plan policies relating to residential development and the restrictions placed on the land by saved Bridgnorth District Local Plan policy S4. However the Council has accepted that Shropshire does not have the minimum 5 year land supply and buffer percentage to that figure required by the National Planning Policy Framework (NPPF). Consequently under paragraph 49 of the NPPF the policies relating to the supply of housing cannot be considered up-to-date and a refusal of this application solely on the grounds that it is contrary to Development Plan housing policy by being outside of the development boundary for Shifnal would be most unlikely to be sustained at appeal as the Council would not have followed NPPF guidance on this key principle. This site is a sustainable location, adjacent to

existing housing immediately adjoining the built up area of Shifnal. It is identified as a housing site in the SAMDev Final Plan and, although some minor adjustments to site boundaries have been made to reflect existing site features, has been a housing site in all previous versions of SAMDev. The principle of residential development on this site would accord the economic, social and economic roles of sustainable development set out in the National Planning Policy Framework.

7.2 There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The development of this land would not detract from the wider landscape setting of Shifnal or the immediate locality. Neighbour amenity would be safeguarded in the consideration of the reserved matters submission. There are no ecological, archaeological or drainage reasons that would justify a refusal of outline planning permission. The scheme would make a contribution towards affordable housing and the Travel and Movement Strategy for Shifnal through the Section 106 Agreement. Detailed technical aspects of the scheme would be fully assessed in relation to the development scheme submitted at the reserved matters stage.

#### 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 1970.

### 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

National Planning Practice Guidance

Shropshire Core Strategy and saved Bridgnorth District Local Plan Policies:

CS1 Strategic Approach

CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS10 Managed Release of Housing Land

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

S1 Development Boundaries

S4 Safeguarded Land

D6 Access and Parking

H3 Residential Development in Main Settlements

SPD on the Type and Affordability of Housing

Open Space Interim Planning Guidance

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Planning Statement; Design and Access Statement;  
Archaeological Report;  
Ecological Appraisal;  
Bat Survey and Mitigation Strategy;  
Great Crested Newt Mitigation Strategy;  
Environmental Risk Assessment;  
Flood Risk Assessment;  
Landscape and Visual Appraisal;  
Noise Assessment;  
Services Report;  
Statement of Community Involvement;  
Sustainability Statement;  
Transport Assessment;  
Travel Plan;  
Tree Survey  
Waste Audit Statement.

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Stuart West

**Appendices**

APPENDIX 1 - Conditions

**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. Approval of details of the layout, appearance, scale, and landscaping of the development, the means of access thereto (other than the accesses into the site off Stone Drive and Lloyd Grove) hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country General Development (Procedure Order) 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application, other than in respect of the access points direct off Stone Drive and Lloyd Grove. (As such details indicated on the plans accompanying the application are for illustration purposes only),

Reason: To define the permission and to retain planning control over the details of the development

5. The dwellings constructed on site shall incorporate noise reduction measures set out in the Noise Assessment Report by MEC in respect of Land off Wolverhampton Road Shifnal (ref 20213/12-13/3476) dated December 2013 with respect to double glazed windows, acoustic trickle vents/mechanical ventilation and the building fabric, to achieve good internal noise levels at night in accordance with BS8223 and WHO guidelines for community noise. The works shall be carried out/installed before each dwelling is first occupied.

Reason: To safeguard the residential amenities of the proposed dwellings.

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. The development shall be carried out in accordance with a phasing plan, which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development of the site.

8. The application(s) for reserved matters relating to the layout of the development shall specify the location of the proposed affordable housing units (Provision being in accordance with the associated Section 106 Agreement) to be provided on that part of the site covered by that application. No works shall commence on the part of the site covered by that particular application until the location of affordable housing within it has been approved in writing by the local planning authority.

Reason: To ensure the provision of affordable housing, in accordance with Development Plan housing policy.

9. The approved Travel Plan (ref: 20213/12-13/3492 dated December 2013) shall be implemented within one month of the first occupation of any part of the residential development. The Travel Plan measures shall relate to the entirety of the development, and reflect the phasing of occupation as appropriate.

Reason: In order to minimise the use of the private car and promote the uses of sustainable modes of transport, in accordance with section 4 of the NPPF.

10. Demolition or construction works shall not take place outside the following times:
- Monday to Friday 07:30hrs to 18:00hrs
  - Saturday 08:00hrs to 13.00hrs
  - Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

11. 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:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

12. Prior to any demolition, site clearance, levelling or access facilitation works in association with the development hereby approved being carried out, a Tree Protection Plan and arboricultural method statement detailing how works within or that could affect the root protection area of retained trees and hedges will be designed and implemented to avoid causing damage to those trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details for the duration of the construction period.

Reason: To avoid damage to retained trees and hedges, in the interests of the visual amenities of the area.

13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenities of the area and to ensure the maintenance of open space areas in perpetuity.

14. A habitat management plan shall be submitted to and approved by the local planning authority as part of the Reserved Matters and implemented prior to the occupation of the development. The plan shall include:
  - a) Description and evaluation of the features to be managed (to include great crested newts);
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Details of bat and bird boxes
  - g) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - h) Personnel responsible for implementation of the plan;
  - i) Monitoring and remedial/contingencies measures triggered by monitoring.The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

15. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust Booklet Bats and Lighting in the UK.

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

16. No development or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

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

17. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Great Crested Newt Mitigation Strategy CSa/1988/09 dated December 2013 and No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSa dated December 2013.

Reason: To ensure the protection of great crested newts and bats, European Protected Species

18. Demolition of 18 Silvermere Park shall not commence until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of bats, a European Protected Species

19. Prior to the first occupation of the dwellings details of the location of 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, as recommended in the No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSa dated December 2013 shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in accordance with a schedule which has been approved in writing by the Local Planning Authority.

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

20. No development shall take place until details of the design and construction of the access roads into the site, at the point where they would link onto Stone Drive and Lloyd Grove, together with details of the disposal of surface water from these access works and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The access works shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory accesses into the site, in the interests of highway safety.

### **Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

4. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

6. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

8. Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."