

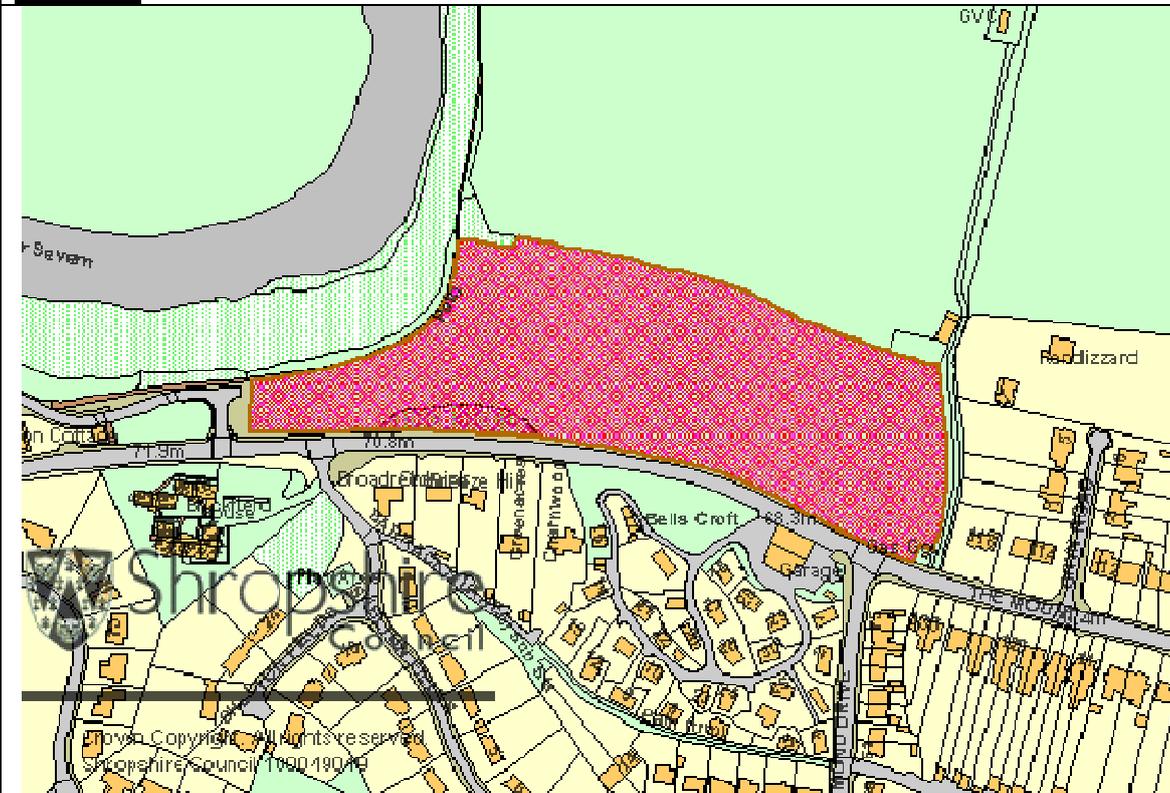
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/00743/OUT	Parish:	Shrewsbury Town Council
Proposal: Outline application for residential development (to include access)		
Site Address: Development Land West Of Bryn Road The Mount Shrewsbury Shropshire		
Applicant: Shropshire Homes Ltd		
Case Officer: Andrew Gittins	email: planningdmc@shropshire.gov.uk	

Grid Ref: 347572 - 313267



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Recommendation:- Grant delegated powers to the Area Planning Manager / Principal Planning Officer to issue permission subject to:

- no new material considerations being raised as a result of the proposal being advertised as a Departure in the Shropshire Star on Tuesday 22nd April 2014 for a 21 day period expiring on 13th May 2014, and
- a Section 106 legal agreement to secure affordable housing in accordance with the prevailing rate at the time of the submission of the Reserved Matters application in accordance with the Type ad Affordability of Housing SPD, and
- to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1** The application seeks approval for the erection of 20 residential dwellings and includes the formation of the access road, including the splayed radius curves.
- 1.2** The current prevailing affordable housing rate for the area is 20%. The description of development included on the application form describes the proposed works as 16 houses and 4 apartments which would require the provision of 4 affordable units on-site. The application form states that the scheme would include 16 four-bed plus open market, 2 two-bed socially rented and 2 two-bed shared ownership properties; however it should be noted that the house-type and scale would be considered at reserved matters.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The 2.2 hectare site is a classified as Grade 3 agricultural land located in the Shrewsbury Conservation Area to the north of A458 (The Mount) which is subject to a 30mph speed limit providing access into Frankwell and the town centre from the western side of the town. The site shares a boundary with the vehicular access to the Mountwood Park residential development to the west. The remainder of the western boundary is defined by a public footpath which curves round to proceed in a northerly direction following the course of the river. Meanwhile the western boundary is shared with the domestic curtilages of 5 residential properties on Bryn Road. To the south of The Mount, the site is opposite The Mount petrol garage, Bells Croft park-home development and five residential properties. The site is located in Flood Zone 1 which is classified as being of the lowest probability of flooding risk (less than 1 in 1,000 annual probability of river flooding - <0.1%).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The Local Member has requested that the application is presented as committee for the following reasons:
- There are concerns about the impact of this application and its access onto The Mount which is a fast and busy road.
 - The scheme will also be very visible due to the undulating nature of the ground which means some houses will be several feet higher than other

properties in the neighbourhood.

- If the scheme were to receive approval it is requested that the hedgerow is retained as far as is possible to help retain the rural feel of the area. Notwithstanding this request it is considered that the scheme will have a detrimental impact on the open nature of this part of The Mount from a visual point of view.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Shrewsbury Town Council: The Town Council raised concerns with this application to build on the remaining piece of agricultural land on The Mount which with its footpath is well used by ramblers and is an important visual amenity. It is a prominent and well used entrance to the town centre where the ribbon development will dramatically change the street scene. Members insisted that the hedge along the roadside be retained in the hope of preserving the rural feel. Members questioned the safety of the proposed junction onto The Mount which is a busy and congested main road.

4.1.2 SC Highways: Recommendation

The highway authority raises no objection to the granting of consent.

Background

The proposed site access is located off the A458 The Mount within a 30mph speed limit on the outside of a slight bend. As travelled speeds along this section are known to be a little high for the posted limit, the visibility splays proposed have been agreed with the local highway authority to be based upon 35mph travelled speeds. Given that the development would introduce some frontage on The Mount at this location it may have a positive impact on travelled speeds. However we would recommend that if possible a further length of hedge should be removed either side of the access road to provide a buffer against future growth which may encroach into the visibility splay. Also, as the site boundary hedge is overhanging the footway some work is required by the owner/applicant to ensure the full width of the footway is exposed and can be maintained by the highway authority. Given this is relatively minor development a transport statement is not required in line with Department for Transport guidance and the NPPF. We consider that the development should not have any notable impact to traffic flows on The Mount or at the junctions with Shelton Road and Frankwell. There is an existing footway across the site frontage and is to be retained; a dropped crossing will be provided across the proposed access road. Given this is an infill site within a built-up area of Shrewsbury the site has good links to services, amenities and employment by sustainable travel options. A number of bus stops are provided within a short walking distance from the site. Therefore in transport terms we consider that the site is positioned in a sustainable location. Given the topography and low density of this site we would comment that there should be opportunities for employing good quality Sustainable Urban Drainage Systems (SUDS) within the road design. Should the site be approved, we would recommend early discussions with the local highway authority and drainage team to discuss options for the SUDS design in advance of preparing a reserved matters application. If designed well, SUDS

features can be incorporated within landscape features to provide amenity and ecology assets whilst costing less to construct and maintain than traditional drainage schemes. As the access roads are to be offered for adoption under s38 of the Highways Act 1980 an agreement will be required with the local highway authority and the proposed works will require technical approval prior to commencing on site.

4.1.3 SC Ecologist: Consultation on planning application: Development Land West Of Bryn Road, The Mount, Shrewsbury Shropshire - Outline application for residential development (to include access).

I have read the above application and the supporting documents including the Ecological Assessment conducted by Star Ecology (February 2014).

Recommendation:

Include the conditions and informative(s) below on the decision notice.

Environmental Networks

The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

This proposed development site is within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework. The suggested condition should be on the decision notice.

Bats

There are three trees which have been highlighted as having bat roost potential. Two mature lime trees and one mature oak tree. These trees are to be retained and protected during the development. The suggested conditions and informatives should be on the decision notice.

Trees on site have been identified by Star Ecology (2014) as having bat roost potential. Currently these trees are retained within the site plan. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

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

Nesting Birds

The site has the potential to support nesting birds. The suggested condition and informative should be on the decision notice.

Great Crested Newts

There are four mapped ponds within 500m of the proposed development site. Due to the location of the ponds Star Ecology has concluded that no further survey work will be required. The suggested informative should be on the decision notice.

- 4.1.4 SC Drainage:** 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.

Additional Drainage Comment:

The FRA could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted as the site is in Flood Zone 1 and exceeds 1 hectare in area.

- 4.1.5 SC Trees:** There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur. The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate. There are no significant impacts to important amenity trees arising from the proposed development and no objection is raised to this proposal. It is recommended that if planning permission is granted it is subject to the attachment of the recommended condition (included in the recommendation).

- 4.1.6 SC Rights of Way:** FP 34 (part of 'The Severn Way' long distance footpath) runs along the riverside towpath abutting the north eastern boundary of the site identified as shown on the 1:2500 scale plan attached. The footpath will not be affected by the application.

- 4.1.7 SC Public Protection:** Having considered the information provided I propose that a noise assessment is carried out in order to ensure that all properties proposed have a suitable noise environment. This however is most appropriate to be conditioned at reserved matters however by stating the need here it is hoped that this will prompt the applicant into submitting an assessment when the reserved matters application is submitted should outline permission be granted approval. If this assessment is not submitted with reserved matters I will ask that no decision is made until such an assessment has been submitted and assessed.

- 4.1.8 SC Conservation:** Background to Recommendation:

This application affects a large area of open land on the north side of The Mount, directly west of existing residential housing fronting Bryn Road. The lands have an extensive length of frontage along The Mount and the entire property is located within the westerly most boundary of The Mount Conservation Area, with the rear property line coinciding with the northerly Conservation Area boundary delineation.

The Mount Conservation Area was designated in 1997 and formed an extension to the 'Town Centre Special Character Area' of the larger Shrewsbury Conservation Area along the course of the original London to Holyhead Road, and comprising a relatively narrow strip of land on either side of The Mount. A Conservation Area Appraisal was prepared for this area in 2006.

Our current mapping indicates there are no listed buildings or other designated heritage assets within the subject lands, and a desk based review of the circa 1901 Ordnance Survey mapping layer appears to indicate there were no buildings or structures dating from that time period on these lands, however this should be confirmed by the applicant.

The subject site is immediately north-west of the continuous streetscape of substantial late Victorian and Edwardian dwellings which form an impressive visual sequence along The Mount which is an important characteristic of the area. This series of buildings, with the exception of Nos. 71-73-75 and No. 61, which are listed, are covered by an Article 4(2) Direction to help retain and enhance the visual amenity of the area. East of the subject lands is more modern housing developed along Earlston Park and Bryn Road; these lands were formerly occupied by the large house, later a hotel, known as Beauchamp and which was demolished around the 1960s. All of these lands are also part of The Mount Conservation Area, with the north side of The Mount characterised by large houses positioned on substantial parcels of land that were placed to take advantage of the fine views sweeping down to the river beyond the Conservation Area boundaries.

Principles of Scheme:

In terms of the historic environment, the proposal will need to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework.

The Mount Conservation Area Appraisal stresses the contribution that green open spaces make to the setting of this area, the importance of public view points along the street between the built up areas and views and vistas within, into and out of the Conservation Area, and the importance of retaining trees, hedges and shrubs along the street line and within the open spaces remaining in the area. In particular, the Conservation Area Appraisal map indicates that with respect to the subject lands, a principal feature of interest is the established hedging and trees running along the frontage of the property adjacent to the street, and significant tree groups at the easterly end of the property.

Given the importance of retaining areas of open space within the Conservation Area, the introduction of residential development on these lands must be very carefully considered, and the overall site layout and road network, scale of development, and elevational detail and materials are important considerations that could negatively impact on the special character of the area. The subject lands provide a valuable open space link from The Mount, between the built up areas, through to the extensive areas of open space to the north and west which slope down to the river. The site is also located at an important gateway into the

Conservation Area, past the more traditional built form along The Mount and then into the Town Centre itself. Developments of this type have the potential to have an adverse impact on the landscape character of the area and we would suggest that you may wish to consider obtaining the opinion of an appropriately qualified landscape professional to assess the proposal in this regard. Obviously ecological and other natural environment matters will also need to be carefully considered and addressed here and are also of prime importance.

Design and Detail:

Because these lands are within the Conservation Area, any dwellings will be required to be built to a very high standard with high quality external materials that would allow the dwellings to harmonize with the surrounding natural environment while sensitive to the built form prevalent along The Mount. Additional information in this regard is required. Entrances to the site should be kept to a minimum to allow full retention of the existing hedge and treeline running along the frontage of the property.

RECOMMENDATION:

I have reservations over the full development of these lands for residential dwellings within the Conservation Area. It is preferable that some of this important open space is retained along The Mount as a visual and physical link to the larger expanse of open lands to the north. Should the application be approved, we would request that elevation drawings be forwarded to us formally for review and that the following conditions be applied:

C1/C2 re external materials, C3 re joinery, D1 Landscape design, D3 Details of enclosure (incl. site entrance details)

4.1.9 SC Archaeology (18th March 2014): Background to Recommendation:

The proposed development site comprises 2.2ha area on the north-western edge of Shrewsbury and within the Shrewsbury Conservation Area. The Shropshire Historic Environment Record does not currently contain any record of any known heritage assets on the development site itself. However, recent digital vertical aerial photographs indicate that earthwork remains of two possible lynchet banks of potential medieval date are present. On this basis the proposed development site is currently deemed to have moderate archaeological potential.

RECOMMENDATION:

In view of the above, and in accordance with Paragraph 128 of the NPPF, I recommend that an archaeological Desk Based Assessment and site walk-over survey should be commissioned by the applicant, and the results submitted to the Local Planning Authority, prior to the determination of this application. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development in relation to Paragraphs 129 and 135 of the NPPF, and whether any further archaeological mitigation would be required as a condition of any planning consent in relation to Paragraph 141. There should be no determination of the application until the Desk Based Assessment has been submitted to the Local Planning Authority.

(22nd April 2014): The Council's Archaeologist assessed the Desk Based Assessment and has recommended a further programme of archaeological work based on surviving earthworks and low but not negligible potential for prehistoric remains.

4.2 Public Comments

4.2.1 The application was advertised by way of a Site Notice displayed for a minimum period of 21 days commencing on the 4th March 2014 and a Press Notice published in the Shropshire Star on the 28th April 2014. A further press notice was published in the Shropshire Star on the 22nd April 2014 advertising the application as a Departure from the Development Plan.

In response 14 letters have been received objecting to the proposal on the following material planning grounds:

- Principle of development of greenfield agricultural land.
- Proposal is not environmentally or socially sustainable.
- Land unsuitable for housing as sloping and uneven.
- Loss of privacy and light.
- Increased traffic detrimental to highway safety.
- Loss of natural habitat.
- Improvements and maintenance of Severn Way footpath should be secured and a connection should be made through the main site entrance to the footpath on the eastern side.
- Disruption during construction
- Scale of development not in keeping with The Mount and will have a detrimental impact on character of the Conservation Area and public footpath
- Development site is a natural floodplain and Mount Ridge should not be flattened.
- The site is of historic agricultural value.
- Development contrary to CS6 and CS17.
- Surface water flooding from drains.

4.2.2 Shropshire Wildlife Trust: Although it appears that an ecological report has been undertaken it has not been provided via the Shropshire Council website.

Shropshire Wildlife Trust would consider that an ecological assessment or survey of the site may be required. Such a report should be undertaken by a suitably qualified ecologist and identify any features of ecological interest. If there is ecological interest then the report should:

- identify the direct and indirect ecological impacts
- recommend mitigation / compensation as appropriate
- identify potential ecological enhancements or restoration measures

Without this information the Trust is unable to make an informed comment.

We can however infer that limited ecological interest has been identified within the site. Despite this we do have concerns relating to the close proximity of the River

Severn which is a County Wildlife Site, a major ecological corridor through the county and is accompanied by the Severn Way at this location. The inclusion of green space across the western portion of the site providing a more suitable buffer would make the development far more acceptable. We would also like reassurance that suitable SUDS measures will be put in place to ensure that any surface runoff from the site will not have a negative impact upon the River Severn.

While it has become common practice for applicants to highlight the five year housing supply requirement and presumption is favour of 'sustainable development', the NPPF requirements on conserving and enhancing the natural environment also need to be considered (NPPF section 11, paras 109 to 119). Section 40 of the Natural Environment and Rural Communities Act 2006 also places a legal duty on the planning authority to have regard for the conservation (and restoration and enhancement) of biodiversity. We would also recommend that claims of sustainability are scrutinised carefully.

4.2.3 Campaign to Protect Rural England: This appears to be a speculative application. The site is not part of the SAMDev housing allocations for Shrewsbury.

The land involved in this application is part of the Shrewsbury Town Conservation Area. It was so designated in March 1997 because of its importance as green space; building on it would have a destructive impact on the landscape, particularly when viewed from the meadows adjoining the river Severn to the north.

It would also intrude on the Severn Way which skirts the land in question as it descends from Shelton to the river.

For these reasons it is in conflict with Core Strategy policies CS6 and CS17 and with the principles laid down in the National Planning Policy Framework, which protect amenity open space.

We would draw your attention to the Planning Inspector's decision - reference T/APP/B3220/A/96/272255/P7 dated 7 May, 1997. This was in response to an appeal against the Borough Council's refusal of an application for housing adjoining Rowton Lodge. He dismissed the appeal, concluding *"that the proposed development of the appeal site for residential purposes would unacceptably affect the character and appearance of this part of The Mount and as such would not serve to preserve or enhance the character or appearance of the conservation area and would be contrary to the objectives of development plan policy."*

The principles of the development plan policy have been carried forward into the Core Strategy policies mentioned above. We urge you to recommend refusal.

5.0 THE MAIN ISSUES

Principle of development

Assessment of sustainability

Impact on character of Conservation Area and Visual Amenities of Area Highways

Others material considerations

- Ecology
- Drainage
- Trees
- Rights of Way
- Noise Assessment
- Archaeology
- Impact on residential amenity

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'

and that

'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.'

6.1.3 The five year housing land supply statement (amended version 20/09/2013) sets out Shropshire Council's assessment of its supply of housing land over the next five years. On this basis, the Statement shows a supply of 4.95 years for Shropshire and 5.28 years for Shrewsbury. Whilst the Council considers that the calculation for Shrewsbury is a material consideration, it recognises that the positive position was marginal in 2013 and the position for 2014 is as yet unknown, although there has been reasonable progress on house construction in the town and many of the proposed allocations coming through as consented planning applications. On this basis, while the starting point remains the Development Plan, current applications should still be determined in the context of the NPPF's presumption in favour of sustainable development and its aim of boosting housing supply.

6.1.4 The site is currently outside of the development boundary for Shrewsbury and is not currently being allocated as a potential housing site within the emerging SAMDev. Therefore the site is classed as being in open countryside. However in the absence of a five year land supply proposals must be assessed in the context of the NPPF as outlined above. As such the key factor in determining this application is the assessment of whether the proposal would represent sustainable

development and whether the adverse impacts of granting permission would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This assessment and balancing exercise will be undertaken in the paragraphs below.

6.2 Assessment of sustainability

6.2.1 The site is situated on the edge of the urban development boundary for Shrewsbury and is in close proximity to the Town Centre and is serviced by a regular bus service into town. The site is therefore considered to be in a sustainable location with regards to accessibility and proximity to essential services and facilities within the Town Centre. However the NPPF considers that sustainable development' isn't solely about this but that it is '*about positive growth – making economic, environmental and social progress for this and future generations*'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ② *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ② *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ② *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.2 Economic role – The proposal will help boost the supply of housing in Shrewsbury and will provide employment for the construction phase of the development supporting the building, construction and associated industries. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.2.3 Social role – The proposal will help boost the supply of open market and affordable housing and will be CIL liable for improvements towards local infrastructure. The occupants of the houses will potentially help maintain and support local services and facilities.

6.2.4 Environmental role - The site is Grade 3 agricultural land (good to moderate quality), and does not include, but is located adjacent to the buffer to the east of the River Severn. This adjoining land was previously designated by SABC Local Plan Policy LNC7 as an area of ecological importance. Upon adoption of the Core Strategy LNC7 was superseded by Policy CS17: Environmental Networks which provides the appropriate policy protection. The site is sensitive in landscape terms and is considered to contribute to the character of the Conservation Area. The application site has been assessed for its heritage and cultural value by the Council's Historic Environment Officers, who have expressed some reservations about the potential adverse impact on these values which are discussed in further detail in Section 6.3 below. It is acknowledged that the development will inevitably have some adverse impacts in these respects but that the submission of appropriate details at reserved matters in respect of layout, appearance and scale would mitigate some of the impacts.

The application has been assessed for its ecological value by the Council's Ecologist, who are seeking the submission of appropriate details at reserved matters and the attachment of conditions and informative(s) which will provide ecological enhancements due to the provision of bat boxes, bird boxes and landscape enhancement. The proposal would help contribute to a low carbon economy as the site is reasonably accessible to all essential services and facilities on foot or by cycle and by public transport.

6.2.5 On balance it is considered that the proposal represents sustainable development in a sustainable location having regard to the three dimensions of sustainable development and that it is an appropriate site for residential development subject to a satisfactory layout, scale and design. Whilst there would be some adverse impacts as a result of the proposal; as acknowledged throughout the report these are not considered to significantly or demonstrably outweigh the benefits.

6.3 Impact on character of Conservation Area and Visual Amenities of Area

6.3.1 The application has been assessed by the Council's Historic Environment Officer whose comments have been included in full above. The Conservation Officer has acknowledged that this application affects a large area of open land on the north side of The Mount, directly west of existing residential housing fronting Bryn Road. The lands have an extensive length of frontage along The Mount and the entire property is located within the westerly most boundary of The Mount Conservation Area, with the rear property line coinciding with the northerly Conservation Area boundary delineation. The Mount Conservation Area was designated in 1997 and formed an extension to the 'Town Centre Special Character Area' of the larger Shrewsbury Conservation Area along the course of the original London to Holyhead Road, and comprising a relatively narrow strip of land on either side of The Mount. A Conservation Area Appraisal was prepared for this area in 2006.

6.3.2 The current mapping software indicates there are no listed buildings or other designated heritage assets within the subject lands, and a desk based review of the circa 1901 Ordnance Survey mapping layer appears to indicate there were no buildings or structures dating from that time period on these lands, however this should be confirmed by the applicant.

- 6.3.3** The subject site is immediately north-west of the continuous streetscape of substantial late Victorian and Edwardian dwellings which form an impressive visual sequence along The Mount which is an important characteristic of the area. This series of buildings, with the exception of Nos. 71-73-75 and No. 61, which are listed, are covered by an Article 4(2) Direction to help retain and enhance the visual amenity of the area. East of the subject lands is more modern housing developed along Earlston Park and Bryn Road; these lands were formerly occupied by the large house, later a hotel, known as Beauchamp and which was demolished around the 1960s. All of these lands are also part of The Mount Conservation Area, with the north side of The Mount characterised by large houses positioned on substantial parcels of land that were placed to take advantage of the fine views sweeping down to the river beyond the Conservation Area boundaries.
- 6.3.4** The Historic Environment Officer has noted that the proposal will need to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework. The Mount Conservation Area Appraisal stresses the contribution that green open spaces make to the setting of this area, the importance of public view points along the street between the built up areas and views and vistas within, into and out of the Conservation Area, and the importance of retaining trees, hedges and shrubs along the street line and within the open spaces remaining in the area. In particular, the Conservation Area Appraisal map indicates that with respect to the subject lands, a principal feature of interest is the established hedging and trees running along the frontage of the property adjacent to the street, and significant tree groups at the easterly end of the property.
- 6.3.5** Given the importance of retaining areas of open space within the Conservation Area, the introduction of residential development on these lands must be very carefully considered, and the overall site layout and road network, scale of development, and elevational detail and materials are important considerations that could negatively impact on the special character of the area. The subject lands provide a valuable open space link from The Mount, between the built up areas, through to the extensive areas of open space to the north and west which slope down to the river. The site is also located at an important gateway into the Conservation Area, past the more traditional built form along The Mount and then into the Town Centre itself. Developments of this type have the potential to have an impact on the landscape character of the area and the Historic Environment Officer has suggested that consideration is given to securing the opinion of an appropriately qualified landscape professional to assess the proposal in this regard. However, whilst the site constitutes the western edge of the Conservation Area, there are existing residential estates either side of the application site and is therefore considered to represent infill development. Furthermore, with the exception of Mount Ridge, the land falls away in a northerly direction towards the river which is considered to reduce its prominence. Whilst it is acknowledged that some of the highway fronting hedgerow will have to be removed to provide the access and necessary visibility splays these can be replaced with landscaping behind the splays which will provide further screening. Accordingly Officers do not consider it necessary to seek the professional opinion of a landscape architect. Further to this it should be highlighted that with the exception of the requirements of

CS17: Environmental Networks the site has no formal designation or protection under planning policy as for example an AONB would benefit from.

- 6.3.6** The Historic Environment Officer has noted that any dwellings will be required to be built to a very high standard with high quality external materials that would allow the dwellings to harmonize with the surrounding natural environment while sensitive to the built form prevalent along The Mount; this will be a consideration and requirement of a reserved matters application.
- 6.3.7** Whilst the Historic Environment Officer has reservations about the development of the full extent of the site for residential within the Conservation Area, and has suggested that it would be preferable if some of the important open space is retained along The Mount as a visual and physical link to the larger expanse of open lands to the north. On balance, Officers are of the opinion that the principle of the development of the site for residential purposes is acceptable and that an appropriate design and scale of dwellings and provision of open space can be secured at reserved matters.
- 6.3.8** A representation of The Mount Residents Group has stated that the local community are sending in a request for the site to be designated as a Local Green Space as permitted by paragraphs 76 and 77 of the NPPF. Shropshire Council's Development Plan doesn't seek to identify county wide areas of local green space. However policy protection is provided by Core Strategy Policies CS6 and CS17 together with emerging policy MD12. The ecological and historic merits of application site have been acknowledged and appropriate assessments have been undertaken by the relevant consultees. However it is considered that an appropriately designed scheme taking into account sensitive receptors such as the Severn Way public footpath and river Severn, which pays regard to the existing site levels could maintain and enhance the character of the Conservation Area.

6.4 Highways

- 6.4.1** The application has been assessed by the Council's Historic Environment Officer whose comments have been included in full above. The Highways Officer has noted that the proposed site access is located off the A458 The Mount within a 30mph speed limit on the outside of a slight bend. As travelled speeds along this section are known to be a little high for the posted limit, the visibility splays proposed have been agreed with the local highway authority to be based upon 35mph travelled speeds. Given that the development would introduce some frontage on The Mount at this location it may have a positive impact on travelled speeds.
- 6.4.2** Highways Officer has recommended that if possible a further length of hedge should be removed either side of the access road to provide a buffer against future growth which may encroach into the visibility splay. Also, as the site boundary hedge is overhanging the footway some work is required by the owner/applicant to ensure the full width of the footway is exposed and can be maintained by the highway authority. Given this is relatively minor development a transport statement is not required in line with Department for Transport guidance and the NPPF. The Highways Officer considers that the development should not have any notable impact to traffic flows on The Mount or at the junctions with Shelton Road and

Frankwell. There is an existing footway across the site frontage and is to be retained; a dropped crossing will be provided across the proposed access road.

6.4.3 The Highways Officer has noted that this is an infill site within a built-up area of Shrewsbury the site has good links to services, amenities and employment by sustainable travel options. A number of bus stops are provided within a short walking distance from the site. Therefore in transport terms we consider that the site is positioned in a sustainable location. Given the topography and low density of this site the Highways Officer is of the opinion that there should be opportunities for employing good quality Sustainable Urban Drainage Systems (SUDS) within the road design. Should the site be approved, the Highways Officer would recommend early discussions with the local highway authority and drainage team to discuss options for the SUDS design in advance of preparing a reserved matters application. If designed well, SUDS features can be incorporated within landscape features to provide amenity and ecology assets whilst costing less to construct and maintain than traditional drainage schemes. As the access roads are to be offered for adoption under s38 of the Highways Act 1980 an agreement will be required with the local highway authority and the proposed works will require technical approval prior to commencing on site.

6.4.4 In conclusion, the highway authority raises no objection to the granting of consent subject to the attachment of a condition requiring the technical approval of the new access road, existing highway/road works, traffic calming scheme, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs to ensure the construction is to an adequate standard in the interests of road safety. It is understood that the proposed estate roads will be offered for adoption and therefore a s38 agreement with the local highway authority will be required. In accordance with the Highways Officers recommendation an informative has been attached stating that no works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

6.5 Others material considerations

- Ecology

The application has been assessed by the Council's Ecologist and Shropshire Wildlife Trust whose comments have been included in full above. The Council's Ecologist has outlined that the Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework. The Ecologist has noted that the proposed development site is within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework. In accordance with the Ecologist's recommendation conditions requiring the submission of a landscaping scheme, installation of bat and bird boxes, submission of details of external lighting together with advisory informative(s) have been attached to the officer recommendation. The assessment undertaken by the Council's Ecologist is considered to address the

Shropshire Wildlife Trusts' comments. The Wildlife Trust have suggested that the inclusion of green space across the western portion of the site providing a more suitable buffer which would make the development far more acceptable. The indicative site plan illustrates that four properties could potentially be sited against the western site boundary with a section in the north-western corner retained as open space. Whilst this is an issue which could be explored at the reserved matters stage when the layout is under consideration it is not a requirement Officers would insist upon given that this has not been raised by the Council's Ecologist. Similarly the provision of suitable SUDS measures will be secured at reserved matters to ensure that any surface runoff from the site will not have a negative impact upon the River Severn. Accordingly it is considered that the submitted ecology survey and the submission of further details at reserved matters can overcome the concerns expressed by the Wildlife Trust and that the proposal is compliant with the development plan policy and the NFFP.

- Drainage

The application has been assessed by the Council's Flood and Water Management Team who have confirmed that the drainage details, plan and calculations can be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. This includes a Flood Risk Assessment which could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted as the site is in Flood Zone 1 and exceeds 1 hectare in area in accordance with the guidance provided in paragraph 103 of the NPPF and CS18 of the Shropshire Core Strategy.

- Trees

The application has been submitted with an Arboricultural Impact Assessment which has been assessed by the Council's Tree and Hedgerow Amenity Protection Officer whose comments have been included in full above. The Tree Officer has noted there are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur. The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. The Tree Officer has reviewed the categories allocated to the trees and would agree that these are appropriate. There are no significant impacts to important amenity trees arising from the proposed development and no objection is raised to this proposal. In accordance with the Tree Officers recommendation a condition has been attached in order to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- Rights of Way

The application has been assessed by the Council's Rights of Way Team whose comments have been included in full above. The RofW Officer has noted that

Footpath 34 (part of 'The Severn Way' long distance footpath) runs along the riverside towpath abutting the north eastern boundary of the site identified as shown on the 1:2500 scale plan attached. As such the RofW Officer has confirmed that the footpath will not be affected by the application.

- Noise Assessment

The application has been assessed by the Council's Public Protection Officer who has requested the submission of a Noise Assessment at Reserved Matters as to ensure that all properties proposed have a suitable noise environment; the suggested condition has been attached to the recommendation.

- Archaeology

The application has been submitted with an archaeological Desk Based Assessment which has been assessed by the Council's Archaeologist who has recommended a further programme of archaeological work based on surviving earthworks and low but not negligible potential for prehistoric remains.

- Impact on residential amenity

Whilst the layout, appearance and scale of the proposed development is reserved for later approval, the applicant has provided information stating that the facing distance between 'Broadreed' on The Mount and Plot Hawks 2 as shown on the indicative Site Plan (measured to the centre of the two facing facades) is 42 metres. As such it is considered that the site could be developed without a detrimental impact on the privacy of neighbouring properties whose privacy would be further protected by an existing hedge and a number of semi mature trees. Further, more detailed consideration in respect of the impact on neighbouring amenities would be undertaken at the reserved matters stage of development.

7.0 CONCLUSION

7.1 The proposed development is considered to be acceptable in principle as the proposal represents sustainable development in a sustainable location having regard to the three dimensions of sustainable development. The layout, scale, appearance and landscaping of the scheme are reserved for later approval but in principle it is considered that an appropriately designed scheme will preserve and enhance the character and appearance of the Conservation Area subject to particular regard being given to density, siting, boundary treatment, provision of open spaces and high quality elevation treatments. The proposal is not considered to have any adverse highway or ecological implications. A section 106 agreement will ensure that the relevant affordable housing contribution is secured. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS9, CS11, CS17 and CS18 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

Core Strategy and Saved Policies:

CS1 – Strategic Approach

CS2 – Shrewsbury Development Strategy

CS5 – Countryside and Green Belt

CS6 – Sustainable Design and Development Principles

CS9 – Infrastructure Contributions

CS11 – Type and Affordability of Housing

CS17 – Environmental Networks

CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

No relevant planning history.

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Peter Nutting
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010 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 begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The means of enclosure of the site
The levels of the site
The drainage of the site

Reason: To ensure the development is of an appropriate standard.

5. This permission does not purport to grant consent for the layout shown on the deposited plan Number P01 Rev B submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

6. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
 - a) Planting plans, including wildlife habitat and features (e.g. bat boxes and bird boxes)
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment).

c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

7. The site is greater than 1.0 Ha. and a Flood Risk Assessment in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework should be completed and submitted to the Local Planning Authority for approval with the first of the reserved matters.

A FRA should include, as a minimum:

- ' Assessment of the Fluvial flooding (from watercourses)
- ' Surface water flooding (from overland flows originating from both inside and outside the development site)
- ' Groundwater flooding
- ' Flooding from artificial drainage systems (from a public sewerage system, for example)
- ' Flooding due to infrastructure failure (from a blocked culvert, for example)

The potential impact of flood water from the new site on adjacent properties should be considered, and mitigation proposals described.

Reason: To ensure that it complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Such a programme must be prepared and carried out under the supervision and with the agreement of an archaeologist approved in writing by the Local Planning Authority.

Reason: The site is known to be in an area of archaeological importance.

9. Prior to construction a noise assessment shall be submitted to the local planning authority for approval in writing and shall include details of any mitigation required to meet target levels for noise. Target levels are those specified in the World Health Organisation Guidelines on Community Noise.

Reason: to protect the health and wellbeing of future residents

10. Prior to the commencement of the development full engineering details of the new access road, existing highway/road works, traffic calming scheme, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully

implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

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

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan has been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

12. 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.

13. A total of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building

hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

14. A total of 5 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

Informative(s)

1. 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.
2. 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.

3. 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.

4. FP 34 (part of 'The Severn Way' long distance footpath) runs along the riverside towpath abutting the north eastern boundary of the site identified as shown on the 1:2500 scale plan attached. The footpath will not be affected by the application. However the fotpath should remain open at all times during construction.
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).
6. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.