



Committee and Date
Northern Planning Committee
18th August 2020

Item
5
Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 20/01553/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of 33No dwellings and associated operational development following demolition of existing building		
Site Address: Crowmoor House Frith Close Shrewsbury Shropshire SY2 5XW		
Applicant: Cornovii Developments Ltd		
Case Officer: Jane Raymond	email : planning.northern@shropshire.gov.uk	

Grid Ref: 351404 - 313255



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Recommendation: Grant Permission subject to the conditions as set out in appendix A and delegate to the Head of Service to make any amendments to these conditions as considered necessary as well as on receipt of the viability appraisal review to finalise the developer contributions to be secured by a memorandum of understanding.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 33 dwellings following demolition of the existing building. The applicant is Cornovii Developments Limited which is a private company wholly owned by Shropshire Council.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is 'Crowmoor House' which is a former residential home owned by Shropshire Council. It has more recently been used as a HMO following planning permission (18/05560/COU) for change of use from C2 Residential Institutions to a House in Multiple Occupation (HMO) to provide up to 10 units which is a sui generis use.

2.2 The site is situated in Monkmoor within a predominantly residential area to the north east of Shrewsbury town centre.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council for a proposal that is not in-line with statutory functions. The Town Council have also objected to the application based on material considerations.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **WSP on behalf of SC Highways** (Latest comments 06.08.2020): I can confirm that I have reviewed the responses provided and all matters listed below are accepted. With regard to point 2, service strips don't appear to have been provided adjacent to 32 and 33, however this is only a minor matter, and as suggested perhaps the submission of street lighting details could be conditioned. There are a few minor material details that will need to be reviewed at technical approval stage, for example we would want the area surrounding the tactile paving to be tarmac, rather than block paving, this is just for maintenance purposes. I don't consider that these matters should prevent permission being granted and will result in only minor amendments that can be dealt with through the discharge of conditions.

I can therefore confirm that Shropshire Council as Highway Authority raises no objection to the granting of consent. As above it is recommended that a condition is placed on any permission granted that requires the applicant to submit details of road construction and street lighting. We will also require a Construction Management Plan to be submitted for approval.

- 4.1.2 **WSP on behalf of SC Drainage:** Provides informative advice and recommends a condition requiring the submission of details of foul and surface water drainage.
- 4.1.3 **SC Conservation:** The application site is located some distance outside of any Conservation Area boundaries and positioned amongst a largely post-war residential area consisting of a mix of one and two storey mainly brick houses. The site is occupied by a modern low-rise former residential care home which is now closed. On heritage grounds there are no objections raised in principle with the proposed development which comprises mainly two storey detached houses of brick construction of a broadly contemporary design and aesthetic featuring recessed dark aluminum windows, black rainwater goods and dark slate roofs ' conditions should be applied to ensure these higher quality design and detailing features and good quality external materials and finishes which are illustrated in the planning statement are implemented in the construction phase.
- 4.1.4 **SC Trees:** (Latest comments 22.06.2020): This revised scheme retains the same layout and density but includes an updated landscaping scheme with 4 additional trees proposed including a specimen Tulip tree to replace the Tree of Heaven deemed unsuitable to retain.

For all the tree planting there is a need for a rigorous specification for ground amelioration and the provision of a good growing medium to a depth and volume appropriate not just for initial establishment but for the long-term good health and development into maturity of all the planting stock in accordance good practice as set out in with BS 8545:2014 Trees: from nursery to independence in the landscape ' recommendations and effective measures for after care for 5 years including a watering schedule.

Recommendation

Details of planting pits, soil volumes and a 5 year management plan should be added to the landscape plan in line with BS 8545:2014 'Trees: from nursery to independence in the landscape ' recommendations' and made a condition of approval.

(Earlier comments 04.05.2020): The site has a well-established landscape scheme (although no statutory protection) associated with the former care home gardens consisting of semi mature ornamental trees and overgrown boundary hedges, which could be considered an existing natural asset with regard to SAMDev Policy MD12 the Natural Environment.

The proposed layout is changing form a central building set in landscaping to 33 houses which means that the majority of the trees are proposed to be removed along with the partial removal of 6 hedgerows and 2 other tree groups. One mature Whitebeam and several Beech hedges are to be retained but two other trees which were proposed to be retained are now deemed unsuitable.

My preferred option would be for a grassed area with 3 semi mature trees to the right of the entrance way retained as an area of POS with 3 established Sorbus trees (photo 1) along with a grass verge running to the left of the entrance way with

3 semi mature Larch trees.

Provision of private parking spaces mean the Larch trees and some hedging at the entrance and western boundary currently will need to be removed.

Overgrown Beech hedging along the boundary with Bradley House is problematic as it has little lower growth meaning an attempt to bring it back into management would result in unsightly bare stems serving no screening purpose. Trees here fall within the footprint of the proposed new buildings including a mature Cherry in the NE corner which falls within close proximity and cannot be safely retained.

The large Tree of Heaven (T17) on the north boundary was discussed, and whilst given an “A” category in the tree report, it is apparent that it will not work in the scheme due to its large size and the profusion of suckering new off-shoots arising from underground (evident on site) a feature of this tree species. To mitigate for its loss an adjacent mature Whitebeam on this boundary is now proposed for retention instead which will make an attractive mature feature.

The mixed group of trees in the SE corner of the site and along the southern boundary in the hedge line are apparently all growing on an existing sewer easement and so cannot be retained. A large Lawsons cypress is currently proposed for retention on this south boundary but would be totally unsuitable in a small garden and as south of the property would also cause excessive shading.

Mitigation

Wherever possible, suitable large trees should be retained or planted within appropriately sized and located areas of public open space, rather than enclosed within private gardens. Usually Policy MD2 (Sustainable Design) requires 30m² open space per person although no POS is proposed for this scheme (with an off-site contribution). The current layout has limited options to accommodate appropriate species / numbers of trees to maturity, in a successful juxtaposition between trees and buildings.

I am aware that the scheme still requires replacement planting to be on site and currently mitigation for tree losses includes retention of Beech hedging where possible (with infill) and new native hedging along remaining boundaries which I support. New tree planting includes 11 standard trees - 4 Birch 4 Field Maple and 4 Rowan which are suitable smaller garden specimens for a dense layout.

Conclusion

Having no POS on site means there is no space for any long-lived large canopy trees which contribute the most to climate change adaptation and have the greatest ‘ecosystem service’ benefits and are the trees that also tend to have the highest landscape and amenity value, conferring character and creating a sense of place.

As existing hedging and a mature Whitebeam are to be retained an updated tree protection plan (TPP) and method statement (AMS) reflecting the changes discussed above are required to be submitted.

4.1.5 **SC Ecology:** I have read the submitted Ecological Assessment and the Bat

Activity Surveys. I am happy with the level of survey work and conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

- 4.1.6 **SC Learning and Skills:** Shropshire Council Learning and Skills reports that the local primary school has capacity to manage additional pupils arising from this development. The local secondary school is forecast, with housing developments, to be oversubscribed by the end of the current plan period. This development along with future housing in the area will create additional pressure on secondary schooling. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements in the area. In the case of this development it is recommended that any contributions required towards education provision are secured via CIL funding.
- 4.1.7 **SC Affordable Housing:** I am of the view that 'Vacant Building Credit' can be applied in this instance and the following reason:
The building was not made vacant for the purposes of redevelopment but was deemed to be no longer 'not fit for purpose'.
- 4.1.8 **SC Parks and Recreation:** Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.

The proposed development includes 90 bedrooms which in turn equates to 2700sqm public open space.

Officers would usually require the public open space to be provided for onsite however, it is recognised that this development is close to other amenity open space, known locally as Upton Lane Recreational Ground and therefore to offset the loss of public open space within the development, a financial contribution would be acceptable towards improving open space within this area.

- 4.1.9 **West Mercia Constabulary:** Provides advice with regards to the 'Secured by Design' award which is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment.

4.2 - Public Comments

- 4.2.1 **Local member Cllr Pam Moseley** (Initial comments 28.05.2020):

Trees: I would wish to see the retention of a greater proportion of existing trees and shrubs, especially around the perimeter of the site, and particularly within the south east and south west borders of the site. These trees and shrubs are mature and

add to the green nature of the site, at the same time providing an attractive and welcome buffer with adjoining homes.

Design: many of the houses have been provided with low built out cycle storage and bin stores to the front of the properties. Highways have commented on the difficulties of accessing these. I have other concerns with regard to safety for pedestrians or children at play. Parked vehicles leaving the frontage parking spaces, either in forward or reverse gear, would be unable to see easily any pedestrians in the road, especially children who may be playing there because of these build outs. As all the properties are either semis or detached, there is the possibility of bins being stored to the side or rear of each home.

Highways, vehicular and pedestrian routes: there has been some comment from SC highways regarding the roads proposed in terms of configuration and surfacing, and I understand that there are discussions to take place in these regards. In this most recent iteration of the layout, there are now two pedestrian links through to the cinder path. These, I understand, are to make the site more permeable to pedestrians. As there are already two very close links to the cinder path, one to the west (Weald Drive) and one to the east (Twyfords Way), I think that providing one link may be sufficient. The block paving level surfacing of the two internal roads, looks good, however, I think that it will be very attractive to children playing in the street, as it does not appear to be road in the traditional sense (ie tarmac), which may increase risk of accident.

Open Space: I welcome the provision of funding for improvements to the existing area of open space at Upton Lane which will arise from this development, as this is very accessible both to the new residents of this development and residents of the surrounding area.

- 4.2.2 **Shrewsbury Town Council:** (04/08/2020): Members have considered the above application again following Shropshire Council's Tree Officer report. The Town Council maintain their objections to this application.

(Initial comments 14/05/2020): We have concerns about the proposed removal of trees and would like to see plans to replace with an appropriate schedule for urban gardens. We would also like to see the report from the Shropshire Council's Tree Officer before making a final decision.

- 4.2.3 **Shrewsbury Civic Society:** Overall, the Society is very pleased to see such an application as it represents the first that Cornovii Developments has submitted in Shrewsbury and we are optimistic for the provision of more affordable homes of good quality.

The site has little in terms of archaeological interest and is not in, or close to, a Conservation area. The application seeks to meet good design principles, although it has not been evaluated against Shropshire Development Accreditation criteria. It goes a long way towards being sustainable in all the three ways explicit in the National Planning Policy Framework (NPPF). The Council's "Climate Emergency" may increase some requirements, for example, the need to maximise "greening" and to provide for EVs and to reduce energy use.

A point mentioned by many is the plan to fell such a number of trees and hedges. It is noted that the actual built footprint of the new houses is some 1000sqm less than that of Crowmoor House, so is it really necessary to fell so many trees? Hard surfacing also reduces “greening” and the plan suggests it is not all essential.

The modern look of the proposed buildings is well liked although some suggestions for minor improvements were made e.g.; the string courses of bricks might extend round more elevations so alleviating the massing effect; the plain front door porches might have more generous extension; eaves could extend a little further; and some windows be a little larger. Now building lines are less important, slight adjustments to building angles and positions can enhance privacy.

Notwithstanding the above, the Society welcomes this application and hopes it can progress with haste.

4.2.4 **Two letters of objection from residents with the following issues raised:**

The proposed number of dwellings (33) appears very high for the size of the site and the properties that currently border Crowmoor House in Shaw Road will be overlooked, resulting in a loss of privacy.

Objects to the number of trees proposed to be removed. The trees provide a valuable habitat to wildlife, the greenery makes the area extremely pleasant and beautiful and create a more pleasant area to live by screening multiple buildings and helps to reduce noise pollution.

Without the trees existing residents in Dunkeld Drive will directly overlook into the rear garden of the proposed new houses from an existing side window.

Objects to the additional walkways onto the existing path and the proposed 'Road width' walkway directly opposite houses in Dunkeld Drive is in extremely close proximity to existing properties.

Concerned that the new walkway will increase traffic next to properties in Dunkeld Drive.

Residents in Dunkeld Drive already face security issues, littering and noise from passers-by and is concerned that the proposal will increase the level of disturbance.

Residents in Dunkeld Drive plan first floor extensions above existing garages to create an extra bedroom which would be only 10ft from the new walkway entrance.

The site entrance to Crowmoor House from Frith Close is very narrow, and with the possibility of 66 additional vehicles, will lead to increased traffic, and increased noise.

This is wonderful quiet area of Shrewsbury, and wishes the current situation to remain.

5.0 THE MAIN ISSUES

Principle of development
Scale design character and appearance
Impact on residential amenity
Access/parking
Trees and landscape
Ecology
Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is situated in an established residential area within the urban development boundary of Shrewsbury. It is close to some services and facilities that can be accessed by foot or by cycle and the Town Centre is also readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and Shropshire Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition, it represents residential development of a predominantly brownfield site making optimum use of previously developed land which is supported by the NPPF.

6.2 Scale, design character and appearance

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

6.2.2 The proposal is for a total of 33 homes providing an equal mix of predominantly 2 and 3 bedroom semi-detached houses. The proposal also includes two semi-detached bungalows (1 and 2 bed), five 4 bed semi-detached houses and one 4 bed detached house. The dwellings are of a contemporary design and it is considered that the scale, design and appearance of the buildings are appropriate given the context of the site. It is also considered that the building to be demolished has no architectural merit or historical significance and its replacement with the proposed more energy efficient, architect designed homes will represent an enhancement of the site.

6.2.3 The density of the development has been questioned but it is considered that it is in keeping with the density of housing in the locality and the proposal will make efficient use of a brownfield site.

6.3 Impact on residential amenity

6.3.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local

amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development ‘creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users’.

6.3.2 Two local residents have raised concerns with regards to the proposal resulting in overlooking and a loss of privacy and that the development might have implications for extensions to their own properties.

6.3.3 The proposed houses and bungalows are located sufficiently distant from the surrounding residential development and there would be no first-floor windows that would result in the opportunity for overlooking and a loss of privacy. The positions of the new houses and the formation of the two new pedestrian accesses onto the existing footpath would also have no implications for existing homeowners wishing to extend their properties.

6.3.4 Concern has also been raised regarding the potential noise and disturbance that might arise due to increased vehicles using the existing vehicular access and pedestrians using the new walkways to access the existing footpath. It is considered that the proposal would not result in a significant increase in traffic compared to its previous use and that any increase in vehicles using Frith Close to access the site would not result in any significant noise and disturbance to residents in Frith Close above that which already exists.

6.3.4 The provision of a pedestrian access at the end of each cul-de-sac to access the existing footpath (with bollards to prevent vehicular access) is welcomed as it will provide greater connectivity for existing and future residents. The footpath is already in use and the additional use by future residents of this development should not significantly affect noise, activity and disturbance above that which might already exist from the path's current use.

6.4 **Access/parking**

6.4.1 The proposed layout indicates 2 parking spaces for each home plus a few additional visitor parking spaces. The vehicular access will be via the existing access off Frith Close and the estate road is proposed to split into two cul-de-sacs with houses either side. The road is proposed as a block paved shared surface.

6.4.2 Highways originally had some concerns about the width of the road, servicing strips, size of turning heads and surfacing materials. They also noted that the proposed bins-stores at the front would not be accessible when cars were parked on the drives.

6.4.3 Amended plans have been received to address all the issues that have been raised that include omitting the bin stores and also a revised vehicle tracking plan to demonstrate that large vehicles can access and turn.

6.4.4 The latest plans and information have been reviewed by Highways who have confirmed that the proposal is acceptable from a highway perspective subject to minor amendments to surfacing that will be subject to condition and the technical approval to adopt the road as highway. A condition requiring the submission of a construction method statement is also recommended.

6.5 Trees and landscape

- 6.5.1 The proposal includes the removal of all of the trees except one and there has been some concern regarding this raised by two residents, the Local Member and the Town Council. The tree officer's comments following a site visit confirmed that the trees on site (the majority of which are to the periphery) are not protected. The trees could therefore all be removed regardless of whether this development goes ahead and with no mitigation secured.
- 6.5.2 The footprint of the proposed development is actually less than the building being demolished but due to the building being focused in the middle of the site and the proposed houses will be dispersed across the site it is not possible to retain trees that would grow to maturity in the rear gardens of the proposed houses.
- 6.5.3 The tree officer expressed a preference to retain three semi mature Larch trees within the grass verge running to the left of the entrance and an existing grassed area with three semi mature trees to the right of the entrance. Following discussions with the tree officer it was confirmed that the three Larch trees were not the most appropriate of species in an urban environment so close to existing houses and that their removal and replacement with more suitable species was preferred.
- 6.5.4 With regards to the three trees to the right of the entrance, if this area was to be retained the layout would need to be amended and this would result in a reduction in the number of houses including fewer affordable homes. It is considered that in this instance although the proposal would result in the loss of a significant number of semi-mature trees the provision of more affordable homes outweighs this loss and would be mitigated by the provision of additional tree planting of more appropriate species.
- 6.5.5 The Tree officer requested an updated tree protection plan and arboricultural method statement and this has been provided along with a revised layout and landscaping proposal including the additional details of planting and maintenance schedules requested.
- 6.5.6 The revised plan indicates the proposed planting of 15 new trees and also the removal of the originally proposed bin stores at the front and replacement with proposed hedging and shrub beds. This will help green the site and provides much improved soft landscaping compared to what was first proposed. A condition is recommended to ensure that the landscaping is fully implemented and maintained to ensure the initial establishment and the long-term good health and development into maturity.

6.6 Ecology

- 6.6.1 The proposal involves the demolition of the existing building and the removal of trees which have potential implications for wildlife including protected species and their habitat. An Ecological report and bat survey have been submitted and in summary confirm the following:

The proposed development site is of low ecological value.

However:

- *the proposed development site may be used by bats for commuting and/or foraging*
- *Hedgehog may use the proposed development site for breeding/nesting, commuting and/or foraging*
- *vegetation on and bounding the proposed development site contains small Breeding Bird nesting habitat.*
- *Cotonester, an invasive weed, is present on the proposed development site.*

Four bat species were recorded during the bat activity surveys: common pipistrelle, a Myotis sp. bat, noctule and soprano pipistrelle. No bats were recorded to emerge from or re-enter the building and only a limited amount of bat activity was recorded on site during the surveys. It is therefore, concluded that there are no bat roosts present within the building on site and proposed works are not expected to impact roosting bats.

- 6.6.2 The report recommends compensation and enhancement measures for wildlife and mitigation for the following:

Bat (external lighting)
Hedgehogs
Small Breeding Birds
The removal of Cotoneaster

The Councils Ecologist has reviewed the report and is satisfied with the level of survey work and proposed mitigation and enhancement. Conditions and informative advice are recommended to ensure the protection of wildlife and to provide ecological enhancement as required by MD12 and CS17.

6.7 **Developer contributions**

- 6.7.1 Affordable housing: The applicant has submitted a 'Vacant Building Credit' application and the housing team have confirmed that this applies in this instance as the building was not made vacant for the purposes of redevelopment. Although the applicant is not wishing to apply vacant building credit this is relevant to the value of the site as any private developer of the site could develop this site for 100% open market housing and not provide any affordable homes and would be policy compliant.
- 6.7.2 The applicant in this case is Cornovii (a company wholly owned by Shropshire Council) who propose to purchase the site from Shropshire Council at full market value. Cornovii is proposing to provide 12 affordable homes (36%) which is 12 more than they are required to by local and national policy after applying vacant building credit. This does have implications for viability with regards to what other developer contributions are payable in addition to providing more affordable housing than is required.
- 6.7.3 Open Space: SAMDev Policy MD2 requires all development to provide adequate

open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For this particular development which provides 90 bedrooms this equates to 2700sqm public open space.

- 6.7.4 Open space is usually required to be on site but in this instance due to the close proximity of the recreation ground at Upton Lane (that includes a play area and BMX track) it is considered that an off-site contribution in lieu of on-site provision is appropriate. The open space contribution is calculated to be approximately £150,000 and discussions with the Town Council that own and manage Upton Lane recreation ground have advised that the recreation ground and facilities would benefit from an upgrade and improvements and that the financial contribution is welcomed.
- 6.7.5 Education: Shropshire Council Learning and Skills reports that the local primary school has capacity to manage additional pupils arising from this development but that along with future housing in the area the additional housing will create additional pressure on secondary schooling. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements in the area.
- 6.7.6 Education contributions are sometimes paid for through CIL but for larger development proposals within the urban area of Shrewsbury an Education contribution in addition to CIL is also required. In this particular case it is important that an education contribution is secured as no CIL will be received due to the floor area of the proposed homes being less than the floor area of the building to be demolished. The applicant has agreed to an education contribution of £79,615.
- 6.7.7 Viability assessment: The applicant has submitted a viability assessment to demonstrate that the full cost of the contributions (education and open space) cannot be afforded for the site to come forward on a viable basis. The report identifies that the maximum contribution that is appropriate for the current development proposals to be viable is £96,000.
- 6.7.8 The viability assessment has been submitted to an independent valuer for review, but the report has not yet been received. Once received officers are seeking a resolution from members to approve the proposed development subject to the recommended conditions and that affordable housing, an education contribution and an open space contribution are secured by a memorandum of understanding with the decision of the level of contribution delegated to officers pending the review of the viability assessment.

7.0 CONCLUSION

- 7.1 Residential development of this site is acceptable in principle being located in a sustainable location within the urban development boundary for Shrewsbury, and would make efficient and effective use of a brownfield site. It is considered that the layout, scale, design and appearance of the development is acceptable and would have no adverse impact on the character and appearance of the locality or the wider area and would have no significant adverse impact on residential amenity.

- 7.2 A safe means of access and adequate parking will be provided and although the proposal will result in the loss of semi mature trees this is outweighed by the provision of more affordable homes and will be mitigated by the planting of more appropriate tree species and improved landscaping. Future landscape maintenance and management and ecological mitigation and enhancement will be secured by the recommended conditions.
- 7.3 As the land is owned by the Council and the applicant is a Council owned company the developer contributions will need to be secured by a memorandum of understanding (MU) with the exact amounts of financial contribution decided by officers on receipt of the viability appraisal review.
- 7.4 Subject to compliance with the recommended conditions and the agreed MU it is considered that the proposal accords with the aims and provisions of the NPPF and Shropshire LDF policies CS1, CS2, CS6, CS11, CS17, MD2 and MD12 considered to be the most local plan policies relevant to the determination of this application.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:
CS1, CS2, CS6, CS11, CS17, MD2 and MD12

RELEVANT PLANNING HISTORY:

18/05560/COU Change of use from C2 Residential Institutions to House in Multiple Occupation (HMO) to provide up to 10 units (sui generis use) GRANT 19th March 2019
20/01553/FUL Erection of 33No dwellings and associated operational development following demolition of existing building PDE

11. Additional Information

List of Background Papers

20/01553/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8W7EMTDM2W00>

Cabinet Member (Portfolio Holder) - Councillor Gwilym Butler

Local Member - Cllr Pam Moseley

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

4. Notwithstanding any of the submitted details, no above ground works (other than demolition and site clearance) shall take place until full construction details of any new roads, footways, accesses, street lighting, transition features, full block paved surfacing of shared space areas together with details of disposal of surface water to a suitable outfall have been submitted to, and approved in writing by the Local Planning Authority. The approved details

shall be fully implemented before the development is first occupied.

Reason: To ensure the development is completed to the required standards for future adoption.

5. No above ground works (other than demolition and site clearance) shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

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

6. Prior to the above ground works commencing details of the roofing materials, the materials to be used in the construction of the external walls and the details of all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

7. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

8. Prior to the occupation of any part of the development a landscape management plan (to include a maintenance schedule and management responsibilities) for all landscape areas (other than privately owned, domestic gardens) shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of landscaped areas that are outside privately owned gardens.

9. Prior to first occupation of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 6 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups) and small birds (32mm hole, standard design).

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

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with

MD12, CS17 and section 175 of the NPPF.

10. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

11. No windows or other openings shall be formed above ground floor level in the south west facing side elevation of the house on plot 33.

Reason: To preserve the amenity and privacy of adjoining properties.