

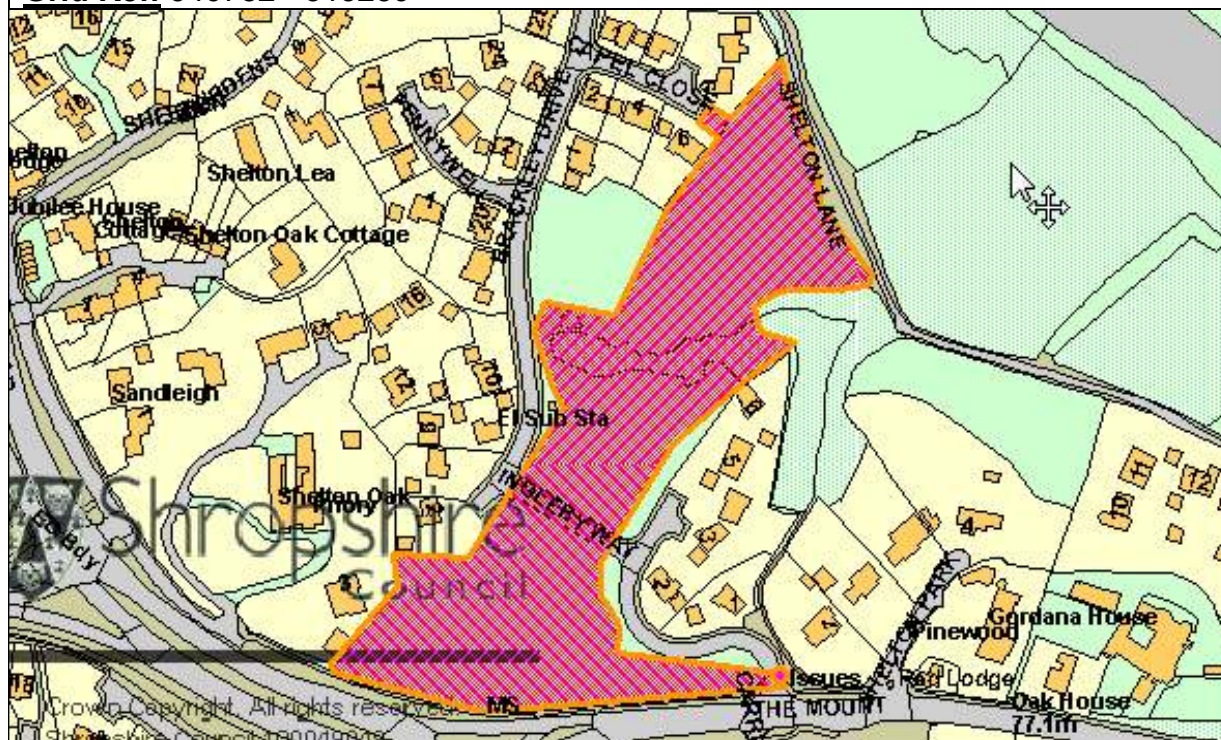
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/01014/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of 27no dwellings including 5 affordable homes with associated roads, parking and new rights of way		
Site Address: Land Adj. Ingleby Way Shrewsbury Shropshire		
Applicant: Galliers Homes Limited		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 346782 - 313259



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

- **satisfactory information being received to complete the Ecological Assessment**
- **a Section 106 legal agreement to secure affordable housing in accordance with the Type and Affordability of Housing SPD, and**
- **to the conditions set out in Appendix 1.**

REPORT**1.0 THE PROPOSAL**

- 1.1 This application relates to full planning permission for the erection of 27 dwellings (including 5 affordable) and associated landscaping, new estate roads, parking, open space and new rights of way. Vehicular access to the site will be via Ingleby Way off The Mount and off Capel Close and Brackley Drive which are also accessed via Ingleby Drive.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is within the urban development boundary for Shrewsbury on both the proposals map of the Shrewsbury and Atcham Borough Local Plan and the SAMDev draft pre-submission plan. It was previously land allocated for the North West Relief Road but the relief road is no longer being pursued in this location and planning permission was approved in January 2013 (09/03046/FUL) for the erection of 25 dwellings to include 3 affordable units. Ingleby Way dissects the site which is flanked along the northern boundary by Shelton Lane and by The Mount along the Southern boundary but is well screened along this boundary by existing mature hedgerows to be retained. There is a wooded area within the central section of the site with a stream and to the north west of the site boundary is an area of existing public open space and informal area of play accessed off Brackley Drive.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations**4.1 - Consultee Comments**

- 4.1.1 **SC Rights Of Way:** Bridleway 34A Shrewsbury runs along Shelton Lane which abuts north eastern boundary of the site. It will not be affected by the proposed development.

4.1.2 **SC Trees:** Having reviewed the updated tree survey and site layout concludes that the proposed development will not have a significant negative impact on important trees or the local landscape. The trees which are shown as being retained can be protected in accordance with BS 5837: 2012 and will not exert a negative influence over the residential amenity of the proposed dwellings. No objection is raised to this application subject to tree protection conditions.

4.1.3 **SC Public Protection – Specialist:** Having considered the proposed block plan it is evident that the houses to the south of the site are close to a busy road. Recommend that a noise assessment is carried or details provided showing how noise from the road will be stopped from having an adverse affect on future occupiers of the site (e.g. no windows on gable ends into habitable rooms, glazing specification). Recommends conditions regarding this.

In order to make the properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway and recommends a condition.

4.1.4 **SC Highways:** We note that there is an extant permission for residential development on this site under the reference 09/03046/FUL and the layout of the application under consideration is similar to that of the previous permitted layout. However we requested a number of minor detail amendments to the layout which have now been carried out to our satisfaction. In transport terms this can be considered as a sustainable site due to its proximity to existing nearby employment at Oxon, the opportunity for bus travel and the site will connect with the existing cycle network on Shelton Road. It would seem apparent that this site was originally constructed with further development in mind. Therefore we are of the opinion that the local road network and junctions are of a sufficient standard to safely accommodate the additional vehicle movements generated by the proposed development. The highway authority raises no objection to the granting of consent subject to conditions regarding construction of the access roads.

4.1.5 **SC Conservation (Historic Environment):** The subject lands lie outside of and some distance to the west of the westerly boundary of The Mount Conservation Area. Our current mapping indicates that there are no designated heritage assets within the subject area and an overview of the relevant circa 1900 archival Ordnance Survey mapping suggests that there may be no heritage assets within the subject area.

4.1.6 **SC Drainage:** Suggests that the drainage details, plan and calculations could be conditioned if planning permission is granted.

4.1.7 **SC Affordable Houses:** Our previous comments in relation to residential development on this site were positive in respect of the affordable housing provision. The difference between the previous and current planning application is an additional 2 affordable dwellings. The site falls within an area where the prevailing housing target rate is 20% and therefore in accordance with the Council's adopted Policy, 5 of the proposed 27 are required to be affordable. The expected tenure split for affordable housing on open market developments is a 70/30% split, the 70% being social/affordable rented and the remaining 30% being low cost home ownership. The application form refers to the 5 affordables being

intermediate and therefore requests that the agent be required to indicate that three will be social/affordable rented and the remaining for low cost home ownership. We are satisfied that 4 affordable dwellings will comprise two bed and the remaining one will be three bed. We would suggest that the affordable plot numbers are specifically referred to in the S106 as being Plots, 12,13,14,15 and 16, unless otherwise agreed in writing. We are fully supportive of this revised application in respect of the affordable housing provision, subject to the standard requirements in respect of allocation. 20% contribution of 27 dwellings is equivalent to 5.4, 5 being whole affordable dwellings provided on-site and the remaining 0.4 as a financial contribution calculated to be £36,000 based on the information provided.

- 4.1.8 **SC Ecology:** The site falls within the Environmental Network under Core Strategy Policy CS17 and this should be addressed within the Ecological Assessment. Additional information is still required to complete the Ecological Assessment. Conditions and informative(s) are recommended on other ecological issues.

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 update 2014 report does not address this issue. In practical terms we would expect retention of the priority habitats (such as hedgerows) and ecological networks (such as the gully and possibly Field 5 – see below for request for more information).

Ecological Assessment - The Blacktree Ecological Survey 2014 update is considered to be inadequate to assess the planning application. The following information is missing:

- Extended Phase 1 habitat survey, habitat map and target notes
- A data search with the Shropshire Environmental Data Network. Use of NBN maps in consultancy reports is contrary to the NBN Gateway Terms and Conditions.
- Species lists
- Consideration of local and national Biodiversity Action Plan (BAP) species

Field 5 contains abundant black knapweed, which indicates that the field is likely to have been semi-improved grassland in the past. A current botanical species list is required.

Brook - In order to protect the gully and brook protective fencing will be required prior to construction work commencing. Plans should be submitted showing the fencing location. Recommends a condition regarding this.

Badger - Blacktree Ecology (2014) state that no signs of badgers were found in the survey area on the 25th January 2014. Badgers are known to have setts along the River Severn corridor in this part of Shrewsbury, so the site will need to be re-

surveyed immediately prior to development commencing. Recommends an informative.

Bats - Blacktree Ecology (2014) note that mature trees around the site have potential as bat roosts, including three within the north eastern end of the 'gully'. The location of trees with bat potential should be identified – these can be shown on the Tree Constraints Plan. The mature oak tree adjacent to the stream at the western end has potential for bats (Blacktree Ecology (2010)). These trees should be retained, along with as many of the other trees on the site and especially along the stream as possible. If any tree surgery is necessary in the future or trees with bat potential area proposed for removal then a bat survey of the trees must be undertaken by an experienced, bat licensed ecologist prior to the work taking place. No bat activity survey has been carried out but it is very likely that the trees, hedgerows and gully will be important for bat foraging and commuting. It will be very important to control lighting to avoid impacting on bat behaviour. To offset the impact on bats, a condition is recommended to require installation of bat boxes.

Nesting Wild Birds - There is considerable potential for nesting wild birds on the site and recommends a condition to offset the loss in habitat.

4.2 - Public Comments

4.1.2 Shrewsbury Town Council: Objects - Members are generally disappointed that there has been no pre-consultation with local residents, local member or the Town Council particularly since many will see this as a loss of green space and public amenity. Given that the developer has already sought planning permission for neighbouring land and not contributed to the provision of public open space or play. Members feel that this further tranche of development needs to be placed in the context of those existing dwellings and that adequate space for recreation and play needs to be factored into the site.

4.1.3 15 letters of objection have been received summarised as follows:

- ❑ Concerned about additional water as a result of the development entering the watercourse which is already overloaded and notes engineering works are planned for the stream
- ❑ If any trees are to be removed from gardens then permission must be sought from the owner.
- ❑ Objects to the loss of green and open space which should be retained for children to play.
- ❑ Would prefer area B to become Public Open Space (POS) as it is currently used by residents and visitors for recreation purposes.
- ❑ The POS by Brackley drive which is proposed to be retained is highly inadequate for the overall total number of houses in the locality once the new development is completed.

- ❑ The POS is a sloped area planted with trees and whilst visually attractive is unsuitable for recreation purposes.
- ❑ The proposed POS and play provision previously approved have gone.
- ❑ The proposed plan needs to be redesigned to ensure adequate and well developed POS/park for children and adults.
- ❑ There is an urgent need to consider much bigger and organized public open space for the local population
- ❑ The loss of green and open space between Town Centre and Shelton detracts from Shrewsbury's reputation as a 'garden town'
- ❑ A variety of wildlife can be spotted on the site which will be driven away by this proposal
- ❑ Would like to see a more detailed investigation of the ecological diversity of the site.
- ❑ The construction of houses would not maintain the overall biodiversity of the site and the Wildlife and Conservation Act 1981 should give protection and prevent destruction of habitats.
- ❑ The provision of tarmac footpaths accessing the development including a link with the Mount and a path linking Shelton lane and Brackley Drive are not required and could encourage ant-social behaviour and will make the estate unsafe and vulnerable.
- ❑ The proposal includes insufficient parking spaces.
- ❑ The access roads to the affordable homes don't look wide enough and appear single rather than double width.
- ❑ This new proposal has a less pleasant approach to the main part of the estate on the right of Ingleby Way as it approaches Brackley Drive compared to the layout previously approved.
- ❑ The 27 houses (2 more than previously approved) is too high a density and is much more than the existing in the estate and represents over development of the site.
- ❑ The two and three bedroom homes are not in keeping with the area
- ❑ The design of the housing does not appear to be in keeping or have any resemblance with the existing.
- ❑ The properties should all be built of the same brick and not rendered.
- ❑ The five affordable homes should be distributed across the site rather than all in one place.

- ❑ Does not understand why 20% have to be affordable/social housing when other permissions have been approved with less.
- ❑ There should be no affordable/social housing to be in keeping with the rest of the area which is a private executive estate with an open feel and this cramped development with smaller houses and less open space will devalue properties
- ❑ The existing residents should not be punished by the Council's proposed scheme for the NWRR altering to allow the land for housing development which now has to include affordable housing which will alter the character of the area and devalue properties.
- ❑ The number of houses should be reduced so there would be no requirement for on site provision, or the development should be legally viewed as the completion of a development started over ten years ago, with only the suspension of the scheme due to the Council's NWRR. This would then alleviate the requirement for affordable housing as the rule would not have been in place
- ❑ Despite the Council's recent letter stating 'Your views are important, and representations are always taken into account', permission was granted for the previous application taking none of the numerous valid objections from Darwin's Wood residents into account. There is therefore little point in objecting.
- ❑ A resident at no 5 Ingleby Way will face plot 12 and requests that the proposed 'close boarded fence' should be a brick wall as provided for plot 17 to conceal the house, car park and garden area.

5.0 THE MAIN ISSUES

Principle of development
 Layout, scale, design and appearance
 Landscaping/Trees/Open Space
 Highways
 Rights of Way
 Ecology
 Impact on residential amenity
 Drainage
 Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application site is within the urban development boundary for Shrewsbury on both the proposals map of the Shrewsbury and Atcham Borough Local Plan and the SAMDev draft pre-submission plan. The provision of housing within the urban area accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The proposal will also help boost

the housing supply numbers and accord with the NPPF presumption in favour of sustainable development. The development is therefore acceptable in principle and should be supported unless any impacts would significantly and demonstrably outweigh the benefits. The principle of residential development of this site has also already been established by the previous permission approved in January 2013 for the erection of 25 dwellings to include 3 affordable units.

6.2 **Layout, scale, design and appearance**

6.2.1 The layout of the site is dictated by the existing road layout and the stream and Ingleby Way that dissects the site into three parts (A to the South, B in the centre and C to the North). The layout has been designed so that the dwellings front the existing and proposed estate roads with dual aspect elevations on corner plots. Eight houses are proposed for the Northern part of the site (Area C) to be accessed off Capel Close and the plans indicate large detached houses in good sized plots in keeping with the plot sizes in Capel Close and is a very similar layout to that previously approved. Eight houses are also proposed for the central part of the site (Area B between Ingleby Way and the landscaped area and stream to the North) which is an increase of one to the seven previously approved. These will be a mix of detached and semi-detached houses including five affordable homes (four of which will be two bedroom houses and one will be a three bedroom house). It has been suggested that the affordable houses should be distributed across the whole of the site but a RSL will not take them on unless they are located together in groups of four or five. On larger sites when a larger number of affordable houses are being provided it would be expected that they would be in groups of up to six distributed across the whole of the site but it is not considered appropriate or reasonable to expect them to be individually dotted across the whole of the site on either this site or larger sites. Eleven detached houses are indicated for the Southern part of the site (Area A) whereas the previously approved layout indicated ten. The proposal includes a mix of dwellings from 2 bedroom detached to 5 bedroom detached and have been designed to pick up some of the architectural features and materials found in surrounding properties including bay windows, chimneys and stone detailing. The materials will include a range of roof tiles and a mix of brick types and some render and it is agreed that this will result in an attractive and interesting streetscape. It is considered that the layout of the development and the size of plots will not appear cramped, and that a mix of house designs, size and styles and a mixed pallet of materials are preferable to a development of almost identical detached executive type homes built in the same brick type, which is being suggested by some residents.

6.3 **Landscaping/Trees/Open Space**

6.3.1 The proposed layout includes the retention of boundary hedges and the retention of the majority of the trees including high value trees. The Councils Tree Officer has confirmed that the proposed development will not have a significant negative impact on important trees or the local landscape and that the trees which are shown as being retained can be protected. Conditions regarding tree protection measures and full details of the proposed landscaping and future maintenance can be imposed. Local residents are concerned about the loss of open green space but this land is not public land or public open space (POS) and has not previously been developed due to it being the protected route of the NWRR for which it is no longer

required. Residents were aware that a busy road might have gone through this land at some time in the future and that if not it would be developed for housing. The land has never been designated as protected green space and although residents have enjoyed the benefit and use of this land over the years they have no right to use it or claim it as POS. There is an existing designated area of POS to the North West corner of the site outside the site boundary and within the site boundary there is one large area of landscaped POS proposed for the centre of the site (the same as previously approved) and three smaller areas of POS to the South (again a similar area to that previously approved). The total area of POS proposed is 2065sqm including 1060sqm in the centre of the site which is larger than the total area required of 1470sqm based on the criteria within the Open Space Interim Planning Guidance (IPG) for calculating POS. There is therefore an overprovision of POS based on current policy guidance within the IPG which also outlines that POS can be recreational space, amenity open space and/or natural or semi-natural open space. It is considered that the level of landscaped POS proposed is acceptable and more than satisfactory for the number of houses proposed. Due to the size of the development there is no requirement for the open space provision to be recreational space or include play areas. Furthermore the open space provision only relates to the proposed new dwellings and there is no requirement for the proposal to provide POS and play areas or play facilities for existing residents although they will have access to the POS and landscaped areas proposed. The development will be liable for CIL and CIL is now the mechanism for funding to provide equipped play areas either on or off site.

6.4 Highways

- 6.4.1 The proposed access to the site is off the Mount via Ingleby Way. The houses to the North of the stream will be accessed via an extension to Capel Close (labelled access road 2) and proposed to be an adopted road. The houses in the centre and to the South of the site will be accessed by separate access roads directly off Ingleby Way and are indicated as private drives to be built to an adoptable standard. Highways consider the layout to be acceptable and that the local road network and junctions are of a sufficient standard to safely accommodate the additional vehicle movements generated by the proposed development and have no objection to the proposal. Concern has been raised about the level of parking but at least two surface spaces are indicated per dwelling in addition to garages for some plots and this is considered acceptable.

6.5 Rights of Way

- 6.5.1 The Rights of Way Officer has confirmed that the Bridleway that runs along Shelton Lane which abuts the North Eastern boundary of the site will not be affected by the proposed development. The proposal in addition to pavements adjacent to the proposed estate roads also includes a footpath from Brackley Drive in the West through the POS in the centre and connecting with the new access road to the proposed houses to the North and to Shelton Lane. The proposal also includes a pedestrian link onto the Mount. The provision of foot paths and cycle routes through a development and connecting the site to the surrounding land promotes walking and cycling and provides easy access to the open space for both existing and new residents. If footpaths are not provided informal routes are made and it is preferable to have a formalised route maintained as part of the POS.

6.6 Ecology

6.6.1 An up to date survey has been provided which found no signs of protected or priority species including otter, water vole and crayfish and no signs of badgers, herpetiles or dormice. It notes that several mature and over-mature trees along the lower part of the gully and neighbouring Shelton Lane have potential for bats to roost, as do the neighbouring houses and that these trees are to be retained. The recommendations and mitigation within the report include retaining all mature, native trees, and planting the new contoured slopes with native (and preferably locally sourced) species and that any new lighting should be limited, downward facing to avoid casting new light on mature trees. The Councils Ecologist has conformed conditions to secure appropriate lighting to minimise the disturbance to any bats and conditions requiring the erection of bat boxes and bird boxes to enhance the value of the site for biodiversity and a condition requiring full landscaping details and tree protection can be imposed. The Ecologist has also requested that the Ecological Assessment submitted is amended to acknowledge that the 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'. The amended assessment must also include an extended phase 1 habitat survey and details of protective fencing to provide a 19m buffer zone with the brook. Conditions are recommended to secure this. Subject to satisfactory information requested by the ecologist being submitted and the conditions recommended being imposed it is considered that the proposal would not have an adverse impact on protected species and would 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by the NPPF. Members will be updated prior to committee regarding the requested information being received and the Ecologists response.

6..7 Impact on residential amenity

6.7.1 The majority of comments from residents relate to the loss of open space and the provision of affordable housing affecting the value of their properties. The impact on property values is not a material consideration and open space has been considered in paragraph 6.3.1 above. The proposal has to be considered in accordance with existing planning policy and CS11 and the SPD requires affordable homes to be provided on site at the prevailing rate which is currently 20% in this location. It is not considered appropriate to request an AHC in lieu of on site provision and deviation from this is only allowed when it is demonstrated that a scheme would not be viable with on site provision. The provision of a mix of housing types and sizes will help promote a balanced community and should be supported. Due to the layout of the proposal and the site being split into three parts and being separated from existing development by existing roads, landscaping or open space there is no potential for overlooking leading to a loss of privacy or the buildings appearing obtrusive or overbearing or resulting in a loss of light. One comment has been received from a resident concerned about the view from the front of his house of the house proposed for plot 12. There is existing landscaping that will partly screen this view but there is no right to a view and it is not considered necessary to have a brick wall built along the side of plot 12 instead of a fence.

6.8 Drainage

- 6.8.1 The scheme incorporates stream bank reinstatement works (as indicated on the previous approval) in order to prevent further erosion of the stream bank and prevent the damage to or loss of existing trees to be retained. The Councils drainage engineer has no objection to the proposal subject to the imposition of conditions requiring full details of surface water drainage to be submitted for approval including a contoured plan of the finished ground levels.

6.9 Developer contributions

- 6.9.1 The proposal includes 5 affordable houses in addition to an off site contribution for the balance of 0.4 of a house (£36000). The proposed 22 open market dwellings will also be CIL liable for a total of approximately £120000 based on an approximate total floor area of 3000sqm. There is no requirement for a contribution for the maintenance of the public open space at this stage as it may either be adopted or managed by a maintenance company which will be secured by condition. There is also no requirement for on site provision of play facilities or an off site contribution for play facilities or recreational open space as the IPG outlines that this is covered by CIL.

7.0 CONCLUSION

- 7.1 The development of this site is acceptable in principle making good use of land no longer required for the NWRR and providing 22 open market homes and 5 affordable homes situated within the urban development boundary for Shrewsbury. The NPPF is clear that where there is a lack of a 5 year land supply the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the proposal represents sustainable development due to its proximity to Shrewsbury and excellent Public Transport links and opportunity for cycling and walking. The scale, design and layout of the proposed development is considered acceptable providing a mix of house designs, size and styles and a mixed pallet of materials to provide an attractive and interesting streetscape that would have no adverse impact on the character and appearance of the locality. A safe means of access will be provided in addition to adequate parking and turning space for each dwelling. The proposal would also have no adverse impact on residential amenity and the open space provision is in accordance with the IPG and allows for the retention of important trees on the site. The proposal would have no adverse ecological implications subject to the imposition of conditions and subject to the additional ecological information requested being submitted.
- 7.2 Members are requested to approve this application (bearing in mind that there is already planning permission for residential development of this site) and giving delegated authority to officers if the requested ecological information has not been submitted by the date of the committee. Permission, if granted, should be subject to the completion of a S106 Agreement to secure on site affordable housing in addition to the relevant AHC.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② 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: NPPF

Core Strategy and Saved Policies: CS2, CS6, CS11, CS17 and the Housing SPD and Open Space IPG

RELEVANT PLANNING HISTORY:

09/03046/FUL Erection of 25 dwellings to include 3 affordable units, with associated roads, creation of new public open spaces, new playspace provision and formation of pedestrian footpath GRANT 21st January 2013

11. Additional Information

List of Background Papers: File 14/01014/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Peter Nutting
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. 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 and Arboricultural Method Statement has been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement 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.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) 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 responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

4. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The fencing shall be as shown on plan ref. ***.

Reason: To ensure the protection of Water Voles, a protected species under the Wildlife & Countryside Act 1981 (as amended)

5. Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, 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.

6. Prior to the commencement of development details of the proposed surface water drainage system to include full details, calculations and location of the percolation tests and the proposed soakaways shall be submitted to and approved in writing by the LPA. 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 that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

7. Prior to the commencement of development a contoured plan of the finished ground levels shall be submitted to and approved in writing by the LPA to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. 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 that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

8. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

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

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

9. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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.

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

Reason to ensure the provision and maintenance of the proposed public open space

11. Prior to the first occupation of the properties on plot 8 and 9 a 2m high close boarded fence with a minimum density of 7kg/m² shall be installed along the full length of the southern boundary.

Reason: to protect the health and wellbeing of future inhabitants in respect of noise

12. Prior to construction details of the glazing to be used on the southern facing facades of plots 8 and 9 shall be submitted for approval in writing. Details submitted will include the sound reduction properties of the glazing to be installed.

Reason: to protect the health and wellbeing of future inhabitants in respect of noise

13. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The 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.

14. Five bat boxes such as Schwegler 2F bat box or direct woodcrete equivalent should be erected on the site prior to first occupation of the dwellings. The boxes should be 4m or more above the ground and in non-illuminated areas as directed by the manufacturer's instructions; advice from an experienced ecologist should be sought if necessary.

Reason: To enhance the value of the site for biodiversity

15. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/building.

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