

## Development Management Report

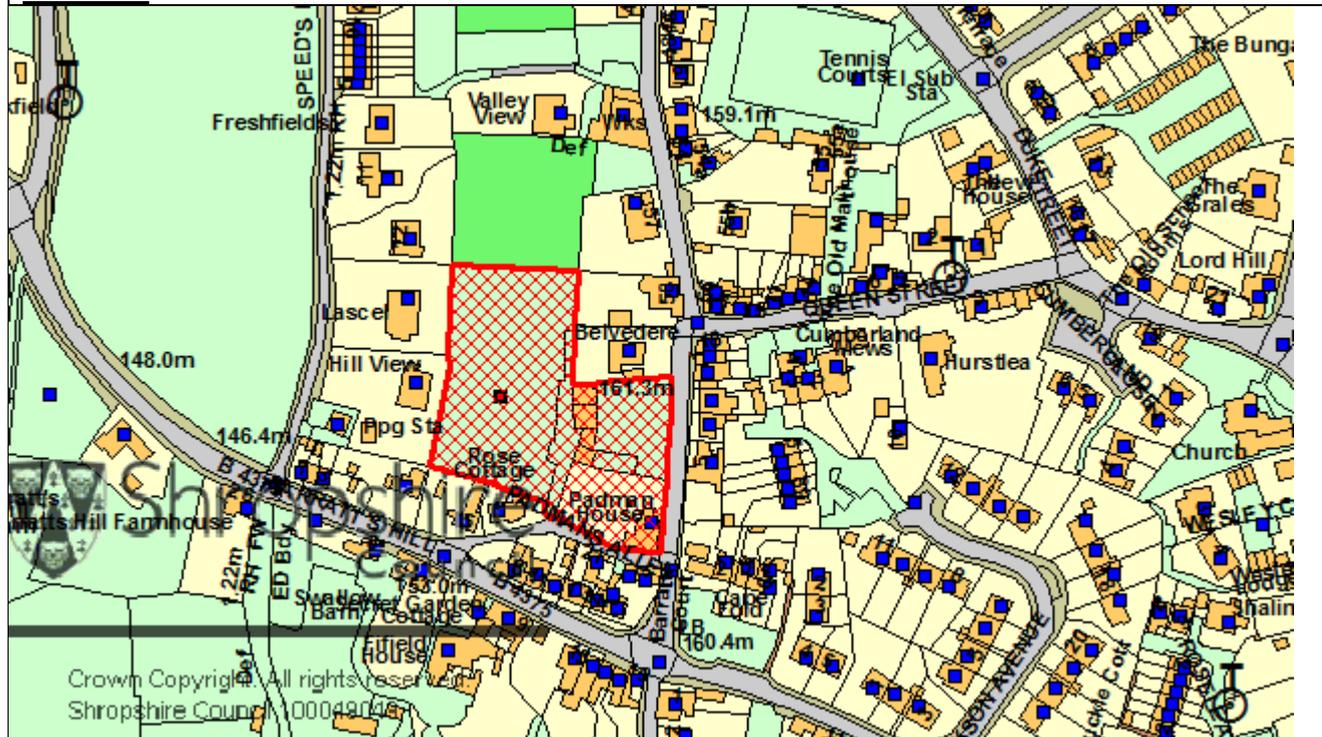
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 18/04550/FUL	<b>Parish:</b> Broseley
<b>Proposal:</b> Demolition of existing workshop; erection of four dwellings, a detached garage and formation of vehicular access	
<b>Site Address:</b> Land Adjoining Padman House Cape Street Broseley Shropshire	
<b>Applicant:</b> Mr Simon & Richard Jones	
<b>Case Officer:</b> Sara Jones	<b>email</b> : sara.jones@shropshire.gov.uk

**Grid Ref:** 367090 - 302074



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This full application proposes the erection of four dwellings, the erection of a garage and parking area to serve the existing property, known as Padman House and the formation of a vehicular access and private drive from Cape Street, Broseley to serve the proposed dwellings, following the demolition of the existing workshops on site.

1.2 The proposed dwellings are identified as:

- Padman Lodge – fronting Cape Street
- No 1 & 2 Padman Cottages – a pair of semi- detached properties located to the middle of the site
- Padman Grange – located to the north of the site.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises land to the west and north of Padman House which is located to the west of Cape Street, Broseley. The site lies within the Broseley Conservation Area and forms a sloping paddock between Cape Street and the rear of properties along Speeds Lane to the bottom of the bank. The area of the site directly bounding Cape Street is made up ground (approximately 1.8 metres above the existing road level) and is supported by a masonry wall. It is separated from the paddock to the rear of the workshops and by Cape Street by a tall wall. The sloping paddock land falls westwards with a change in elevation of approximately 12 metres across the site (a distance of approximately 75 metres) and is currently accessed from Padmans Alley.

2.2 The site lies within the Broseley Development Boundary and is not identified as a Protected Green Space in the Broseley Town Plan.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council view is contrary to the officer recommendation. The Ward Members have requested that the application be considered by the Planning Committee. The application was reported to the Agenda Setting Meeting where it was determined that the matters raised by the Town Council warrant consideration be the Planning Committee.

### 4.0 Community Representations

- Consultee Comments

4.1 **Broseley Town Council** (03.05.2021.) – Objection

Our view on this application is still to oppose on the same grounds as our letter to you dated 8th November 2019.

In the event of this application being approved we request that a section 106 condition be imposed to institute parking restrictions in the form of double yellow lines to protect the junction of Cape Street with Barratt's Hill and the High Street, and to protect the bus route that uses Cape Street.

Street parking should be restricted on both sides of the road for at least 75 metres beyond the junction, or until the junction with Queen Street. These restrictions are requested to preserve sightlines and facilitate safe access.

**4.2 Broseley Town Council (08.11.2019.) – Objection.**

Councillors expressed concern about the build being in a conservation area and that there seemed to be a lot of property within a small site and question if the area can withstand the effects of this. The plan does not comply with the policies set out in the Town Plan of 2013 for building within the conservation area, in particular the following:

H.3 Development within the Conservation Area will only be permitted if specific proposals offer a conservation gain; either by sympathetic restoration of a heritage feature or property, or via an infill development or conversion with a design that complements the surrounding townscape.

H.4 Development within the Conservation Area must not create an unacceptable additional load on the narrow streets of the town; it follows that all such development must have adequate off-street parking and suitable road access. H.5 Within the Conservation Area proposals for additional dwelling(s) within the boundary of an existing plot (National Planning Policy Framework para. 53 refers) will not be supported unless the new structure:

- meets the criteria set out in H.3 and H.4.
- can be provided without a negative impact on the sight-lines of adjoining properties and/or on overall density of provision.

Councillors would ask that developers consider the impact upon neighbouring properties and vehicles on the street and recommend that a new proposal is submitted with fewer properties.

**4.3 Broseley Town Council (10.07.2019.) – No objection.**

But notes *“the continued concerns about the scheme itself from nearby residents and the recent Highways Advice Note, which we endorse. We therefore wish to re-state our request for conditions which prohibit any obstruction of this congested bus route by any vehicles associated with the construction of the development and require the replacement of the on-street car parking spaces lost due to the creation of the new site access be effected immediately the new access has been created. We also ask that the usual restrictions on working hours are applied.”*

**4.4 Broseley Town Council (30.10.2018) – Comments:**

Cape Street is a narrow road with on-street parking that is used by residents. It is also a bus route. Council therefore requests that a condition prohibiting parking on or otherwise obstructing the highway by construction traffic is included, if approved;

- Council welcomes the inclusion of three parking spaces for Cape Street residents. It is requested that a legal condition is included which prohibits both residents of the new properties from using these spaces. The condition should also include visitors to the residents of the new properties;

- The development will result in the loss of a substantial old but dilapidated boundary wall on Cape Street. Council requests that consideration be given to the new boundary wall being constructed of the reclaimed bricks from the old wall;

- Council requests that the views and concerns raised by the residents of neighbouring properties be taken into consideration.

4.5 **SC Conservation** (07.06.2019.) -

Following our previous comments amended plans have been submitted that have reduced the scale of the unit known as Padman Grange which is welcomed. In general we do not raise any further conservation issues in relation to the proposals. Recommend conditions.

4.6 **SC Conservation** (07.11.2018) –

The conservation area appraisal for Broseley highlights this area and describes it as follows: *From the western end of Barratt's Hill, from Speeds Lane in the valley bottom and from Bridge Road on the valley side the buildings of Cape Street and King Street are prominent against the skyline, with gardens, orchards and fields running down the valley side. Views of the valley from Cape and King Streets, glimpsed between the buildings, are typical of Broseley's mix of urban and rural character.*

It is clear from the above statement that the character of the orchards and fields and glimpsed views of the valley from Cape Street are considered important to the character of the conservation area. With that in mind the proposed development has the potential to impact upon this character.

The area of the site directly bounding Cape Street is made up ground and is separated from the paddock to the rear by the existing workshops. The construction of a single detached dwelling to the Cape Street frontage should still allow glimpsed views through to the valley. The sloping nature of the site would appear to allow the construction of the two semi-detached dwellings without significant impact on these views.

When viewed from the other side of the valley, from Bridge Road, the site appears as a fairly modest area of green space sloping up behind the modern bungalows on Speeds Lane. The introduction of built form in this view would generally be considered acceptable in principle however there is a prominent view of the three storey properties on the corner of Cape Street and Queen

Street which should be preserved to some extent where possible. The introduction of the large detached unit known as Padman Grange and its associate detached garage has the potential to impact upon this view. It is also considered that a property of the scale proposed here may look overly cramped in this location and perhaps a smaller unit would be more appropriate.

In general the development of this site within the conservation area is considered acceptable in principle, however in order to avoid an overly cramped appearance and impact on significant views it is suggested the unit known as Padman Grange is reconsidered.

#### 4.7 **SC Highways** – (07.06.2021) – No Objection.

Shropshire Council as Highway Authority raises no objection to the granting of consent of the above-mentioned planning application. It is noted that the application is proposing to provide off street parking for No.3 and 4 Cape Street to offset the displacement of parking as a result of the formation of the vehicular access. It is considered that this is of benefit and will help mitigate the impact of the development.

In terms of on street parking, we cannot find any record of any proposals to introduce a formal Traffic regulation order at this location at this time. However, parking within Broseley is always a key issue for the town and under constant review. In order to regularise parking within the vicinity of the site, if the applicant is willing to provide a Section 106 contribution, then this could be secured on the basis that once the development has been brought into use consideration could be given to introducing a Traffic Regulation order if as a result of the development displaced vehicles cause an obstruction. Any Traffic Regulation order will need to be directly related to the development; therefore it is recommended that the Section 106 agreement identifies the area where works can take place ideally through a plan annexed to the legal agreement. It is recommended that a contribution of £5000 is secure prior to the occupation of the first dwelling and any unspent funding is returned within 5 years of the last occupation.

In terms of planning conditions, it is recommended a planning condition to control the construction of the access, use of parking spaces, and submission of a construction management plan.

#### 4.8 **SC Highways** – (20.06.2019) Further information requested. Observations:

In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant (for the purposes of clarification - the proposed private road may be referred to as a driveway):

The access for domestic vehicles, onto a highway is required to be measured from a point 2.4m back from the carriageway edge at a height of 1.05m (drivers' eyeline) for 30m in each direction for a 20mph speed limit or a road where the

speeds are commensurate with 20mph speeds. The visibility splay should be such that the boundaries are no higher than 900mm to obtain a view of approaching traffic and no higher than 600mm to obtain a view of small pedestrians along a footway or shared space. It should also be noted that the visibility sightlines must be permanently available.

A shared access drive should be 4.2 m in width, maintained for at least the first 6m. If it is bound on either side by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is in order that a vehicle can enter the driveway at the same time as a vehicle is waiting to emerge to prevent an obstruction of the highway.

Drawings are required to be submitted with the scale and the size of the paper upon which they are drawn in order that measurements can be checked.

Although the applicant has stated that there is sufficient room on the site of each unit to accommodate bins and boxes for refuse and recycling, it has not been clarified as to how these are to be collected by the local authority bin wagons which do not enter private roads – a collection site for temporary storage of refuse bins, recycling bins and boxes is required near to the mouth of the junction.

From the potential householder's view, the length of driveway is the trip which they will have to make, weekly, to put out refuse and recycling bins for emptying. The recommended maximum distance is 25m. Smooth, level space is required at the roadside for temporary storage of refuse bins and recycling boxes which must not be allowed to obstruct the highway or the visibility sight lines of the access. Collection is made from the roadside. This needs to be demonstrated on a plan.

No pedestrian facilities are proposed for Acton's Orchard. It is suggested that the addition of a build-out on the south side of the proposed junction and the west side of Cape Street which will act as a safe place for pedestrians emerging from the proposed Acton's Orchard to wait safely to cross the road to the footway in Cape Street could be introduced - it will also help with visibility from the proposed junction. This will need to be demonstrated on a plan.

The proposed Acton's Orchard is a cul de sac. No turning head has been proposed. Vehicles which are likely to require access here include removal lorries; emergency vehicles such as ambulance and fire engine; delivery vehicles such as supermarket online shopping trucks; maintenance vehicles such as telephone and energy suppliers; visitors to the residences. Without a turning head, these vehicles will be reliant on the potential for empty parking spaces in which to turn or may even have to reverse out on to the highway, the latter being undesirable. It appears that there may be room for a turning head between the proposed No.2 Padman Cottages and Padman Grange. This would need to be demonstrated on a plan.

4.9 **SC Highways** – (30.10.2018) Further information requested.  
Observations:

The layout of the proposed parking spaces proposed, for this development, although sufficient, are far from ideal from a highway safety perspective. Some spaces are awkward to easily manoeuvre in/out of, particularly if cars are already present in adjacent spaces. The visibility of and from certain spaces is compromised by blind bends and walls. Therefore, it may be appropriate for some of these spaces to be reconsidered, especially those spaces in close proximity to the main access off Cape Street, where there is likely to be a greater chance of conflict in vehicle and pedestrian movement.

The junction of the proposed Acton's Orchard with Cape Street has not been sufficiently detailed, in respect to the construction of the retaining walls, gradient of internal road and its tie-in to Cape Street. Neither does it provide sufficient visibility splays, and the justification for those splays being proposed.

It should be noted that the proposed access will displace some existing on-street car parking along Cape Street, possibly to the opposite side of the road, which will alter how vehicles pass this site access, (i.e. very close to the boundary way). This means that an appropriate visibility will be particularly important. It is acknowledged that the development has considered the displaced parking and has therefore proposed some additional parking spaces within the site for Cape Street residents. Unfortunately, there are no details provided of how these spaces will be allocated, to the adjacent residents, and subsequently they may not be used appropriately, which could just exacerbate the existing on-street parking situation locally.

No pedestrian facilities have been included in the design.

No highway (surface water) drainage has been included in the design, which could result in water from the site being discharged onto Cape Street, which is unacceptable.

In addition, further consideration should be given to how this site might be serviced for refuse/recycling and deliveries, as well as a fire engine. As the layout of the access road may be difficult to negotiate with large vehicles.

The following informative note may assist the developer in considering details for refuse and recycling collection.

Waste Collection - The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

4.10 **SC Archaeology** – No comment.

4.11 **SC Drainage** – Recommend informatives.

**4.12 SC Regulatory Services (08.04.2021)**

Regulatory Services does not object to this proposed development but considers that further investigation and gas monitoring is required and the planning conditions as recommended in comments made on 22nd October 2018, must be included in the Decision Notice, if permission is granted.

A report by Spilman Associates; Land Padman House, 7 Cape Street, Broseley, Ground Investigation Report; December 2020, Report No. P20068/01 has been submitted in support of this planning application further to comments made by Regulatory Services dated 22nd October 2018.

This report must be read in conjunction comments from the Coal Authority in respect of ground stability issues associated with former mining activities and comments from WSP, who have advised that further information is required in respect of geotechnical matters in their report dated March 2021.

Regulatory Services notes the comments made by WSP in respect of ground contamination and in general is satisfied with the investigation and risk assessment undertaken having regard to the site-specific circumstances. However, Regulatory Services comments on 22nd October 2018 referenced the workshop/garage area of the site, and no investigation of near surface soils in this area has been undertaken and Regulatory Services considers that further assessment is merited in this area.

As per CIRIA C665 guidance, further gas monitoring is required to support a ground gas risk assessment as it is recommended that 12 gas monitoring visits are undertaken for a minimum six month period for a high sensitive end use on sites such as this, with a moderate gas generation potential.

A more detailed remediation strategy will be required having regard to Shropshire Council's Contaminated Land Strategy (<https://www.shropshire.gov.uk/environmental-health/environmentalprotection-and-prevention/contaminated-land/>) which must also provide more detail in respect of gas protection once the additional monitoring has been undertaken and must have regard to BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and, CIRIA C735 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases, 2014.

The Remediation Strategy should include a detailed verification method statement. This should address how the gas protection measures will be installed and what verification information will be provided to demonstrate the installation has been carried out in accordance with the appropriate guidance. Section 3.2.2 of CIRIA C735 identifies the importance of INDEPENDENCE in this area and states that then person validating the membrane must be independent of the installation contractor or material supplier.

- 4.13 **SC Regulatory Services** (22.10.2020) - Within the proposed development boundary there are areas of the site where there is the potential for contamination to be present. These are in the area of the existing workshop/garage and in the area of the orchard that fronts Cape Street, where it is suggested that the difference in land levels compared to street level, are as a result of made up ground. Recommend conditions.
- 4.14 **SC Affordable Housing** - If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.
- 4.15 **SC Ecology** – Recommend conditions & informatives.
- 4.16 **The Coal Authority** (31.03.2021) - The Coal Authority concurs with the conclusion / recommendations of the Ground Investigation Report, dated December 2020, based on the professional opinion of Spilman Associates (Geotechnical and Environmental Engineers), that in order for the application site to be safe and stable for the proposed development (NPPF paras. 178 and 179), further intrusive ground investigations and remedial measures (Section 14.1) are required.

The LPA may wish to consider the imposition of planning conditions that cover the issues set out below.

1. No development shall commence (excluding demolition) until;
  - a) a further scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by recorded mine entry (CA shaft ref: 367302-049) and;
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy (shallow coal mining / mine entry), as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of a layout plan which identifies the location of the on-site mine entry, if found present within the site, together with the calculated zones of influence and the definition of suitable 'no-build' exclusion zone.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site lies within an area of probable shallow coal mining and within influencing distance of an off-site mine entry (CA shaft ref: 367302-049) that extends into the north western part of the site. The Coal Authority hold no treatment details for this mine entry and due to the source data used, there could be some deviation by several metres from the current plotted position. This could result in the mine entry being present within the application site.

The planning application is accompanied by a Coal Mining Risk Assessment (CMRA), dated March 2019 and a Ground Investigation Report, dated December 2020. Both Reports have been prepared for the proposed development by Spilman Associates (Geotechnical and Environmental Engineers). The Ground Investigation Report has been informed by previous desk based assessments / geotechnical reviews (Section 2) of which identified the potential risk to the redevelopment of the site as a result of former coal mining activity beneath the site, including the results of intrusive ground investigation works.

The planning application is accompanied by a Coal Mining Risk Assessment (CMRA), dated March 2019 and a Ground Investigation Report, dated December 2020. Both Reports have been prepared for the proposed development by Spilman Associates (Geotechnical and Environmental Engineers). The Ground Investigation Report has been informed by previous desk based assessments / geotechnical reviews (Section 2) of which identified the potential risk to the redevelopment of the site as a result of former coal mining activity beneath the site, including the results of intrusive ground investigation works.

Section 10.3 informs that evidence of shallow mining (depths below 17m) was encountered in all three boreholes therefore, there is the potential for these workings to affect surface instability at this site. Recommendations have been made that ground stabilisation works (grid drilling and grouting) are required.

It is noted that as a result of gas monitoring, gas protection measures are called for. The Coal Authority recommends that the LPA liaise with their in-house Environmental Health team on this specific matter.

The Ground Investigation Report (Section 14.2) informs that the off-site mine entry could be present within the application site. Whilst it is unlikely to impact the buildings proposed as part of this development (Drawing No. CD111+3 Revision C), this mining feature could affect the safety and stability of the garden area of 'Padman Grange'. The report author highlights that it may be prudent to verify the absence of the mine entry within the site by carrying out appropriate investigation works. The Coal Authority concurs with the recommendations made.

We would suggest that prior to any ground investigation, the source data for the mine entries within this area are reviewed in order that the applicant's technical consultants can geo-reference these mining features and to minimise the physical works required on site.

The applicant is aware that if the mine entry is found present within the site, it is likely that this will require treatment (stabilised by drilling, grouting and capping at rockhead).

All further ground investigations / treatment works should be designed by a suitably competent and experienced body and in accordance with current guidance (CIRIA C758D – Abandoned mine workings manual).

Due to the history of mining, we welcome the comments that there remains the risk of unrecorded mine entries and therefore vigilance should be maintained by all site operatives during groundworks / earthworks. Should any suspicious features be identified, these should be fully assessed by a suitably qualified and experienced engineer / geologist. The Coal Authority should also be notified if any ground anomalies relative to coal are encountered.

#### 4.17 - Public Comments

Advertised 16.10.2018. Expired 06.11.2018. Site notice displayed/dated 11.10.2018. Expired 01.11.2018. 20 letters sent 09.10.2018. Expired 30.10.2018. Seven letters of objection received on grounds which may be summarised as follows:

Scheme is ambitious and is totally out of keeping with this semi-rural conservation area.

The site is within the Broseley Conservation Area. Paragraph 185 of the NPPF states that; "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment... [taking into account]... the desirability of new development making a positive contribution to local character and

distinctiveness....” a character area appraisal of the Broseley Conservation Area should be produced in support of the Local Plan.

Paragraph 192 of the NPPF states that; “In determining applications, local planning authorities should take account of... the desirability of new development making a positive contribution to local character and distinctiveness” The development is considered rather limited in its ambition and is not considered to make a “positive” contribution to the character and distinctiveness of this early industrial settlement which forms part of the setting to Ironbridge Gorge, a World Heritage Site. Materials and detailing should be carefully considered to ensure the highest standard of execution is achieved.

The applicant's agent has noted that “As a specialist in Historic Buildings, I do not rely upon Heritage Impact Assessments as generally they do not provide any information relevant to individual applications to which they relate.” However it is their duty to provide an impact assessment which does relate to the application; paragraph 189 of the NPPF requires an “applicant to describe the significance of any heritage assets affected...”

Paragraph 197 of the NPPF states that; “The effect of an application on the significance of a non – designated heritage asset should be taken into account in determining the application...” The development is in the setting of a number of non-designated heritage assets (the range of C18 dwellings opposite); according to Paragraph 189 of the NPPF. “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.” The development is considered to have high impact on the setting of these assets.

Premature - needs to be considered as part of the Local Plan for Broseley.

The applicant has not requested formal pre-application advice, as encouraged by paragraphs 39 to 41 of the NPPF. Informal advice from local residents was sought, but it has not been set out what response was received, nor whether it was responded to.

The development would have a significant impact on the local Broseley Conservation area and adjoining properties in Cape Street, Barratts Hill and Speeds Lane.

The applicants statement unfairly tries to condemn a designated paddock area which until very recently has been generally well kept in keeping with a conservation area and has been continually used over many years by local horse owners and other livestock owners.

The development would have a significant impact on the adjoining properties in Cape Street, Barratts Hill and Speeds Lane. Scheme includes the offer of additional land to two properties on Barratts Hill as a form of compensation in an attempt to off-set the major impact on outlook etc.

Proposed development would have a detrimental effect, in particular on the outlook from Hillview, Speeds Lane and would potentially affect the property value. This would also apply to all other nearby properties on Cape Street and on Barratts Hill.

Adverse impact on privacy and outlook of 4 Cape Street.

Concern that the proposed dwelling would block the view from Belvedere and that the existing boundary wall is not acceptable a suitable screening is requested. Impact on property value and privacy issues.

Adverse impact on outlook from 58 King Street of the proposed garage building immediately adjacent bottom of the garden. Detrimental impact on the value of the property.

There has been no clear consideration of transport in the pre-application process, as encouraged by paragraph 102 of the NPPF. A Transport assessment should be produced which considers the provision of parking both for new and existing residents. The pressure for parking is so great that it is unlikely a splay will have sufficient visibility, and will be unsafe, therefore having an unacceptable impact on highway safety (paragraph 109 of the NPPF). There is very limited parking in this area and the development will place additional pressure upon this. Construction traffic should be considered, and its impact mitigated on this predominantly residential area.

It is difficult to understand how the major access road to the proposed development site, so called Acton's Orchard Road, could be built and safely operated in Cape Street which is a narrow road. This proposed access road would be accommodating a significant amount of traffic. This could lead to major traffic issues and parking problems for local residents which, whilst mentioned in the application, have not been fully considered for all residents.

The new dwellings are to be provided with three car spaces each, which is twelve car spaces, the current residents are to be provided with three to four car spaces which seems unfair and unrealistic. Who will own the car spaces? How will they be allocated? Will they be allocated to particular residents or will it be a case of "first come, first served?" It would be difficult if not impossible to control.

Do not wish to return from work and have to drive around searching for a car parking space as there are already many cars parked on the streets adjacent to Cape Street. Car insurance premiums will be increased if we do not have a facility to park on the road outside our properties.

Disruption to the residents of Cape Street whilst development is under construction.

The surface water management system has been treated as almost trivial in the application. The soil structure in this area contains an impervious clay layer under the shallow topsoil. Consequently, this makes the management of surface water from the proposed development a major consideration. The land has a significant

slope towards the properties in Speeds Lane and water run-off is a real concern. Also, any septic tank installations associated with these properties could cause a problem if not installed and maintained correctly.

There has been no mention of protection against additional noise with respect to additional residents, cars etc.

The actual boundaries are unclear from the plans and would need to be clarified. No provision has been made to construct more significant boundaries which currently generally consist of a wooden slat / wire fence and some low hedges to the adjoining properties.

The applicant should set out whether the new road is to be adopted by the Local Authority.

Inaccuracies in submitted Statement:-

1. *Field/paddock tends to be left vacant most of the time...* The field / paddock has been used continually over the years to accommodate mainly horses and other livestock and is a valuable asset to the Broseley area for that purpose. Land of this type is in short supply in this area and we understand it is much in demand. It is only recently that the paddock has become vacant for reasons unknown.

2. *My client has tried to approach local residents...* We have not been approached directly but cannot comment about other local residents.

3. *In terms of its market value the land would be a millstone around the sale of Padman House...* The associated land, namely orchard and paddock would actually enhance the sale of Padman House. Padman House is an attractive and historical property and its current associated land would make it an attractive purchase. The land associated with the property has only recently become unkempt. This could be easily rectified.

4. *Unused and unkempt field currently detracts from the conservation area....* The area has only become neglected in recent months. Livestock was in the paddock consistently for many years and until very recently and the land was well kept and in keeping with this conservation area.

5. *The mature conifers which block the views from houses on Cape Street....* This row of conifers was cut on a regular basis historically. They have only become neglected over the last few years and consequently have been allowed to grow to an excessive height thus blocking views from Cape Street.

6. *The proposed dwellings would be looking over the top of the houses on Speeds Lane and the impact of these dwellings would be minimal...* The proposed houses on the paddock area and all in an elevated position, would directly overlook the bedroom accommodation at Hillview and the neighbouring bungalow in Speeds Lane and would have a major impact on current privacy and noise levels. Our property at its nearest point, is less than 20 feet from what is

assumed to be the end of the gardens of the 4 bedroom detached and the two semi-detached 3 bedroom cottages. The plans, which do not appear to be truly to scale, are also unclear with respect to proposed type of boundaries that would be built to retain current privacy levels.

*7. The population in the 2011 census is now less than 200 years ago - Broseley has seen some recent completed major housing developments with more significant developments at the advanced planning stage and this is against, at best, a slow growing population.*

## 5.0 THE MAIN ISSUES

Principle of development  
Impact of the development upon the character and appearance of the conservation area  
Siting, scale and design of the development  
Highways  
Residential Amenity  
Ecology/Drainage  
Land Stability/Contamination

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when deciding whether to grant consent for development which affects a conservation area, Local Planning Authorities should have special regard to the desirability of preserving the character or appearance of that area.

6.1.2 Furthermore, Part 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) states that (para. 192) local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

6.1.3 This advice is largely echoed within Policy MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, which requires great weight to be given to the conservation of designated heritage assets. Furthermore, the NPPF, Part 12, seeks to ensure that developments are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change and Core Strategy Policy CS6 seeks to reinforce local distinctiveness.

- 6.1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.
- 6.1.5 National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.6 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.
- 6.1.7 Broseley is a designated Market Town/Key Centre, as defined in Policy MD1 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan (2015).
- 6.1.8 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy (2011) states that sustainable development is supported in Key Centres. This is expanded upon within Policy CS3 'Market Towns and Key Centres', where it is specified that development within Broseley should balance environmental constraints with meeting local needs.
- 6.1.9 Policy CS10 'Managed Release of Housing Land' further examines the need for the Council to keep the availability of housing land under review to maintain a continuous supply of suitable sites to deliver the overall housing target over a five year period. Priority is given to the re-use and development of sustainable brownfield sites. This is further examined within Policy MD3 'Delivery of Housing Development'.
- 6.1.10 Policy S4 'Broseley' of the SAMDev Plan identifies that Broseley will have a growth of around 200 new dwellings up to 2026. New housing development shall be small scale to reflect the local character and meet the design principles within the Broseley Town Plan.
- 6.1.11 The Broseley Town Plan (September 2013) was produced by the Town Council and, whilst it does not form part of the 'Development Plan', was formally endorsed by Shropshire Council as the local planning authority. The vision, objectives and Policies A1, A3, DS1-DS9, H1-H9, ED1-ED4, VE1-VE2, HP4, HP5, HP8, HP9, ENV1-ENV5 in the Broseley Town Plan were adopted as material considerations for development management purposes by resolution of Shropshire Council on 26th September 2013. Development will be expected to meet the policies and guidelines contained in the Broseley Town Plan 2013 and any other future community-led plan or masterplan that is adopted by Shropshire Council.
- 6.1.11 Given that the site is identified as being within the Broseley development boundary, and is in a predominantly residential area, the principle of housing in this location is acceptable, subject to further material planning considerations.

- 6.2 Impact of the development upon the character and appearance of the conservation area**
- 6.2.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when deciding whether to grant consent for development which affects a conservation area, Local Planning Authorities should have special regard to the desirability of preserving the character or appearance of that area.
- 6.2.2 Furthermore, SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. This is expanded upon within SAMDev Policy MD13 (Historic Environment) which stipulates that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored where appropriate, and this is echoed further within the Broseley Town Plan. Development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.
- 6.2.3 The site lies within the Broseley Conservation Area where the NPPF requires the applicant to describe the significance of any heritage assets affected by planning proposals and in determining applications advises that the LPA should take account of the desirability of sustaining and enhancing significance of heritage assets and putting them to viable uses consistent with their consideration, the positive contribution that heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. The submitted Supporting Statement has been assessed by the SC Conservation Officer is considered adequate in this instance to satisfy this requirement.
- 6.2.4 The Historic Environment (Conservation) team were consulted as part of this application and the Conservation Area appraisal for Broseley was consulted. During the course of the application and in response to the Conservation Officers concerns the applicant has amended the proposals and reduced the scale of the proposed detached dwelling, identified as Padman Grange. The large detached garage has been deleted and the dwelling redesigned to reduce its scale. The SC Conservation Officer has been re-consulted and has confirmed that the amended proposals would overcome the issues raised with respect to that unit.
- 6.2.5 The character of the orchards and fields and glimpsed views of the valley from Cape Street are considered important to the character of the conservation area and as such the proposed development has the potential to impact upon this character. The area of the site directly bounding Cape Street is made up ground and is separated from the paddock to the rear by the existing workshops.
- 6.2.6 It is considered that the construction of a single detached dwelling as proposed to the Cape Street frontage (Padman Lodge) would allow glimpsed views through to the valley and the sloping nature of the site would allow the construction of the two semi-detached dwellings (Padman Cottage No.1 & 2) without significantly impacting on these views.

- 6.2.7 It is also observed that when viewed from the other side of the valley, from Bridge Road, the site appears as a modest area of green space sloping up behind the modern bungalows on Speeds Lane. It is acknowledged that there is currently a prominent view of the three storey properties on the corner of Cape Street and Queen Street, however considered that the introduction of built form in this view as proposed would be acceptable.
- 6.2.8 The Conservation Officer's comments are accepted. The NPPF states at para. 196 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset/s, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case it is considered that whilst the scheme introduces built form into this largely undeveloped paddock, the proposed development is of a design and scale which is appropriate and proportionate to the application site without constituting overdevelopment, and that this less than substantial harm to the character and appearance of Broseley Conservation Area and the setting of nearby listed buildings, would be outweighed by the public benefit and adding to the supply of homes within Broseley.
- 6.3 Siting, scale and design of the development**
- 6.3.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Proposals are required to preserve and enhance the amenity value of the wider area to which they relate including the safeguarding of residential and local amenity.
- 6.3.2 The scheme would utilise the existing access off of Padmans Alley to service the proposed new garage building to serve the existing Padman House and would introduce a new access drive to serve the new dwellings. The proposed dwellings have been designed to include traditional features and proportions and the dwelling proposed to the front of the site to address the street. It is considered that the development would not constitute overdevelopment of the site and would be sympathetic to the location.
- 6.3.3 The application has been accompanied by a Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas and Method Statement (Forester and Arborist Services Ltd, 31.08.2018) which has been assessed by the SC Tree Team who raise no objection, provided that suitable measures are taken to protect retained trees during the implementation of any approved development and that new planting is undertaken as appropriate to compensate for those trees lost to facilitate the development and to enhance its appearance and integration into the surrounding landscape.
- 6.3.4 The development would require the loss of 9 trees and two groups of overgrown Leyland cypress hedging. Of the trees to be removed, the groups of cypress (G1 and G2) and the semi-mature horse chestnut (T2) are considered to be the trees

of greatest visual significance. Although obvious in views from outside the site, it is considered that the cypress trees are out of character with the traditional landscape of the conservation area. It is therefore considered that these could be replaced with more suitable tree and hedgerow planting as part of an approved landscape scheme (to be submitted).

6.3.5 The horse chestnut is causing structural damage to the retaining wall of the adjacent property and reluctantly the SC Tree Team agree that it should be removed – irrespective of any development. However, this tree would potentially have performed a valuable screening function for the property, should the development go ahead. It is important, therefore, that replacement planting with advance-sized tree stock take place as appropriate to compensate for the removal of T2.

6.3.6 Suitable conditions have been suggested by the SC Tree Team to ensure tree protection and appropriate compensatory planting.

#### 6.4 Highways

6.4.1 Core Strategy policy CS6 (amongst other criteria) seeks to ensure that all development is designed to be safe and that local amenity is protected. Furthermore the Broseley Town Plan states that (policy H.4) development within the Conservation Area must not create an unacceptable additional load on the narrow streets of the town; it follows that all such development must have adequate off-street parking street parking and suitable road access.

6.4.2 The site lies within an area of Broseley which is characterised by narrow streets and within the Broseley Conservation Area, the character and distinctiveness of which should be protected. There is a tension in the scheme between the ideal highways specification for the proposed access (visibility splay) and the scheme which seeks to retain the character of the streetscape with the retention of the boundary walls and existing Sweet Chestnut tree. It is also acknowledged that the narrow streets, on street parking and poor visibility mean that vehicles are required to drive a slow speed when travelling around the vicinity and many existing vehicular accesses have poor visibility. Furthermore, it is noted that the public footpath lies on the east side of Cape Street which reduces the risk of pedestrians walking along the west side of the street.

6.4.3 The applicant has sought to address the SC Highways concerns by submitted amended plans which increases the curvature of the proposed walls to either side of the proposed access onto Cape Street and increase the width of the shared access drive to 4.8 metres for the first 6 metres. The amended plans also show a bin collection point, for use on collection days, in proximity to the proposed access onto Cape Street and a turning head has been provided to serve the centre of the site (between Padman Cottages and Padman Grange). Whilst it is noted that the drawings indicate gates to serve Padman Grange there would be space within this dwellings curtilage to provide adequate parking and turning of 3 vehicles. The amended scheme also includes 3 parking spaces for both Padman Cottages (1 & 2) and 2/3 parking spaces for Padman Lodge.

6.4.4 Concern has been raised that the scheme would exacerbate the existing parking

issues by reducing the potential to park on the west side of Cape Street adjacent the existing wall. The scheme seeks to compensate for this by including three parking spaces for the residents of No. 3 and No.4 Cape Street (six spaces in total), an appropriate condition is recommended which would ensure that these spaces are constructed and details of a management plan for the operation of those parking spaces, submitted for approval before the first occupation of the proposed dwellings.

6.4.5 In support of the application the Agent has made the following statement:

*There are five houses on Cape Street which could potentially be affected. Three of these (numbers 1 / 2 and 5) already have provision for off street parking. Numbers 1 and 2 have access to parking off Cape Street, whilst number 5 has a gated access to off street parking. It is therefore numbers 3 and 4 which would be the properties most affected by the proposed development. These properties do not currently have any designated parking spaces for their properties. Although they park along the roadside on Cape Street this is on road parking and therefore do not belong to the properties themselves.*

*As these two properties are the ones which would be affected by the proposals the four spaces being provided within the proposed development site would be allocated as two spaces each for Numbers 3 and 4 Cape Street. As part of the allocation an electric car charging point would be installed for each property to use. As these properties currently only have access to on street parking they currently have no access to off street electric charging points for the electric cars. Our proposals would involve the parking spaces being given to these residents under separate land registry title deeds. Therefore, any issues surrounding the implementation or removal of these spaces would be addressed and would no longer be an issue for concern.*

6.4.6 The NPPF, paragraph 108 – 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* In this case, whilst it is acknowledged that the introduction of the proposed new access would reduce the amount of on street parking available in Cape Street, the numbers of vehicle spaces involved would not have an unacceptable impact on highway safety or be so significant as to result in severe impacts on the highway network.

6.4.7 The proposed retaining wall to the south of the access together with the retained section of wall is positioned to ensure that the required RPA is maintained to protect the Sweet Chestnut Tree (T24) which is a prominent tree in the streetscene from harm which may be otherwise caused by the lowering of the existing ground levels to achieve the proposed access driveway.

6.4.8 Further to the SC Highways response (07.06.2021) it has been subsequently clarified, by the Developing Highways Manager that a traffic order (TRO) would not be essential/necessary in this case to make the development acceptable on highway safety grounds. Whilst parking is restricted within the vicinity of the site,

the highway code requires vehicles not to block access to the new development or park within 10 metres of any highway junction.

6.4.9 On balance it is considered that given the local conditions and the scale of the development, the development would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

#### 6.4 **Residential Amenity**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.4.2 The site is adjoined by the existing Padman House to the south and beyond this, properties in Padmans Alley and then Barratts Hill, Belvedere to the north, the dwellings opposite (to the east) and in Speeds Lane to the west.

6.4.3 With respect to the erection of a dwelling fronting Cape Street it is acknowledged that this would lead to the introduction of a dwelling where there are currently unobstructed (with the exception of a tall brick boundary wall) views from properties in Cape Street across the valley. However this part of Broseley is characterised by narrow streets with buildings set close to the street and as such whilst the proposal would lead to some loss of existing amenity the separation distance is considered to be an acceptable compromise in this instance weighed against the benefits of the development.

6.4.4 Turning to the impact of the proposals on the residential amenity enjoyed by the occupiers of the adjoining modern bungalow (known as Belvedere) to the north. It is noted that the proposed dwelling (Padman Lodge) would be positioned in part forwards and to the south of Belvedere. However, given the separation distances involved and the juxtaposition of these properties, overshadowing impacts would largely impact on the front garden of Belvedere only. Furthermore, it is judged that the introduction of dwellings to the rear as proposed would, by virtue of the separation distances involved, the proposed levels and their juxtaposition would not significantly harm existing residential amenity.

6.4.5 With respect to the impact of the proposed development on the residential amenity of the existing occupiers of the properties in Speeds Lane. Amended plans have been received during the course of the application and it is judged that whilst the proposed dwellings would be set at significantly higher ground levels on a sloping site sufficient distance separation would ensure that there would be no undue loss of neighbour amenity.

6.4.6 As note above the scheme includes the erection of a garage building to serve the existing Padman House. This building is proposed to be located to the rear of Padman House and accessed off the existing access in Padmans Alley. During the course of the application the design has been amended, which includes the introduction of a hipped roof design. It is considered that the introduction of a double garage building in this position would not lead to any undue loss of neighbour amenity.

6.4.7 The Councils Supplementary Planning Document – Type and Affordability of Housing, makes it clear that in assessing planning applications for residential developments, the Council will take account of the internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants. In this case it is considered that acceptable levels of amenity would be provided for the future occupants of the proposed dwellings.

## 6.5 Ecology/Drainage

6.5.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.

6.5.2 The demolition of the existing buildings triggers the requirement for a bat survey. The submitted surveys found that the buildings to be demolished have negligible potential to be used by roosting bats and the trees to be removed also do not have features that could be used by roosting bats. Furthermore, no evidence of nesting barn owls was found, although it is possible that other species may nest in or on the buildings. The submitted surveys have been assessed by the SC Ecology Team who are content with the survey work and recommend appropriate conditions and informatives.

6.5.3 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments. The application form states that the surface and foul water will be disposed of via the main sewer/septic tank and that the surface water would be disposed of via a soakaway. This has been assessed by the Councils Drainage Consultants who have raised no objections in this instance.

6.5.4 Natural environment interests and surface drainage issues can be adequately safeguarded by condition and informatives.

## 6.6 Land Stability/Contamination

6.6.1 The NPPG confirms that the planning system has an important role in considering land stability by:

- minimising the risk and effects of land stability on property, infrastructure and the public;
- helping ensure that various types of development should not be placed in unstable locations without various precautions; and
- to bring unstable land, wherever possible, back into productive use.

6.6.2 Furthermore, it is noted that in this regard the planning system works alongside a number of other regimes, including Building Regulations, which seek to ensure that any development is structurally sound.

- 6.6.3 Para. 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.6.4 The NPPF confirms (para 179) that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner. But that (para. 178) planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 6.6.5 The applicant initially submitted a Slope Stability Assessment which contained an assessment of the potential for slope stability issues to impact on the development. It is noted that the proposed dwellings identified as Padman Grange and Cottages are located close to the crest of the slope on an area of less steeply sloping land. The Assessment indicated that the existing slopes at the site are stable and that no formal slope remedial works are required in relation to the development. However, it stated that foundation design should take account of the presence of the slope (after appropriate ground investigation works to provide geotechnical data) and appropriate retaining structures and other slope engineering measures should be design as necessary to accommodate development platforms.
- 6.6.6 In addition, the applicants have submitted a Mining Report obtained from the Coal Authority Consultants. Whilst there are no records of coal workings beneath the site the site lies within an area where the Coal Authority believes that there are unrecorded coal workings at or close to the surface i.e. less than 30 metres deep.
- 6.6.7 There are no mineshafts recorded within the site, although there is one recorded approximately 5 metres to the west of the site boundary. There is little information regarding this mineshaft other than its location and the Coal Authority has no record of this having been treated or stabilised in any way.
- 6.6.8 The Council instructed consultants to undertake an independent geotechnical appraisal of the site and information submitted, to establish whether sufficient information has been submitted to determine the application. The appraisal concluded that the information submitted by the planning applicant did not meet the requirements for the slope stability assessment report for the following reasons:
- assessment of the stability of the site has not been undertaken in sufficient detail to demonstrate that the site is stable or to determine the level of protection required;
  - the suggested presence of “in-fill” material raises questions regarding the suitability of the founding material on the site. As no site-specific ground investigation work is present in the planning application, the stability and condition of the material remains unknown.

- the impact of the proposed development on slope stability has not been assessed; and
- insufficient information has been provided regarding any mitigation measures and, insofar as any recommendations are given in respect of mitigation measures, these are not adequately supported by appropriate assessments, investigations or calculations.

6.6.9 Furthermore, it was also concluded that the information submitted by the applicant did not meet the requirements for the suitability of the site, taking account of the ground conditions and associated risks for the following reasons:

- an assessment of the nature, source, potential contamination and engineering properties of the ground materials within the site has not been undertaken;
- an assessment of the risks arising from any coal seams or mining activity, which is recognised to be present beneath the site has not been sufficiently undertaken. This can only be considered with the completion of a site-specific ground investigation;
- no consideration has been given to the potential of hazardous material being present on the site and it is not clear whether the “infilled” material is contaminated. Nor has consideration been included regarding the treatment and/or disposal of this material should it be assessed to be contaminated;
- while consideration has been given to the design of foundations should the presence of mine workings be encountered, no site-specific ground investigation work has been undertaken to confirm the presence or otherwise. Nor has any consideration been given to the potential impact of the development of the site on the neighbouring land and residences in relation to the remediation and treatment of potential mine workings; and
- adequate site-specific investigation information has either not been undertaken or made available and therefore the above assessments cannot be undertaken.

6.6.10 Whilst there are no significant changes in terms of site use apparent in the historical maps, the presence and extent of mining beneath the site remains mostly unknown. The presence of an abandoned pit or shaft adjacent to the site and the economic viability of the seams located beneath the site suggest the possibility of potential workings. Accordingly, it was recommended that further site-specific ground investigations were undertaken which would also enable the completion of a thorough slope stability analysis.

6.6.11 The applicant has since undertaken further investigations and submitted additional information seeking to address the issues raised. This has been reviewed by the Councils consultants who advise that no further actions are required providing that appropriate conditions are attached to any grant of planning permission.

6.6.12 Likewise, the Coal Authority concurs with the conclusion / recommendations of the submitted Ground Investigation Report, that in order for the application site to be safe and stable for the proposed development (NPPF paras. 178 and 179), further intrusive ground investigations and remedial measures are required, and recommends appropriate conditions.

6.6.13 Furthermore SC Regulatory Services recommend that a more detailed remediation strategy will be required having regard to Shropshire Council's Contaminated Land Strategy which must also provide more detail in respect of gas protection once additional monitoring has been undertaken and that the remediation strategy should include a detailed verification method statement. SC Regulatory Services recommend that this can be secured by way of an appropriate planning condition.

## 7.0 **CONCLUSION**

7.1 The introduction of additional residential dwellings in this area is considered acceptable in principle. Whilst the scheme introduces built form into this largely undeveloped space, the proposed development is of a design and scale which is appropriate and proportionate to the application site without constituting overdevelopment. The "less than substantial harm" identified to the character and appearance of Broseley Conservation Area and the setting of nearby listed buildings, would be outweighed by the public benefit and adding to the supply of homes within Broseley.

7.2 Overall it is considered that the proposed development is of an appropriate design and the impact on the historic environment is acceptable; in the context of this location, the proposal would not lead to any undue loss of existing residential amenity or result in inappropriate parking which would lead to severe highway safety issues. Furthermore, the land stability and contamination issues can be addressed by the imposition of appropriate conditions. As such, subject to appropriate conditions, the proposal would accord with the aims and objectives of Core Strategy and SAMDev Policies.

## 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  
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan Policies:  
CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS6 - Sustainable Design and Development Principles  
CS9 - Infrastructure Contributions  
CS10 - Managed Release of housing Land

CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD3 - Managing Housing Development  
 MD12 - Natural Environment  
 MD13 - Historic Environment  
 Settlement: S4 – Broseley

SPD Type and Affordability of Housing

Broseley Town Council Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

BR/APP/FUL/05/1031 Erection of a rear conservatory GRANT 6th February 2006

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PG0YY0TD0BN00>

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

Planning Statement

Tree Report

Surface Water Management Plan

Coal Mining Risk Assessment

Slope Stability Assessment

Bat and Nesting Bird Assessment

Ground Investigation Report

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Dan Thomas

Appendices

APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

Contact: Tim Rogers (01743) 258773

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.

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls 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.

4. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the visual amenity of the area and character of the Conservation Area.

5. 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 planted as a replacement for any retained tree.

a) During implementation of the development no retained 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 (LPA). Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) All tree works and protection measures detailed in the approved Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas and Method Statement (Forester and Arborist Services Ltd, 31.08.2018) and its associated Tree Location and Protection Plan (Appendix 2) must be fully implemented to the written satisfaction of the LPA before any equipment, machinery or materials are brought onto the site for the purposes of the development.

c) The development shall be implemented in accordance with the approved Method Statement and Tree Location and Protection Plan (Forester and Arborist Services Ltd, 31.08.2018). 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 LPA.

d) All services will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing.

e) 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 LPA 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.

6. The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the first dwelling. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

7. No removal of hedgerows, trees or shrubs and no works to or demolition of buildings or structures that may be used by breeding birds shall take place between March and August inclusive, unless an appropriately qualified and experienced ecologist has undertaken a careful, detailed check of vegetation and the buildings for active birds' nests immediately before the vegetation is cleared and/or works to the buildings commence and provided written confirmation to the Local Planning Authority that no nesting birds will be harmed and/or that there are appropriate measures in place to protect structures used by nesting birds on site.

Reason: To ensure the protection of nesting birds, which are protected under the Wildlife and Countryside Act 1981 (as amended).

8. Demolition, construction works and associated deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

## **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

9. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

10.

1. No development shall commence (excluding demolition) until;
- a) a further scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by recorded mine entry (CA shaft ref: 367302-049) and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy (shallow coal mining / mine entry), as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of a layout plan which identifies the location of the on-site mine entry, if found present within the site, together with the calculated zones of influence and the definition of suitable 'no-build' exclusion zone. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and

findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Core Strategy policy CS6 and paragraphs 178 and 179 of the National Planning Policy Framework.

11. No development shall take place until a scheme of foul drainage, and surface 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 occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

12. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include:

- a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

13. No development shall take place before details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved

Reason: To protect the visual amenity of the area.

14. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements [e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots];
- 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;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved.

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

15. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.

16. No development shall take place before details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include: their form, height and finish; sections and elevations of each means of enclosure, which shall then be indexed on the approved site plan drawings. Prior to the first occupation or use of the development the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: to protect neighbour amenity and the visual amenity of the area.

17. No development shall take place before details of the land regrading works to accommodate the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be measured against a fixed datum and shall show the existing and finished ground levels across the site and in relation to the surrounding property ground levels. The development shall be carried out as approved.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area; and to protect neighbour amenity.

18. Prior to the commencement of development details of the means of access, including the layout, construction and sightlines should be submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

19. 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:

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

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

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

20. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the spaces shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

21. Before the first occupation of any residential property hereby approved the parking spaces for No. 3 and No. 4 Cape Street residents shown on the approved site plan shall be constructed and details of a management plan for the operation of those parking spaces, together with details of signage, shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be installed, and the use of the parking area shall commence in accordance with a timetable which has been approved in writing by the Local Planning Authority and the parking spaces shall thereafter be operated in accordance with the approved management plan.

Reason: In the interests of highway safety and residential amenity.

22. Prior to first occupation / use of the building[s], the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. A minimum of six artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups), and/or small birds (32mm hole, standard design) shall be erected on the site.

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

23. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. A minimum of four external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, 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 opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

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

24. 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[s]). 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.

### **Informatives**

1. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy polices:  
CS1 Strategic Approach  
CS3 The Market Towns and Other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS10 Managed Release Housing Land  
CS17 Environmental Networks  
CS18 Sustainable Water Management

SAMDev policies:

Contact: Tim Rogers (01743) 258773

MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD3 Delivery of Housing Development  
MD12 Natural Environment  
MD13 Historic Environment  
S4 Broseley  
Type and Affordability of Housing SPD

Broseley Town Plan - A1, A3, DS1 - DS7, DS9, EN1 - EN4, H1 - H7.

2. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

5. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

6. Bats

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

## 7. Site Clearance

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

8. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

9. Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regards to this issue, The Coal Authority's adopted policy, Development and Mine Entries, can be found here: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

10. This planning permission does not authorise the applicant to:  
construct any means of access over the publicly maintained highway (footway/verge) or carry out any works within the publicly maintained highway (street), or authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. scaffolding, hording, safety fencing, material storage or construction traffic, etc.)

The applicant should in the first instance contact Shropshire Councils Street Works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

11. Does your development require utility connections?

Any works/activities carried out either by, or on behalf of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act (TMA) 2004 and licensed accordingly by the Street/Highway Authority in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Shropshire. Developers must also inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Any such works or activities commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Shropshire

Council Street Works Team. To allow effective co-ordination contact must be made with the Street Works Team at least three months in advance of the commencement of the works and any subsequent applications must be in line with the noticing requirements of the NRSWA 1991, TMA 2004 and Highways Act 1980. The developer must particularly ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time and using the same Traffic Management measures.

For more information please contact [Streetworks@shropshire.gov.uk](mailto:Streetworks@shropshire.gov.uk) or <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

12. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

### 13. Vehicle Charging

The developer is encouraged to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.