

Committee and date

South Planning Committee

22 July 2014

**Development Management Report**

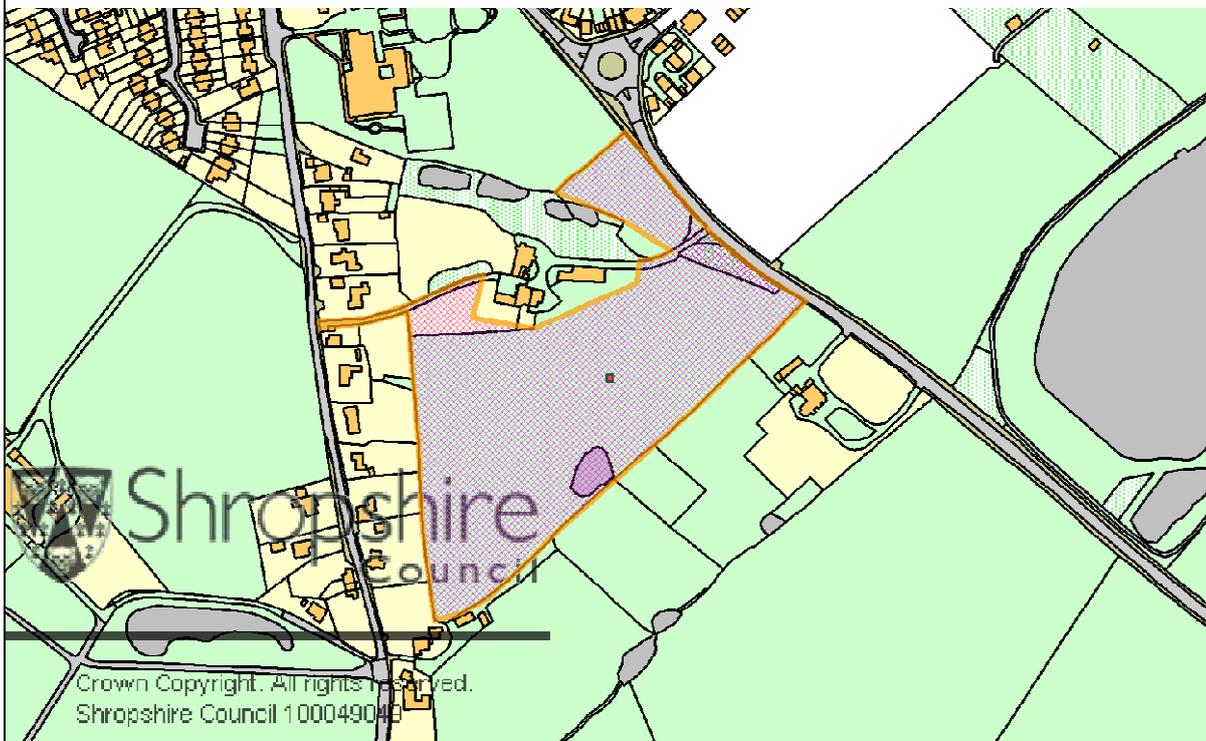
Responsible Officer: Tim Rogers

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**Summary of Application**

<b>Application Number:</b> 13/04840/FUL	<b>Parish:</b>	Shifnal
<b>Proposal:</b> Mixed residential development of 66 dwellings and garages		
<b>Site Address:</b> Land South Of A464 Shifnal Shropshire		
<b>Applicant:</b> Redrow Homes (Midlands)		
<b>Case Officer:</b> Tim Rogers	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 375155 - 306767



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**Officer recommendation:-**

- (i) That members grant permission as a departure and subject to satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision; contributions to the Travel and Movement Strategy for Shifnal and reduction of speed limit on a section of A464 Wolverhampton Road, and to secure the provision and maintenance of the open space by an appropriate body; to satisfactory amendments being made to the Great Crested Newt mitigation strategy and to the conditions set out in Appendix 1.  
Or
- (ii) Should members determine that the application be refused then that the following be considered as the reason for refusal:-  
'The proposed development of 66 dwellings, in combination with the current valid planning permissions and resolutions to grant consents for a substantial number of new dwellings in Shifnal Town, would cumulatively result in development harmful to the character of Shifnal and would have an unsustainable impact upon the Town's infrastructure in respect of highway network capacity, medical facilities and school capacity. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS8 and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire'

**REPORT****1.0 Purpose of the report**

- 1.1 The purpose of this report is to advise members of the potential reason for refusal of this application based on discussion at the last meeting of the Committee and to set out the associated risks with this decision for consideration by members.
- 1.2 It is essential in considering this application and the suggested reason as set out below, following the debate and 'minded to refuse' resolution at the last meeting, that members are fully aware of officer concerns relating to this decision. It must be stressed that in order to successfully defend an appeal against a refusal the Council would need to offer 'evidence' for consideration. The report below therefore also sets out the reasons why officers are strongly of the opinion that no such evidence can be provided or substantiated and that therefore there would be a significant risk to the Council in terms of losing an appeal and potentially having to meet some or all of the applicants costs.
- 1.3 This report is written in accordance with paragraph 16.4 (part 5) of the Council's Constitution.

**2.0 Background**

- 2.1 At the 24th June 2014 meeting of the South Planning Committee Members resolved to defer determination of this planning application reference 13/04840/FUL relating to a full application for mixed residential development of 66 dwellings and garages on land South of the A464 at Shifnal, Shropshire. Members did however indicate that they were minded to refuse the application and sought officer guidance on the wording of the reason for refusal to be considered at the following meeting

- 2.2 Based on the debate at the meeting on the 24<sup>th</sup> June 2014 the following reason is suggested by officers to properly reflect the concerns identified by members about the proposal.

“The proposed development of 66 dwellings, in combination with the current valid planning permissions and resolutions to grant consents for some 965 dwellings in Shifnal Town, would cumulatively result in development harmful to the character of Shifnal and would have an unsustainable impact upon the Town’s infrastructure in respect of highway network capacity, medical facilities and school capacity. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS8 and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire.”

- 2.3 The original report to Committee for the meeting on the 24<sup>th</sup> June 2014 is appended to this report (updated with additional representations provided at that meeting)

### **3.0 Consideration of the proposed reason for refusal**

#### 3.1 Principle of development

- 3.1.1 The application site forms part of the parcel of 7.6 hectares of land which, in the SAMDev Revised Preferred Options consultation of July 2013, was allocated for a residential development of up to 160 homes (Land at The Uplands, south of Wolverhampton Road ref SHI – 002). Although not being carried forward as a recommended site within the SAMDev final Plan the fact that it reached the advanced stage of the allocation process clearly demonstrates that it was accepted by the Council as a sustainable site suitable for residential development. It was not removed from the Final Plan submission because of any concerns about unsuitability per se but because some other sites were considered to be preferable.

- 3.1.2 Whilst acknowledging that there have been a number of other residential developments recently approved in Shifnal which are not on allocated or intended allocated sites, which together with SAMDev allocations will mean that a substantial number of dwellings effectively have consent, this in fact seriously calls into question how it is possible to say that the additional sixty-six now proposed will be a step to far. More importantly it also raises real queries about how the Council would demonstrate adequately that this will be the case.

#### 3.2 Highways

- 3.2.1 The Highway issues in Shifnal, based on all the Transport Assessments submitted with planning applications and identified through work commissioned by the Council, relate to capacity issues rather than safety. Hugh Richards (Counsel) in his presentation to Members earlier this year made a clear distinction between ‘capacity’ and ‘safety’ in any attempt to counter the presumption in favour of development where there are 5 year supply issues. All the sites should not have been in the SAMDev Revised Preferred Options last year if there were fundamental, unresolvable highway safety problems. A refusal of this scheme will reduce the pot of funding available to the developing Transport and Movement Strategy for Shifnal which is intended to try and overcome identified capacity issues.

- 3.2.2 Officers will not be able to offer clear evidence to demonstrate that this proposed development will cause a significant adverse impact in terms of highway safety.
- 3.3 School capacity
- 3.3.1 With regard to infrastructure capacity, the concerns raised at the last meeting relating to school capacity would seem to ignore the consultation response specified within paragraph 4.15 of the original committee report where Planning Policy advised that any additional school places would be funded through CIL in accordance with the LDF Implementation Plan. Page 124 of that Implementation Plan makes it clear that expansion of primary and secondary places in Shifnal will come from CIL. Those schemes that have already been approved plus those to be allocated will generate substantial CIL contributions which can be used to enhance the school provision at both levels.
- 3.4 Medical facilities
- 3.4.1 The medical facilities/capacity issue is a long running matter in the town and there are sites that have planning permission for new facilities, but it is down to other agencies to deliver. More housing could help the case for Shifnal seeking greater capacity. There has been no direct representation on the planning applications on this issue from the medical authorities. Unless The Council has any specific information about which planning officers are not aware, there appears to be no evidence that Members can use to support this claim, other than third party neighbour comments about lengthy waits for appointments.
- 3.5 Details of the proposal
- 3.5.1 During the debate at the last meeting one member of the Committee made an adverse comment about the design of the houses but it must be acknowledged and accepted that 10 of the 15 house types were approved earlier this year by the Committee at Springfield Ind Estate (ref 13/03055/FUL). Furthermore at the previous site visit some members present were complimentary about the relatively low density layout, the amount of open space and the visually contained nature of the site with the established boundary planting. In reality therefore the claimed harm to character would appear to relate solely to the numbers of properties and not to aspects of this particular site. It is very difficult to see how the Council would demonstrate and defend a view that the additional 66 dwellings to the 965 committed would harm the character of the Town, when they have raised no objections to specific details of the scheme. This is however probably the most subjective issue of concern that was raised during overall debate at the last meeting of Committee.
- 4.0 Conclusion**
- 4.1 It is the purpose of CIL to address infrastructure issues and furthermore the developers are, in principle, prepared to contribute through a section 106 Agreement to address wider highways issues in the Town. In all aspects of the proposed refusal reason Members would have to be able to provide evidence, that would be subject to cross examination at appeal, as to why another 66 units is 'the straw that breaks the Camel's back' with regard to Shifnal. The adverse impacts have to be 'significant and demonstrable', not just be 'adverse' as required under paragraph 14 of the NPPF, in order to outweigh the housing supply benefits, and the presumption in favour of sustainable development. It remains officers opinion that such adverse impacts are not significant and demonstrable.

- 4.2 Notwithstanding the overall concerns of officers relating to the the issues identified by members in previous debate, and specified in the draft reason for refusal above, the Committee can clearly decide by majority that those issues are so significant and will have such an adverse impact that the benefits are outweighed. Should this be the decision then the reason as specified above is the recommended specification, though members may chose to amend or alter this as they see fit based on any of the comments set out above or any other material considerations.

## APPENDIX 1

Committee and date

South Planning Committee

24 June 2014

Item**10**

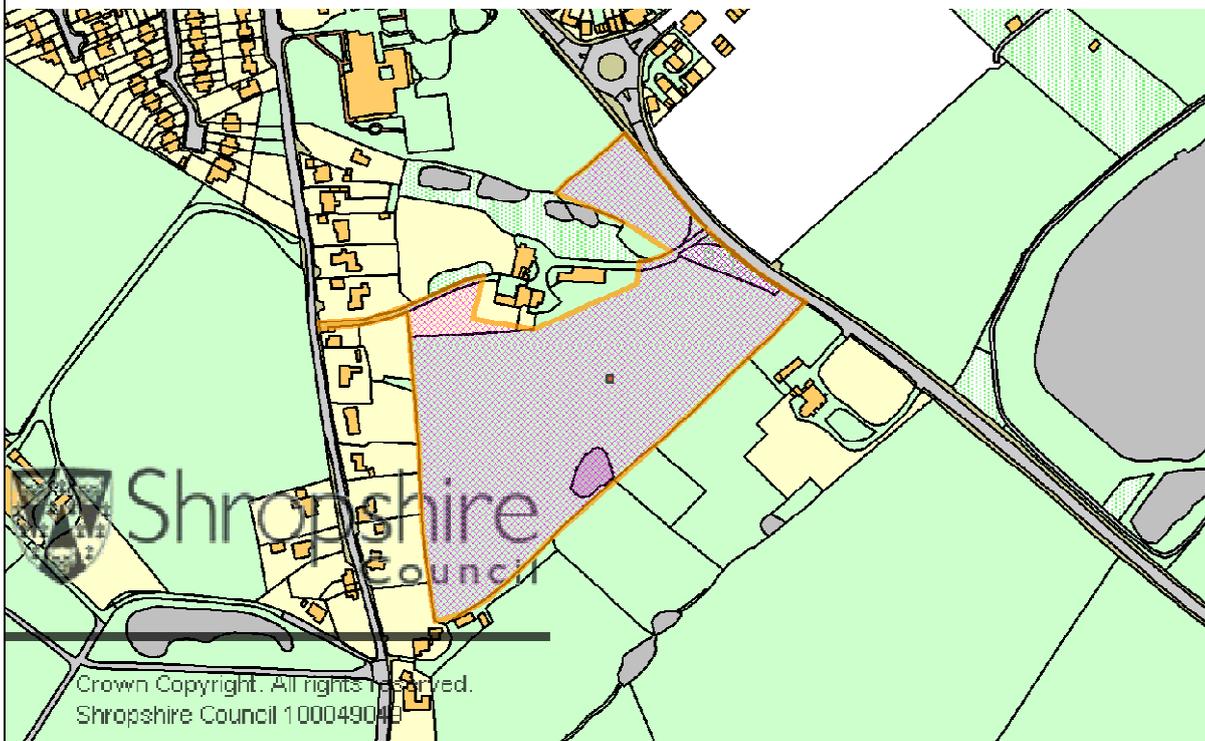
Public

**Development Management Report**

Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619**Summary of Application**

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<b>Proposal:</b> Mixed residential development of 66 dwellings and garages	
<b>Site Address:</b> Land South Of A464 Shifnal Shropshire	
<b>Applicant:</b> Redrow Homes (Midlands)	
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

**Grid Ref:** 375155 - 306767

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**Recommendation:- Grant Permission as a departure and subject to satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision; contributions to the Travel and Movement Strategy for Shifnal and reduction of speed limit on a section of A464 Wolverhampton Road, and to secure the provision and maintenance of the open space by an appropriate body; to satisfactory amendments being made to the Great Crested Newt mitigation strategy and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application as originally submitted proposed the erection of 68 dwellings on this land, together with the provision of a school car park and drop off point which would have been reached off the proposed estate road, close to the proposed upgrade of the access onto the A464 road. Following discussions with the applicant and agent about highway safety concerns raised by Highways Development Control in relation to the potential impact of the car park drop off area on the A464 and the encouragement it would give to use of cars as a mode of travel to school, and the impact the access to the car park would have in requiring the felling of a significant landscape tree, the school car park proposal has been deleted from the application. This and other amendments made have resulted in an increase in the amount of open space within the scheme and, in order to increase the separation distance of proposed dwellings from trees and hedges in the southern corner of the site, a reduction in the number of houses by two to 66. This latter change has included the deletion of four plots and the substitution of two new plots to accommodate different house designs.
- 1.2 The site amounts to some 3.69 hectares and currently is rough pasture land and trees to the south and east of the grade 2 listed 'The Uplands' dwelling. The site is within an area subject of an area tree preservation order dating from 1961 and contains a number of specimen trees. The proposed built development would be to the south and south east of the listed building.
- 1.3 The existing vehicular access off the A464 into the site would be improved with adjustments made to the width and radii, and the provision of a right hand turning lane on the main road. A roadside footpath would be provided from the site access, extending north westwards to link with the footpath at the roundabout serving the Thomas Beddoes housing development. The junction and first section of the access road, some 60 meters long and block paved, would be shared with 'The Uplands' dwelling for which there are applications currently under consideration to convert and extend to form 'extracare' accommodation (ref 13/04841/FUL and 13/04842/LBC). Off the southern side of this section of road would be a private drive serving four detached properties, which would face towards the A464 with landscaped buffer planting along the road frontage. Four other properties would be served by individual accesses onto the estate road and with varying lengths of front gardens. Two of the dwellings in this area would have detached garages, with the remainder featuring integral garaging.

- 1.4 The road would then, at a sharp right angled bend, head south with five detached properties, featuring integral garages and drives in excess of 6 metres long, on its western side. On the eastern side there would be a single detached dwelling and detached garage, with a spur road leading to a group of 10 affordable dwellings, split into two terraces of three units and one terrace of four units, which would have forecourt parking.
- 1.5 The main access road would then head westwards on a curving alignment to an existing pond close to the south eastern site boundary which is to be retained. This section of road would have seven detached dwellings with integral garages on its southern side, and two on its northern side which would share a drive and garage block. The dwellings on the northern side would be sited closer to the road than those on the southern side, giving variety to the streetscene. Opposite the pond a 'T' shaped spur road/drive would serve five detached dwellings. Immediately to the west of the pond would be a private drive serving five detached dwellings, four of which would have detached garages and one an integral garage, orientated to face onto the pond area.
- 1.6 The main estate road would continue with an area of open space containing mature trees on its northern side and three detached dwellings, with integral garages, on its southern side. At a turning head on this road, which would be block paved, there would be two short drives, heading westwards and northwards, serving three and two dwellings respectively, which would face onto the area of open space and trees, through which there would be a pedestrian and cycleway connection to Park Lane. The northern shared drive, which would cross the area of open space, would have a block paved surfacing.
- 1.7 The main estate road would then head southwards on a slightly curving alignment to a block paved turning head in the south western corner of the site. Off the eastern side of this road section would be six detached dwellings with integral garages and individual drives, with seven dwellings on the western side having the same access and garaging arrangements. In the southern corner of the site there would be two detached dwellings featuring chimneys, with separate garages, served off a shared private drive.
- 1.8 Existing boundary trees and hedges would be retained in the proposed development, along with key mature trees within the site that would be incorporated into the areas of public open space. Along the south eastern site boundary between the pool and the main road, and then along the main road to the access point where a new culvert would be installed, close to ponds just outside the application site, a 5m wide commuting corridor would be provided between the pools, to retain connectivity for the benefit of Great Crested Newts and other wildlife. New tree planting would be carried out in the front gardens to properties, adjacent to the main road and in the areas of public open space.
- 1.9 A total of 15 different house types would be used for the proposed development. Within the individual house types there would be variations with some units being wholly brick and some featuring part render. Two types of facing brick and two types of roof tile each in two colour variations are proposed for use in the development. There would be a mix of full gabled and hipped roofs. The majority of

the housing would be two storey, with the exception being five 2.5 storey dwellings overlooking the public open space and pool areas. Some units would feature tile hanging and some would feature boarding or timber framing to gable ends. The properties would feature a mix of monopitch and dual pitched porch roof canopies. The majority of the detached dwelling designs would feature short, projecting front gables. Where rear gardens would be adjacent to the estate road they would be enclosed on the relevant sides by 1.8m high brick screen walls

- 1.10 The foul drainage from the proposed development would be disposed of to the main sewer. The surface water from the development would be collected and stored on site and released at the equivalent greenfield run-off rate. This would be achieved by storing surface water within pipes under the roads and released slowly at a controlled rate which during heavy rainfall events would prevent water flowing off site and into third party land.
- 1.11 The application is accompanied by a Planning Statement; Design and Access Statement; arboricultural method statement; extended phase 1 habitat survey; great crested newt mitigation strategy; archaeological assessment; flood risk assessment and drainage strategy; transport assessment; framework travel plan; landscape design statement; noise assessment; preliminary risk assessment; arboricultural method statement.
- 1.12 A screening opinion has been issued to the effect that the proposed development would not require an Environmental Impact Assessment.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is situated outside of the Shifnal development boundary shown in the Bridgnorth District Local Plan and is on safeguarded land which is excluded from the Green Belt. (Saved Local Plan policy S4 protects safeguarded land to meet the future development needs of Shifnal). The topography of the site is relatively level, with a gentle slope in a westerly direction. It is enclosed by the A464 road to the north east, the grounds that would be retained with 'The Uplands' and school playing fields to the north, existing residential development off Park Lane to the west, agricultural land to the south and a property known as 'Beech House' to the east/southeast. An existing access route onto Park Lane forms part of the application site. There are a number of ponds within the immediate vicinity of the application site and one pond within it.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council has submitted a view contrary to the Officer recommendation to grant planning permission as a departure. The Area Planning Manager and Principal Officer in consultation with the Chairman agree that the material planning issues raised by this application should be considered by Committee.

## 4.0 Community Representations

### - Consultee Comments

(Please note that where consultees have made several comments the latest comments are listed first, as these record the outcome of discussions and demonstrate whether any concerns raised earlier have been addressed).

- 4.1 Shifnal Town Council – Object: At the Full Council Meeting of Shifnal Town Council on Thursday 19th December 2013, Councillors REJECTED the Planning Proposal 13/04840/FUL.  
( Cllr Turley wishes that the Committee be advised that Shifnal does not support the Redrow development at The Uplands. After greater consultation with Shifnal, the Town Council removed (changed) their decision of July 2013 to one of rejection.)
- 4.2 SC Highways Development Control (04-06-14) – No Objection to amended site layout plan deleting school car park proposal. Recommend conditions relating to road and access construction and the securing of contributions through a Section 106 Agreement to the Travel and Movement Strategy for Shifnal and to finance the traffic order to extend the 30mph speed limit on the A464 road. The detailed comments are set out below:-

### **Principle of Development**

Shropshire Council as Highway Authority has no objection in principle to a residential development at the proposed location. It is considered that the proposed development is located within walking and cycling distance to local amenities such as the Local Primary School and other Local amenities, such as the Town Centre and Railway Station. However, Shropshire Council as Highway Authority remain concerned with regard to the cumulative impact of all developments within the Shifnal area.

### **Policy Considerations**

“The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

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

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

### **Transport Assessment**

A Transport Assessment has been submitted with the planning application. The application has taken into account the following committed developments in the Shifnal area;

- Thomas Beddoes Phase 1,
- Land at Houghton Road (12/04646/OUT);
- Land at Coppice Green Lane (13/02989/OUT)
- Springhill Industrial Estate (13/03055/FUL),

The following applications were not taken into account because at the time of the submitted applications were not formal planning applications however, have been subsequently submitted but not yet determined.;

- Land north east of Stone Drive for up to 250 dwellings (14/00062/OUT) (Note: It was resolved to grant permission for this scheme subject to completion of a Section 106 Agreement at the 27<sup>th</sup> May 2014 South Planning Committee).
- Land between Lawton Road and Stanton Road for up to 100 dwellings plus a 60 bed care home (13/05136/OUT)

The Traffic Impact Assessment has assessed traffic flows from the development and the impacts upon key junctions and their operation in the town at 2013 and future year 2018 with committed development (as defined above) and the proposed development. It concludes that the proposed development would not result in any material increase in traffic on the local road network. This is disputed by Shropshire Council as Highway Authority.

With regard to the Bradford Street/Aston Street junction the submitted Transport Assessment acknowledges that in the 2018 PM peak hour the junction would operate just above the recommended theoretical capacity with the committed and proposed development in place.

The Market Place/Bradford Street junction would operate above the recommended theoretical capacity with the committed and proposed development in place, with an increase of three vehicles queuing in the AM peak hour and five vehicles in the PM peak hour.

However, the junction assessments undertaken for Aston Street / Bradford St and Bradford St/A464 junctions have been done independently of each other. The software used to make the assessment assumes that the exits for each arm are clear and uninterrupted, and therefore once a vehicle has crossed the stop-line it is no longer taken into account. In the case of these two junctions, it is clear that there is a strong linkage between the two which makes the operation of these junctions far less predictable than the assessment suggests and the impact of the development has not been fully assessed.

The Assessment comments that all other junctions would operate within capacity and concludes that the proposal would not cause material reduction in the performance of the analysed junctions in Shifnal or on the surrounding road network.

The Transport Assessments submitted with other housing applications in Shifnal have concluded that the Aston Street/Bradford Street priority junction and the Victoria Road/Bradford Street/Market Place priority junctions are predicted to experience capacity constraints and queuing, and that capacity constraints are already experienced at these junctions. It is considered that the Transport

Assessment in this case should have addressed the SAMDev housing site allocations for land north east of Wolverhampton Road (the subject of current application 14/00062/OUT) and land south of Aston Road (the subject of current application 13/05136/OUT) due to their inclusion in all stages of SAMDev demonstrating a strong likelihood that some form of development will come forward on this land, cumulatively impacting upon junctions in the town and the local road network with the current proposal. It is considered however that the other transport assessments which have been commissioned for developments in Shifnal can be taken into account in assessing the current proposal to address this issue.

### **Highways Strategy for Shifnal**

A wider Travel & Movement strategy for Shifnal, as part of the on-going LDF/SAMDev/Neighbourhood Plan processes is currently being developed. This strategy is intended to consider the cumulative impact and effect of all the proposed developments in Shifnal on the local highway network, to determine what improvements and mitigation is required to manage the growth of vehicular and sustainable travel within the town.

The 'Strategy for Shifnal' will include the upgrade of key junctions where capacity has been identified as an issue, together with the promotion of sustainable transport within Shifnal and improvements to pedestrian and cycle facilities and the existing bus network.

Shropshire Council as Highway Authority considers that an appropriate contribution towards the Shifnal Travel and Movement Strategy is justified and can be secured through the Section 106 Agreement.

### **Access to the Development**

Shropshire Council as Highway Authority would have no objection in principle to the proposed access to the site, however it is recommended that the existing 30mph speed restriction on the A464 to the south east of the site access should be relocated to reduce vehicle speeds on the approach to the junction and improve pedestrian and cycle safety within the vicinity of the development site. A contribution to cover the cost of a traffic regulation should be secured through the Section 106 Agreement.

### **Internal Layout**

The proposed layout is considered acceptable in principle. The only issue with regard to layout is the parking provision for Plot 52. It is considered that the detachment of parking from the property may encourage vehicles to park in the turning head obstructing access to the proposed footway.

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,

### **Allocated parking**

The amount of car parking proposed for the dwellings would satisfy the parking standards of the former Bridgnorth District Council which are still in force in the

south east Shropshire area, and these standards are achieved without counting garages as parking spaces.

### **Pedestrian and Cycle facilities**

The Assessment comments that the proposed development would be within 250 – 300m of the proposed bus stops within the Thomas Beddoes Court Phase 1 development and some 900m from Shifnal Railway Station, which would be a walking time of some 12 -13 minutes. It states that the statutory walking distance to schools in the Education Act 1996 is up to 2 miles for children up to 8 years old and up to 3 miles for children 8 years old and above. It observes that there are four schools within 2 miles walking distance of the application site, comprising of two primary, one secondary and one college. A number of High Street shops on Bradford Street and Market Place are within a walking distance of 1km.

The proposed footpath/cycleway connection from the development site through to Park Lane would provide a convenient route to the school and southern areas of the town, as well as access to the Town Centre. The route should be surfaced and street light to ensure the use of the route is maximised.

Section 2.2.4 of the submitted Framework Travel Plan indicates that a 2m wide footway will be constructed on the western side of the A464 to the north of the site providing a link to the footway of the Taylor Wimpey roundabout.

It is considered that both proposed pedestrian links would provide a sustainable transport option and alternative to the private car for shorter trips in this area. It would accord with paragraph 29 of the National Planning Policy Framework which seeks to give people real choice about how they travel.”

### **Conditions**

In consideration of the information submitted, it is considered that there are no Highway grounds for refusing this application subject to the following conditions forming part of the permission and the above mentioned financial contribution towards the Shifnal Travel and Movement Strategy and amendment to the existing Traffic Regulation Order along Wolverhampton Road secured as part of the Section 106 Agreement;

#### **NS01**

The submitted travel plan shall be implemented within one month of the first occupation of the residential development. The travel plan measures shall relate to the entirety of the residential development, and reflect the phasing of occupation as appropriate.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in Planning Policy Guidance Note 13.

NS02.

Prior to the commencement of the development full engineering details of the proposed footway along A464 Wolverhampton Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any of the dwellings it would serve are first occupied.

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

**E1. New Access**

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved buildings occupied.

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

**E2. Road Design**

No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is occupied.

Reason: To ensure a satisfactory access to the site.

**E5. On-site Construction**

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

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

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

SC Highways Development Control (30-01-14) – Comment:

**Principle of Development**

As Highway Authority we do not have an objection in principle to a residential development and care home facility at the proposed location, however Shropshire Council as Highway Authority would not support the principle of providing a drop off area for the primary school. Shropshire Council is currently working closely with local primary schools in shifnal to promote walking and cycling to school. It is

anticipated that the promotion of the drop off area whilst may remove vehicles from Park Lane will facilitate further the use of cars as a mode of travel to school. It is anticipated that the area will not be used as a drop off area, but vehicles may park up and walk their child safely to the school gates, this may potentially displace the problem to the estate roads on the new development and Wolverhampton road. If the area does have to be used for car parking, can it be used by members of staff and visitors as an overflow? Or additional play equipment?

In addition to the above, whilst it is accepted that the development site is located within walking distance of the local primary school, we would raise concerns with regard to the distance from some local amenities and associated impact on the surrounding highway network.

### **Access to the Development**

Whilst we do not have an objection in principle to the proposed access arrangement, it is considered that further consideration needs to be given to vehicle approach speeds and proximity to the existing roundabout junction, it is recommended that consideration is given to reduce vehicle approach speeds, with the possibility of extending the current speed limit.

### **Impact on the Highway Network**

In terms of capacity at junctions it has been demonstrated that key junction within the shifnal area are over capacity and whilst it has been argued that the proposed development will have an impact on capacity on the network but not a significant impact, it is considered that the cumulative impact of all developments proposed within the shifnal area will impact on the highway network and therefore capacity at junction should be addressed, together with the promotion of sustainable transport within the shifnal area.

Shropshire council are currently developing a strategy to improve passenger transport links within the shifnal area, however it is considered that the contribution received from Taylor Wimpey's Wolverhampton road development was received to make the existing development more acceptable, however, we would be looking to improve bus provision to the proposed development site. The improvements to the bus networks will form part of the overall strategy for Shifnal, therefore we feel it is appropriate that the applicant contributes towards this overall strategy in order to provide improvement. To passenger transport to the site and thus encouraging more sustainable travel from the development site and reducing the impact on the highway network.

The transport model and proposals put forward include infrastructure works to the highway network and the improvement to sustainable transport links within the shifnal area. The strategy for shifnal is current under consideration, in order to make the proposed development from a highways perspective acceptable, we would be seeking confirmation from the applicant that they would considered contributing towards the overall strategy for shifnal.

## Improvements to Footway Link to Park Lane

In light of discussions regarding Springhill Industrial site, query whether it is proposed to improve the link and offer it for adoption.

## Parking

The proposed level of parking for the residential development is considered acceptable,

- 4.3 Highways Agency – No Objection:  
Referring to 'The Highways Agency and the Planning Application Process: A protocol for dealing with planning applications', junction capacity assessments should be carried out where there are more than 30 trips associated with a development proposal. However, the Highways Agency is satisfied that there will be a minimal increase in traffic numbers at M54 J4, such that a more detailed assessment is not required. As a result, the Highways Agency offers no objection to this planning application.
- 4.4 SC Outdoor Recreation Team (Parks) (01-05-14) - No objection to amended site layout and the Public Open Space Design shown on the amended site layout plan.

SC Outdoor Recreation Team (Parks) (13-12-13) - Object: According to Shropshire Council's Open Space Interim Planning Guidance, a development of this size should provide 30sqm of useable public open space per bed space. At x6 2-bed houses, x8 3-bed houses and 54 4+ bed houses, the public open space provided in this development should total approximately 7560sqm. The current design clearly shows an area of POS smaller than that of the required amount of useable open space and should therefore be considered insufficient to serve a community of this size. In this instance, the existing pond area is not considered as useable recreational open space.

Currently, the open space provides good connectivity through the site. However, further open space could be provided in order to bring the development contribution in line with the required amount of 7560sqm that links the footpath and access to the wider countryside to the west of the development with the proposed linear open space. Currently, the green corridor does not provide access to the wider countryside area and would only serve as a circular route. Further advantage could be gained from connecting this route to the wider countryside to the west of the development where there is currently a link, but via driveways and pathways and not a green network. This would also have benefits for the wildlife corridor in the area and provide strong linear movement throughout the site.

- 4.5 SC Public Protection - No Objection: Recommend the inclusion of electric vehicle charging points. Recommend a condition stating  
An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. . The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.  
Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit

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

A noise assessment, number 296231-02(01), undertaken by RSK has been employed submitted with this application. The assessment concludes that the two properties closest to the A464 have amenity areas (external areas) subject to levels of noise in excess of 55dB (LAeq,16 hour). As a result this area exceeds World Health Organisation guidelines on community noise and the applicant should stipulate how this will be mitigated against to provide a reasonable level of amenity in the external areas of these properties. The noise assessment also concludes that:

"...the facades of the properties facing the A464 (plot numbers 1-4 on the drawing reference number A593 02) will be exposed to levels of 63dB(A) during the day and 55dB(A) at night. In order for allow ambient internal noise levels to meet the BS8233 good criteria, the building envelope will have to reduce noise levels by at least 33dB(A). An open window will give a maximum reduction of 15dB(A) and therefore in order to meet the required 33dB(A) attenuation, an alternative means of ventilation will be required to provide background ventilation in habitable rooms without the need to open windows. Suitable systems may be mechanical or attenuated passive natural ventilation systems".

As a result I recommend that the applicant provides information to state how the noise reductions mentioned above will be realised. If no information is provided prior to a decision on this application I recommend that the following condition is placed should this application be granted approval:

Prior to work commencing a noise mitigation scheme shall be produced and submitted to the local planning authority in writing. The scheme will detail how the noise reductions stated in the noise assessment, number 296231-02(01), undertaken by RSK and submitted with this application will be achieved.

Reason: to protect the health and wellbeing of residents

#### 4.6 SC Archaeology – No Objection:

The development proposal involves land to the south east of Shifnal which contains a number of designated and undesignated heritage assets both within the proposed development boundary and in the wider setting.

The applicant has commissioned an archaeological desk based assessment and heritage impact assessment (RSK 190382) that concluded, in terms of the setting of heritage assets, there would be no adverse impacts on the setting of designated heritage assets resulting in loss or harm to their significance. Additionally the report concludes that there will be no significant direct impact on known archaeology.

In respect of previously undiscovered archaeology, the report identified a low potential for archaeological remains to be present within the development boundary for all archaeological periods.

I concur with the first two findings, however in respect unknown archaeology, the potential though low, is not negligible and has not been tested.

**RECOMMENDATION:**

I confirm that the archaeological desk based assessment (RSK 190382) provides a satisfactory level of information about the archaeological interest of the site to permitted post determination mitigation of the archaeological interest.

In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work, be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

**Suggested Conditions:**

No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that makes provision for a series of trial trenches to test for the presence or absence of un-recorded archaeological deposits, prior to work commencing on site. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works. Findings from the evaluation may determine that additional archaeological mitigation would be necessary and a further programme of archaeological work would then need to be undertaken to fulfil the condition.

**4.7 SC Drainage (09-04-14) – No Objection:**

The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

The FRA and drainage strategy is acceptable in principle.

1. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

2. A contoured plan of the finished ground and carriageway levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Councils Surface Water Management Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

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

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

Water Butts

Rainwater harvesting system  
Permeable surfacing on any new driveway, parking area/ paved area  
Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

SC Drainage (29-12-13) – Comment:

The drainage details, plan and calculations should be submitted for approval prior to the determination of the planning permission.

Comment: The drainage strategy and figures quoted in the FRA are generally acceptable although the use of soakaways should be investigated in the first instance as the SUDS applicability is Infiltration. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Reason: To ensure that soakaways are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

Comment: If non permeable surfacing is used on the driveway and parking area and/or the driveway slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

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

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

#### 4.8 West Mercia Crime Prevention Design Advisor – Comment:

The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented.

The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be at [www.securedbydesign.com](http://www.securedbydesign.com)

Finally may I draw your attention to Section 17 of the Crime and Disorder Act 1998 which clearly states. It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

4.9 Severn Trent Water – No Objection: Recommend condition:

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

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

4.10 SC Trees (20-05-14) – No Objection: Revised arboricultural information addresses concerns raised in previous consultation responses.

SC Trees (01-05-14) – No Objection:

I have looked at the revised plan (A593-002 Rev D) and I can confirm that it addresses my concerns regarding tree 'liveability' issues surrounding the original layout in the southern corner of the site. I consider that two larger plots as now proposed (plots 41 and 42) offer better prospects for a successful outcome in the long-term, considering the juxtaposition of houses and gardens with nearby mature protected trees.

I would point out that my consultation response of 22/04/14 also requested some additional information on three further points of detail raised in the Arboricultural Method Statement:

1) ground protection for those parts of the Root Protection Area of retained trees that lie outside the tree protection barriers; 2) specification and method statement regarding the main access to the site in the vicinity of mature oak tree T126; 3) specification for 'no-dig' construction in the vicinity of protected oak tree T128.

The details regarding the main access to the site are fundamental (in terms of potential impact on the adjacent mature oak tree) and should be agreed prior to determination. The other two points I consider to be supplementary detail that could be provided as reserved matters (but prior to commencement), as appropriate.

SC Trees (22-04-14) – Comment:

I have reviewed the revised plans and revised Arboricultural Method Statement (5223 FE AMS 01 D, First Environment Ltd, March 2014) submitted in support of this application. I acknowledge that attempts have been made to address the concerns raised in my previous consultation response (dated 6th January 2014) and I particularly welcome the alteration of the layout to allow retention of the mature oak tree T26 adjacent the main access to the site. I further consider that the handing of plot 40, placing the garage nearer the boundary trees and hedge rather than the main dwelling, will significantly enhance the liveability aspect of that property.

However, I consider that the slight realignment of plot 44 will not be sufficient to overcome the overbearing dominance that the adjacent, protected mature oak trees and tall cypress hedge will have upon this property. I would therefore welcome further discussion about the layout and design of this plot in particular.

There are three further points which I consider require additional information to be provided and agreed to the satisfaction to the LPA, prior to commencement of development:

Section 5.5 of the Arboricultural Method Statement deals with ground protection to protect roots outside the tree protective barrier, but does not at this stage provide an exact specification. Suitable details should be provided and agreed.

Further details should be provided as to the means of breakout (if any) of the existing access road and sub-base and construction of the new access road and any associated kerbs and drainage infrastructure, within the Root Protection Area (RPA) of protected oak tree T26. Drawings and method statement should be provided to show how design and implementation will avoid significant damage to roots of tree T26.

Further details are required regarding the proposed no dig installation within the RPA of oak tree T128. A suitable specification should be provided and agreed.

Notwithstanding the above, I have no objection to this application on arboricultural grounds, providing the tree works and tree protection measures are undertaken as specified in the above referenced Arboricultural Method Statement. I would recommend attaching the following tree protection conditions to any approval:

The development shall be implemented strictly in accordance with the Arboricultural Method Statement (5223 FE AMS 01 D, First Environment Ltd, March 2014), particularly sections 5 and 6 and Appendix A tree Protection Plan (FE TPP 04) thereof. Tree works and tree protection measures shall be implemented in the sequence specified in Section 6.8 of that document Order of Works.

Reason: to protect significant trees and hedgerows that contribute to the character of the development and its location from damage during implementation of the development.

I would also recommend attaching a condition requiring further details about the tree and shrub planting to be undertaken to enhance the development:

Prior to occupation of the first dwelling, details shall be provided as to the trees, hedges and shrubs to be planted to enhance the development. The planting plan shall include details of species, sizes, type of stock, numbers, planting patterns, ground preparation / planting pit specification, means of tree / hedgerow protection and support, and arrangements for mulching / weeding, watering and replacement of losses during the first 3 years post-planting. The plan shall stipulate when the planting is to be carried out and by when it is to be completed. The planting shall be implemented as specified in the plan.

Reason: to ensure a satisfactory form of landscaping to enhance the development and contribute to long-term continuity of tree cover in the area.

SC Trees (29-01-14) – No Objection in principle on arboricultural grounds but there are a few points of concern regarding the proposed layout as follows:

1) I consider plots 40 and 44 will suffer an unreasonable degree of restriction to future occupants' enjoyment of the properties. Mature oak trees overhang a significant proportion of these gardens and will cast considerable shade over them and the houses. Future occupants are also likely to have concerns about the safety of these large trees and the nuisance factors of leaf fall and other detritus from the trees. These issues are likely to lead to pressure for excessive pruning or removal of the trees.

2) I accept the loss of almost all of the trees proposed for removal in conjunction with the submitted layout. However, I would question whether the layout could be revised to accommodate the retention of two mature (veteran) oak trees in particular. These being trees 25 and 26, as described in the tree report (Arboricultural Method Statement, First Environment Ltd, 5223 FE AMS 01C, November 2013).

Tree 25 is the dominant tree in the north-eastern part of the site and is visible from the main road and adjacent land and property to the east and west. It makes a significant contribution to the local landscape from within and beyond the site. However, its presence is incompatible with the location of proposed plots 2 and 3 and I also consider that it would cause similar issues as described for plots 40 and 44 above, for plots 10 – 13 inclusive.

Tree 26 is less prominent in a whole site context, but is nevertheless visible from land and property to the north / north-east. I consider it to be one of the better specimens and, as the tree report states 'capable of making a significant future contribution'. This tree has even more potential given its location near the entrance to the site, where it could make a splendid 'gateway' feature. However, the tree lies directly in the line of the proposed access to the school car park.

As stated above, I would welcome the opportunity to explore whether the layout could be revised to accommodate retention of these two trees in particular, both of which I consider could add significantly to the proposed development.

Notwithstanding the above, should planning permission be granted, I would recommend attaching a tree protection condition to the effect that development should be carried out strictly in accordance with the Arboricultural Method Statement (First Environment Ltd, 5223 FE AMS 01C, November 2013), particularly sections 5 and 6 and Appendix A (FE TPP 03) thereof.

I note that certain landscape planting details (species, numbers and locations) have been provided in the Landscape Design Statement (First Environment Ltd, 5223.Shifnal.LDA.001, 27/11/2013). However, the documents give no detail as to planting methods and specifications, means of tree protection and support, maintenance regimes and replacement of losses. Nor is there an indication of by when the planting should be completed. I would therefore also recommend

attaching a condition to any approval requiring this additional information to be submitted to the written satisfaction of the LPA, prior to occupation of the first property. The planting should subsequently be completed as specified in the approved details, prior to completion of the development.

4.11 SC Ecology (9-06-14) – No Objection, subject to adjustments being made to the Great Crested Newt mitigation strategy to allow completion of the 3 tests matrix under the Habitats Regulations:

Further to my memo dated 25<sup>th</sup> April 2014, 6 surveys visits have now been completed for the additional ponds to the south and west of the application site. Only torching and egg searching were carried out, which is not in line with the Great Crested Newt Mitigation Guidelines. The results are contained in the June 2014 report:

Pond 1 on the site: (June report) peak count of 3

Pond 2 93m south: peak count 1

Pond 3 95m west: peak count 198

This is considered to provide enough data to determine the planning application, but possibly not to achieve an EPS licence from Natural England. It is recommended that a condition requires that development should not commence until a licence has been achieved.

A mitigation strategy is set out by First Environment (March 2014) that includes erection of amphibian fencing, trapping, enhancement of habitat features and risk avoidance measures.

The trapping regime is based on the 'small' population size found in 2012. The June 2014 survey report now recommends a 60 day trapping regime because the 'large' GCN population at Pond 3 is on the far side of a lane. I consider this to be reasonable, although as an EPS licence will be necessary for the development, this matter will be determined by Natural England.

No change to the mitigation strategy or enhancements areas have been proposed as yet, however these are considered necessary in view of the new survey results. The Landscape Masterplan shows retention of the entire tree line along the southern site boundary. It is likely that GCN will use this landscape feature for commuting and it is therefore recommended that the 5m commuting corridor shown the GCN Constraints Plan should be extended along the entire southern site boundary. I would also expect to see a wider buffer between Pond 1 (on site) and the road adjacent to it. Either no gully pots or ones designed to avoid newts falling into them will be necessary on the roads in the vicinity of Pond 1. It is therefore recommended that the GCN Mitigation Strategy and Constraints Plan are updated in view of the new survey results and inserted into condition 2 below.

However the principal that, with adequate mitigation, development can be permitted that would not result in harm to great crested newts has been established.

An European Protected Species 3 tests matrix will need to be completed, which I will provide once an acceptable mitigation strategy is received.

## Conditions

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

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

2. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Great Crested Newt Mitigation Strategy by First Environment Consultants Ltd dated \*\*\*\* 2014.

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

## Informative

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

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

## Bats

The beech tree sited south west of The Uplands (target note 1) has now been inspected by First Environment (email dated 13.5.14) from the ground and they do not consider any bats are likely to be roosting in it, although a bird is nesting in it.

The following conditions and informative are recommended

## Conditions

1. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*

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

2. The first submission of reserved matters shall include plans showing a total of five woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, which shall be erected on the site prior to first use of the dwellings hereby permitted All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

**Reason: To ensure the provision of roosting opportunities for bats**

## which are European Protected Species

### Informative

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

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

### Nesting birds

The following condition and informative are recommended on this issue:

#### Condition

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

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

#### Informative

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

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

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

SC Ecology (12-05-14) – Comment – A Great Crested Newt Mitigation Strategy has subsequently been submitted which sets out a series of measures to be carried out in advance of and during the course of development (which would include obtaining a European Protected Species (EPS) licence from Natural England), together with population monitoring on completion of the development and the location of permanent exclusion fencing. Additional survey work has been started with respect to Great Crested Newts but at the time of writing is not complete. Once the great crested newt survey results are completed (by June at the latest) the Mitigation Strategy can be finalised, however, the Planning Ecologist considers that sufficient information is available to make a recommendation on the application.

SC Ecology (25-04-14) – Comment on proposed strategy to extend trapping period to 60 days for Great Crested Newts and to then update the mitigation strategy on basis of findings, due to timescales not allowing for additional presence and absence survey work.

Response is that this is not an acceptable way forward. Basing mitigation on incomplete survey information is a classic case of 'over-mitigation' and will not help secure the EPS licence needed from Natural England. In order to gain an EPS licence, NE will insist on up to date (maximum age 2 years old) and complete survey data. In our experience they can ask for survey information on ponds up to 500 metres away.

Have consistently requested survey data for ponds with 250 metres of the application sites, as a reasonable in our view. If the great crested newt (GCN) surveys had started in March they could be almost complete by now. Do not see this as an unreasonable request. Understand from Greenscape Environment that they found GCN eggs in the pond at Lodgehill Farm and the HSI for one of the ponds to the south of the housing application has 'good' suitability for GCN, both being with 100 metres of the housing application site. If a medium or high GCN population is found within 100m of the site this should influence the mitigation strategy.

The housing application would have impacts on the GCN population to the south of The Uplands. Advice stands and the 3 tests under the Habitats Regulations would not be passed without the additional data.  
his is not an acceptable way

SC Ecology (30-01-14) – Comment

I have read the above application and the supporting documents, including the Extended Phase 1 Habitat Survey by First Environment Limited dated 11<sup>th</sup> September 2013.

**Recommendation:**

Great crested newt and bat survey results must be submitted with this application as recommended below. An EPS 3 tests matrix will need to be completed, however there is insufficient information submitted to do this at present.

In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

**Great crested newts**

First Environment (2013) report that, at the time of the September 2013 survey, there were a total of four ponds on the site that they surveyed. Three of these ponds were in a line along the wooded northern boundary, and the fourth on the south eastern boundary. The application site for 13/04840/FUL only contains the fourth pond on the south eastern boundary. Although Habitat Suitability Index (HSI) assessments were carried out, resulting in HSI scores of good, they state it was already known that Great Crested Newts were present in small numbers from previous surveys but do not provide details. The mosaic of habitats provided good terrestrial habitats for amphibians, although the grassland had recently been ploughed and as such offered little of interest to reptiles and amphibians.

An Ecological Appraisal by CSa Environmental Planning from 2008 for a nearby site surveyed the four ponds on the application site and reported all supporting great crested newts, with the maximum count of 77.

First Environment (2013) correctly states that a European Protected Species Licence for great crested newts will need to be in place before development could take place.

First Environment (2013) report that an updated Great Crested Newt survey of the ponds is required. As a population of animals is known to be present, six visits will be required between April and mid-June. Of these, three must be in the period mid-April to mid-May. I agree that it is vital that up to date great crested newt surveys are carried out to accompany this planning application. We have stated this in pre-application advice.

Any ponds within 250m of a major planning application (over 10 houses, or more than 0.5 hectare should be assessed in terms of broad suitability for Great Crested Newts by carrying out a Habitat Suitability Index (HSI).

If any pond is suitable then it may be necessary to carry out a presence/absence survey for Great Crested Newts which is made up of 4 survey visits between mid-March and mid-June with at least 2 visits between mid-April and mid-May. Three survey methods (preferably torch survey, bottle trapping and egg searching) should be used on each survey visit. If Great Crested Newts are discovered on the site then it may be necessary to carry out a population size class estimate which involves an additional 2 visits in the specified time period.

The ecologist should make recommendations as to whether a European Protected Species Licence with respect to Great Crested Newts would be necessary and the need for a mitigation scheme and/or precautionary method statement.

The Great Crested Newt survey should be carried out by an experienced, licensed ecologist in line with the Great Crested Newt Mitigation Guidelines by Natural England (2001) and should be submitted with any necessary mitigation scheme and method statement to the Local Planning Authority in support of the planning application.

## **Reptiles**

First Environment (2013) report that “apart from several piles of whole and partially crushed bricks, which were a relatively recent addition, the site contained no suitable refugia or hibernacula for reptiles. There were plenty of basking areas, although the site in its current condition was now thought to be too open, and there were limited foraging opportunities. However, it is known that there is a population of Grass Snakes in the surrounding area, so these may be present on the site.”

No other surveys were considered necessary by First Environment (2013), since the potential for reptiles had been significantly reduced due to the recent ploughing. However, if the sward is allowed regenerates, a full survey should be carried out. This can take place between April and September.

## Bats

Excluding a large Beech tree, First Environment (2013) note that none of the other trees within the curtilage of the site supported features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation.

The site itself was thought to be of moderate value to foraging or commuting bats, as cover was provided by the trees and hedgerows, whilst there would have been insects within the grassland before it was ploughed. They recommend a minimum of two bat activity surveys between June and August. As the existing buildings are not affected by this application, a bat survey of the buildings is not needed, but has been requested for application 13/04841/FUL.

## Birds

First Environment (2013) report that the hedgerows, woodland around the ponds and area of dense scrubby woodland provided potential breeding and foraging cover for common birds, and there was a large Beech with a cavity being used for nesting by either a Tawny Owl or Stock Dove.

No evidence of badgers, otter, water vole was found.

Once the required survey information has been submitted, appropriate conditions can be recommended.

- 4.12 SC Affordable Housing – No Objection:  
The current prevailing target rate for this area is 15% and therefore for a development of 68 open market dwellings, 10 are required to be affordable in accordance with the SPD Type and Affordability of Housing. There will need to be a financial contribution for the remaining fraction (0.2), this will need to be based on the average floor area of the development. The accompanying planning statement notes this provision and the application form indicates the provision of 6 x 2 bed and 4 x 3 bed. This provision is acceptable to the housing and development team, subject to the required tenure split. The tenure split of the affordable homes will need to be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme.

- 4.13 SC Conservation – No Objection:  
The application proposes the development of the site for 68 residential dwellings. The site lies adjacent to The Uplands a Grade II listed house, which is subject to another application for conversion and development.

An archaeological assessment has been provided with the application which has outlined the history of the site and surrounding designated assets. The assessment concludes that the development would have an impact on the adjacent listed building but is considered to be of minor, negative significance. I concur with this

conclusion.

The application includes a detailed Design and Access statement which has assessed the vernacular design and details of the area and provides a design strategy for the site. The design approach is considered appropriate.

4.14 St Andrews School head teacher –Comment:

-School accepts issues relating to car parking, but school governors have never agreed to school being part of planning proposals.

-School would require a facility for parents to drop off children rather than a car park.

-School is oversubscribed already; accept school could cater for an increase from 296 to 320 to cater for families on Thomas Beddoes estate but extra pupils in addition will impact upon facilities needed at the school.

-Community Infrastructure Levy will provide insufficient funding for all facilities needed in the town.

4.15 SC Learning and Skills – Comment:

Local Authority's prime concern for the town's schools is the statutory provision of sufficient school places and related building infrastructure to support these places; would not want this to be compromised by the provision of other facilities that might be desirable, but not as crucial.

Planning Policy Comment: Any additional school places will be funded through CIL in accordance with the LDF Implementation Plan, page 124 of which makes it clear that expansion of primary and secondary places in Shifnal will come from CIL.

-Public Comments

The comments received are summarised below and the full letters/comments may be found on the planning file:

4.14 Original Site Layout:

12 Objections:

-Shifnal being forced to accept disproportionately high quantity of new houses compared to other Market Towns.

-Development needs to be delivered in incremental phases.

-Safeguarded land.

-Site rejected in Shifnal Housing Sites Assessment update 2013 due to it being remote from the start of development proper and having little or no capacity for housing due to its rural character.

-No need.

-Local people oppose allocation of this land for development; majority of Shifnal Town Councillors voted against proposed allocation 12-09-13.

-Contravenes policy CS 3.

-If all developments allowed would increase town size by 60%.

-Significant Adverse Impacts sufficient to outweigh the National Planning Policy Framework, as increasing size of Shifnal by over 40% would destroy character of Town and there would the expansion stop?

The cumulative effect of development approvals and NPPF gives Planning

Committee backing to refuse.

- Flood Risk issues being ignored; not a sustainable location.
- Water table has risen several inches in last 4 years.
- Building 68 houses could lead to localised flooding.
- Outfall to Wesley Brook is largely unknown; Should be thoroughly investigated and mapped and proven to be satisfactory.
- Opportunity to provide new outfall to Wesley Brook avoiding future problems.
- In 2007 there were floods in Park Lane and Wolverhampton Road appeared as small rivers; drainage system unable to cope with surface water run off from saturated land including The Uplands.
- Houses in Park Lane flooded recently with water running off this field.
- Standing water on field.

- Question capacity of schools, doctors and other local services.
- Infrastructure will not cope.

- Over 1km from Shifnal Town Centre and will encourage car use, increasing congestion; not within sensible walking distance of Shifnal Centre.
- Transport Assessment does not include the 250 dwellings proposed off Wolverhampton Road or potential future development to the south of this site, which would impact on design for priority junction with A464.
- Bus service to Traylor Wimpey development has never been provided.
- Additional traffic joining A464 detrimental to highway safety; school traffic would have an adverse impact on highway safety.
- Cause traffic chaos.
- Congestion on A464 at peak school times.

- Loss of view.
- Connection to Park Lane will create alleyway for antisocial behaviour.
- Harm residential amenity.
- Loss of privacy and of a quiet and safe residential environment.
- Concerned about reference to potential future access on drawings.
- Affect human rights.

- Meadow is home to many large mature trees and Great Crested Newts.
- Trees, hedgerows and Great Crested Newts on site would need extensive mitigation measures.
- Full survey needs to be undertaken of pools/ponds for Great Crested Newts.
- Much flora and fauna on site due to land not having been used for crops or grazing for many years.
- Loss of trees and hedgerows; harm to root systems.
- Loss of valuable green space.

- Loss of semi rural approach to Shifnal along A464.
- Does not respect local context and street pattern, or scale and proportions of surrounding buildings, with properties along Park Lane having large plots with large spacing between.
- Out of character.
- Cramming on a low density road.

-Houses would not be affordable.

Amended Site Layout:

5 Objection letters received adding to/reiterating objections summarised above:

- Loss of light or overshadowing of existing properties.
- Overlooking/loss of privacy to existing properties.
- Harm visual amenity.
- Noise, smell and disturbance from building works.
  
- Question adequacy of parking/loading/turning on and around the site.
  
- Highway safety concerns remain.
- Road access inappropriate.
- Transport and accessibility not sustainable.
- Location will not promote a reduction in transport emissions by reducing need to travel and promoting the use of public transport, cycling and walking in order to reduce car dependency.
- Removal of flawed school car park proposal from scheme means there is now no justification for this site being developed.
  
- Surface water outfall and flooding issues previously raised not addressed.
- High surface water flood risk area located along the sites western boundary with -Park Lane identified in extract from Surface Water Flood Risk Map Flood Risk Assessment March 2014 Issue 4.
- Concerned about condition of brick culvert under Park Lane and its ability to cope with surface water flows should this development go ahead.
  
- Inadequate Town infrastructure.
  
- Loss of trees and fields around Shifnal; impact upon nature and wildlife conservation for known Great Crested Newts.
  
- Layout and density of buildings inappropriate for countryside development.
  
- Fears of compensation and awards of costs against Council at public inquiries needs to be discussed.
  
- Shifnal has now passed the point where any further housing developments added to those already approved would be unsustainable.

## **5.0 THE MAIN ISSUES**

Principle of development  
Affordable Housing and on site Development Mix  
Design, Scale and Impact on character of area and setting of listed building  
Sustainability  
Highway Safety  
Flood Risk and Drainage  
Residential Amenity  
Open Space  
Ecology  
Trees  
Archaeology  
Loss of Agricultural Land

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 The application site does not fall within the Green Belt but is on land outside the current Development boundary for Shifnal, shown in the Bridgnorth District Local Plan, which is safeguarded by policy S4 to be available for possible future use to meet the settlement's long term development needs. At the present time planning permission would normally only be given for developments on the land which would be acceptable in the Green Belt, provided that such development would not prejudice its ability to meet the settlements long term needs. The erection of open market housing on the part of the site outside of the Shifnal development boundary would be contrary to current adopted Development Plan housing policies. However the National Planning Policy Framework, published in March 2012, must be taken into account and is a material consideration of significant weight in determining planning applications.

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

6.1.3 Paragraph 47 of the NPPF sets out a number of steps that local planning authorities should take to boost significantly the supply of housing. These include a requirement to:-

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

buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

It continues at paragraph 49 that:-

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

These paragraphs are highly significant in the context of this planning application because Shropshire Council has published an updated 2013 Five Year Housing Land Supply Statement for Shropshire and Shrewsbury. The update is based on changes to the methodology used, having regard to the requirements of the NPPF and appeal decisions across the country relating to five year land supply issues since the publication of the NPPF. The assessment shows that at 1<sup>st</sup> April 2013, there was a 4.95 year supply of housing land. The Council is now 13 months on from that calculation and the under delivery of housing in recent years is not being made up. The shortfall of housing delivery continues to increase every month meaning that the Core Strategy target for the provision of new homes (an annual target of 1,390 homes, equating to 116 homes built per month) is not being met. Last year 2012/13 there were only 847 homes built in that year, while in 2011/12 there were only 724 homes built across Shropshire. It is highly likely that 2013/14 will likewise be short of the target. Therefore unless the market picks up dramatically, every month that goes by increases the short fall and reduces the number of years' supply of housing land. In consequence Shropshire's five years supply is now below 4.95 years housing land supply. This means that the existing Development Plan housing policies are not up –to –date and a refusal of this application solely on the grounds that it is contrary to Development Plan housing policy by being partly outside of the development boundary for Shifnal would be most unlikely to be sustained at appeal, and could result in an award of costs against the Council for not following the National Planning Policy Framework guidance on this key principle. The effect of the NPPF has been to change the balance of the material considerations in favour of boosting housing supply and the relative weight which can be attached to the Core Strategy, saved Local Plan policies and the emerging SAMDev policies.

- 6.1.4 While the application site falls is designated 'safeguarded land' under Local Plan policy S4, the lack of a five year supply of housing land renders all policies relating to housing supply 'out-of-date,' including safeguarded land policies where they relate to housing. Ideally the future of all safeguarded land would be determined through the SAMDev Plan process. However it is clear from a recent parliamentary debate (Parliamentary Debate on housing supply and the role of Local Plans, Hansard 24/10/13) and a review of recent appeal decisions across the country, that an emerging Local Plan is afforded minimal weight by the Planning Inspectorate or Secretary of State until submission stage (for non-contentious proposals) or publication of the Inspector's report (for contentious proposals) respectively. Therefore the emerging SAMDev Plan has little weight on the decision on this planning application at this time.

6.1.5 A further factor of significance is that the application site forms part of the parcel of 7.6 hectares of land which, in the SAMDev Revised Preferred Options consultation of July 2013, was allocated for a residential development of up to 160 homes. ( Land at The Uplands, south of Wolverhampton Road ref SHI – 002). The inclusion of this land for residential purposes in that consultation, with the support of Shifnal Town Council at the time it was formulated, demonstrates that the Council considers it to be an appropriate location for residential development. The allocation of the site for residential development in the revised preferred options version of SAMDev also demonstrates that the Council is satisfied that the principle of such development on this site would meet the three dimensions of sustainable development – economic, social and environmental –set out in the National Planning Policy Framework. The cumulative effect of all sites proposed in the revised preferred options consultation was considered to be acceptable in terms of the ability of Town infrastructure to support those developments: Otherwise all the sites would not have been put forward in that document. The site has not been carried forward in the SAMDev Final Plan as a housing site, but, this factor does not outweigh the 5 year land supply considerations explained in paragraphs 6.1.1 to 6.1.4 above.

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

## **6.2 Affordable Housing and on site Development Mix**

6.2.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as ‘infrastructure’ and indicates the priority to be attached to contributions towards the provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. In this particular case the applicants are prepared to deliver affordable housing at the 15% prevailing rate applicable at the time the application was submitted (amounting to 9 units in the revised scheme, together with a financial contribution equating to 0.9 of a unit). It is considered that the affordable housing mix of two and three bedroomed units and positioning within the proposed development is acceptable. The agent has confirmed that his clients would agree to the 70% rented and 30% low cost home ownership tenure split sought by the Council’s Type and Affordability of Housing SPD, the provision of 10 units on site, which slightly exceeds the minimum provision required by the prevailing rate and thereby avoids the need for a supplementary financial contribution. The mechanism to secure this delivery of affordable housing and for it to be affordable in perpetuity would be included in a section 106 agreement.

The applicants comment with respect to the size of the affordable units that a specific Registered Social Landlord (RSL) has not been selected yet, but Redrow regularly provide its ‘Stour–Avon’ units to RSL’s. This position was accepted with regard to the same affordable dwellings units in 13/03055/FUL relating to the Springhill Industrial Estate site.

6.2.2 Throughout the whole development there would be 4 two bedroomed properties; 7 three bedroomed properties; 41 four bedroomed properties and 14 Five

bedroomed properties. The precise dwelling mix is a marketing decision for the applicant, but it is considered that the mix of development proposed here in the Shifnal context with existing and proposed developments would be in accordance with Core Strategy policy CS11, which seeks to achieve mixed, balanced and inclusive communities.

### **6.3 Design, Scale and Impact on character of area and setting of listed building**

- 6.3.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.3.2 It is considered that the revised layout and reduction in the numbers of dwellings compared to that originally proposed results in a development which would be in keeping with the locality.
- 6.3.3 The proposed house types would be well proportioned and appropriate for this location. The designs would have features which reflect the 'Arts and Crafts' movement of the later 1930's. Ten of the Fifteen house types proposed, including the affordable units, are the same as those which were approved for the Springhill Industrial Estate site, Shifnal at the 7<sup>TH</sup> January 2014 South Planning Committee meeting (ref 13/03055/FUL). The other house types exclusive to this site are a mix of four and five bedroomed detached dwellings, with one of these being of 2.5 storeys, and are of a complementary style. The predominant use of brick and tile, but with some units having rendered elements and tile hanging and gable boarding, would reflect features found in and around Shifnal. The inclusion of short projecting front gables to some dwellings, in a variety of forms and styles, would provide variety and interest to the street scenes.
- 6.3.4 There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for local authorities to have a specific duty to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses in the carrying out of statutory functions. The Uplands lies to the north of the proposed dwellings and is listed grade 2. In this particular case the proposed built development would not encroach upon the immediate setting of the listed building and would not significantly impact upon the outlook from its principal elevations. The Council's Conservation Officer is content that the impact of the proposed development on the setting of the listed building would be minor and not to a degree that would warrant a refusal of planning permission. She considers the design approach to the housing development, which has taken into account the vernacular design and details of the area to be appropriate.

6.3.5 It is considered therefore, for the reasons explained above, that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy policy CS6 and would not detract from the quality of the built environment to this part of Shifnal, satisfying Core Strategy policy CS17 in this respect.

## **6.4 Sustainability**

6.4.1 Core Strategy policy CS6 seeks to encourage sustainable design and construction principles. The applicants have submitted a sustainability statement in which they advise that their approach to the building fabric and energy efficiency would be to source materials from local suppliers, supporting the local economy, and to use recycled materials where possible; to design the fabric of buildings to minimise heat loss, utilising passive heat from the sun, maximising daylight penetration. Appropriate insulation and air tight seals would be incorporated into the buildings; energy efficient lighting would be installed in all houses, A and B energy efficiency ratings for any white goods supplied and water saving features such as low flow taps and showers and dual flush cisterns. Timber would be sourced from sustainable managed sources and they favour the use of non-toxic water based paints. Materials would be recycled as part of the development process. While no features such as solar energy generation are proposed the southerly aspect of many of the proposed units would make this a future fit option. The social and economic facets of sustainability objectives set out in the National Planning Policy Framework, at paragraph 7, in addition to environmental considerations, would be met by the easily accessible location of this site, the provision of a wide choice of new homes, affordable housing and community and green open space, supporting direct jobs during the construction period and those in the supply chain, as well as local services and shops when the dwellings are occupied. Sustainability has many facets and it is considered that the combination of factors outlined would satisfy the economic, social and environmental roles of sustainable development set out in the NPPF and the absence of features such as photovoltaic panels would not justify a refusal of planning permission in this case.

## **6.5 Highway Safety and Accessibility**

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

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. It is acknowledged that there are concerns about the impact of development on the traffic situation within the centre of Shifnal and this proposal must be assessed in the context of the above national

guidance and Development Plan policies.

- 6.5.2 A Transport Assessment has been submitted with the planning application. The application has taken into account the committed developments in Shifnal of Thomas Beddoes phase 1, land at Haughton Road (12/04646/OUT); land at Coppice Green Lane (13/02989/OUT) and Springhill Industrial Estate (13/03055/FUL), but has not considered applications at land north east of Stone Drive for up to 250 dwellings (14/00062/OUT) and land between Lawton Road and Stanton Road for up to 100 dwellings plus a 60 bed care home (13/05136/OUT) which are under consideration and upon which, at the time of writing this report, there has been no decision taken.

The Assessment comments that the proposed development would be within 250 – 300m of the proposed bus stops within the Thomas Beddoes Court phase 1 development and some 900m from Shifnal Railway Station, which would be a walking time of some 12 -13 minutes. It states that the statutory walking distance to schools in the Education Act 1996 is up to 2 miles for children up to 8 years old and up to 3 miles for children 8 years old and above. It observes that there are four schools within 2 miles walking distance of the application site, comprising of two primary, one secondary and one college. A number of High Street shops on Bradford Street and Market Place are within a walking distance of 1km. The Traffic Impact Assessment has assessed traffic flows from the development and the impacts upon key junctions and their operation in the town at 2013 and future year 2018 with committed development (as defined in 6.5.2 above) and the proposed development. It concludes that the proposed development would not result in any material increase in traffic on the local road network. With regard to the Bradford Street/Aston Street junction it acknowledges that in the 2018 PM peak hour the junction would operate just above the recommended theoretical capacity with the committed and proposed development in place. The Market Place/Bradford Street junction would operate above the recommended theoretical capacity with the committed and proposed development in place, with an increase of three vehicles queuing in the AM peak hour and five vehicles in the PM peak hour. The Assessment comments that all other junctions would operate within capacity and concludes that the proposal would not cause material reduction in the performance of the analysed junctions in Shifnal or on the surrounding road network. It acknowledges that the Highway Authority are undertaking a paramics model to determine the individual and cumulative impact of residential developments in Shifnal.

- 6.5.3 The Transport Assessments submitted with other housing applications in Shifnal have concluded that the Aston Street/Bradford Street priority junction and the Victoria Road/Bradford Street/Market Place priority junctions are predicted to experience capacity constraints and queueing, and that capacity constraints are already experienced at these junctions. It is considered that the Transport Assessment in this case should have addressed the SAMDev housing site allocations for land north east of Wolverhampton Road (the subject of current application 14/00062/OUT) and land south of Aston Road (the subject of current application 13/05136/OUT) due to their inclusion in all stages of SAMDev demonstrating a strong likelihood that some form of development will come forward on this land, cumulatively impacting upon junctions in the town and the local road network with the current proposal. It is considered however that the other transport

assessments which have been commissioned for developments in Shifnal can be taken into account in assessing the current proposal to address this issue.

- 6.5.4 The Council's Highways Development Control Team have studied the Transport Assessment and its conclusions, and their comments are set out at 4.2 above
- 6.5.5 SC Highways Development Control have commented a wider Travel and Movement Strategy for Shifnal is currently being developed. This strategy is intended to consider the cumulative impact and effect of all the proposed developments in Shifnal on the local highway network, to determine what improvements and mitigation is required to manage the growth of vehicular and sustainable travel within the town. The 'Strategy for Shifnal' will include the upgrade of key junctions where capacity has been identified as an issue, together with the promotion of sustainable transport within Shifnal and improvements to pedestrian and cycle facilities and the existing bus network. Highways Development Control are seeking a contribution towards encouraging more sustainable travel from the development in the context of the strategy being developed. In particular reference is made in their comments to improving bus provision to the proposed development site. There are also wider infrastructure works and improvements to sustainable transport links within the Shifnal area which would be to the benefit of this development. It is considered therefore that an appropriate contribution towards the Shifnal Travel and Movement Strategy is justified and can be secured through the Section 106 Agreement in this case. Any decision to grant planning permission would be subject to satisfactory agreement being reached on the form/amount of this contribution. A contribution to a traffic order to reposition the 30mph speed restriction signs on the A464 to the south east of the site access would also be secured through the Section 106 Agreement.
- 6.5.6 Highways Development Control are content that the proposed highway layout within the site is acceptable on highway safety grounds and would allow for adequate access by service vehicles. The amount of car parking proposed for the dwellings would satisfy the parking standards of the former Bridgnorth District Council which are still in force in the south east Shropshire area, and these standards are achieved without counting garages as parking spaces.
- 6.5.7 The footpath/cycleway connection through to Park Lane would provide a convenient route to the school and southern areas of the town, as well as access to the Town Centre. It would provide a sustainable transport option and alternative to the private car for shorter trips in this area. It would accord with paragraph 29 of the National Planning Policy Framework which seeks to give people real choice about how they travel.

## **6.6 Flood Risk and Drainage**

- 6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. A Flood Risk Assessment has been submitted with the application. This confirms that the proposed development falls within flood zone 1. The objective of the sequential test in the NPPF and the associated Technical Guidance is to direct new development to the least flood-prone areas: This scheme

meets this objective and passes the sequential test. The Flood Risk Assessment identified that the bulk of the site is at low risk from surface water flooding, although the western edge of the application site, including the access from Park Lane, is at high risk of surface water flooding. The drainage strategy has been designed to ensure that any surface water run-off is intercepted by gullies and drainage channels to ensure the proposed properties are not affected by overland flows generated off site. Similarly surface water run-off from the site would be intercepted so that it does not leave the site and pose a flood risk to third parties. The development would be designed to accommodate flows arising from the 1 in 100 year storm + 30% for climate change with discharge rates from the residential development limited to greenfield run-off rate.

- 6.6.2 The proposed surface water drainage would not involve soakaways, based on a study of ground conditions and geological data. On site storage would be provided by oversized pipes and storage crates and released at the equivalent green field run-off rate. Water would be released slowly at a controlled rate which during heavy rainfall events would prevent water flowing off site and into third party land. The outfall of the surface water drainage would be to a new open ditch within the grounds of The Uplands, which would also serve the proposed 'extracare' conversion and extension scheme which is the subject of separate applications. The ditch would convey flows to the existing ponds to the north of 'The Uplands' which under present greenfield conditions already receive surface water run-off from the field. Utilisation of existing attenuation ponds would allow sedimentation to take place and pollutants to be trapped which contributes to water quality improvement. The drainage consultants have explained:

“Although the total impermeable area of the site has increased, during storms water will be captured by the on site drainage network, and stored in the aforementioned facility until it is released at this controlled rate. Consequently, storm water from the site will no longer contribute to flooding downstream. Reducing the rate at which storm water leaves the site to half the rate expected during a 100 year storm event, is a sizeable reduction in the rate at which water will leave the site.

The storage facility provided is sized to capture all storm water for all events up to and including the 1 in 100 year storm, with an additional 30% storage to account for climate change. This conforms with both National Guidance and Shropshire Council's requirements.

It is clear that post development the downstream risk of flooding caused by this site has been significantly reduced.”

The existing ponds, ditch and proposed ditches would be maintained by a private management company. The foul and surface water drainage systems within the development site are likely to be adopted by Severn Trent Water under separate agreements with them through the Water Industry Act. Foul water would be disposed of to the public sewer and separate consents sought from Severn Trent under the same Act.

- 6.6.3 The Council's Flood and Waste Water Management Team is content that the precise foul and surface water drainage details can be the subject of a condition on any planning approval issued in this case. The work carried out so far is sufficient

to demonstrate that the proposal would not increase the risk of flooding elsewhere or cause pollution of the water environment.

## **6.7 Residential Amenity**

6.7.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The living conditions of the dwellings along Park Lane, whose gardens back onto the application site, would not be significantly affected due to the resulting separation distances of some 45 – 50 metres provided by the length of their gardens. Similarly the residential amenities of The Uplands to the north and Beech House to the east/southeast would not be unduly harmed by the proposed development. The open space in the north western corner of the development and the existing access through onto Park Lane, which would be for pedestrian and cycle use only, would not unduly harm the living conditions of the adjacent properties.

6.7.2 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself

6.7.3 The proposed dwellings on the application site could be affected by the presence of A454 Road. This issue has been addressed by the submission of a noise impact assessment. The noise assessment concludes that satisfactory mitigation can be provided for dwellings through a combination of suitable window designs, including secondary glazing, These details can be conditioned on any planning permission that is issued.

6.7.4 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed elsewhere through SC Pollution Control recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays) to mitigate the temporary impact. This matter could be conditioned on any approval issued.

## **6.8 Open Space**

6.8.1 The Council adopted in January 2012 Open Space Interim Planning Guidance. The comments of the Council's Outdoor Recreation Team were that the original site layout did not provide enough useable open space when appraised against this guidance. Following discussions the site layout has been amended, providing a larger area of open space immediately next to the footpath/cycle way connection to/from Park Lane. The removal of the school car park proposal has also created more open space at the northern end of the site. The Outdoor Recreation Team are now content that the open space design in the revised site layout would be acceptable.

6.8.2 The agent has indicated that the maintenance of this open space is likely to be through a management company. Measures to secure the future maintenance of the open space would be included within a Section 106 Agreement linked to any grant of planning permission.

## **6.9 Ecology**

6.9.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under

national legislation. An Ecological Assessment has been submitted with the planning application. The Council's Planning Ecologist has studied the Extended Phase 1 Habitat Survey submitted and is in agreement with the report submitted that it is vital to have up to date Great Crested Newt surveys carried out to accompany this planning application. Bat activity surveys with respect to the cover provided by the trees and hedgerows are recommended by the Habitat Survey and the Planning Ecologist agreed that these were necessary. It is accepted that, due to the ploughing of the land, no reptile surveys would be needed unless the sward is allowed to regenerate, and there is no evidence of badgers, otter or water voles on site.

6.9.2 A Great Crested Newt Mitigation Strategy has subsequently been submitted which sets out a series of measures to be carried out in advance of and during the course of development (which would include obtaining a European Protected Species (EPS) licence from Natural England), together with population monitoring on completion of the development and the location of permanent exclusion fencing. Additional survey work has been carried out with respect to Great Crested Newts has also been completed. The Great Crested Newt Survey Report sets out, based on these findings, a mitigation strategy to ensure the development would accord with protective species legislation. The Planning Ecologist's comments on this survey report are set out under date reference 9-06-14 at 4.11 above. She considers the investigations have established the principle that, with adequate mitigation, development can be permitted that would not result in harm to great crested newts. It is requested that the Committee, if minded to approve this application, give delegated authority for Officers to negotiate adjustments to achieve an acceptable mitigation strategy.

6.9.3 European Protected Species (EPS) Licences will be needed with respect to Great Crested Newts. The EPS tests in respect of Great Crested Newts are considered to be met in that there is an overriding public interest at a national level due to the priority given in the National Planning Policy Framework to the supply of housing sites in sustainable locations where Councils are unable to demonstrate a five year land supply. The site location and context, the connectivity to the existing built up area with sustainable transport options/links, and the fact that the development would not be on Green Belt land around Shifnal, means that there is no satisfactory alternative to the development of this land for residential purposes as part of seeking to achieve a minimum 5 year plus 20% buffer housing land supply for the County. The identification of the site as a housing site in the June 2013 Revised Preferred Options version of SAMDev also demonstrates the Council considers the site could accommodate housing. It has been established through the investigations carried out and with the recommended mitigation (with adjustments as discussed in 6.9.2 above), that the development would not be detrimental to the maintenance of the population of Great Crested Newts at a favourable conservation status within their natural range.

## **6.10 Trees**

6.10.1 Core Strategy policies CS6 and CS17 seek to protect those features which contribute to local character, which includes the more significant trees on the application site. The inclusion of established trees within a development proposal also assists in assimilating that development into the landscape and the development layout should not prejudice the long term retention of those trees. The

County Arboriculturalist's comments are set out at 4.10 above.. The revisions made to the scheme by the deletion of the school car park proposal has allowed for the retention of tree 26 in the tree report, which is a mature (veteran) oak which is one of the better specimens on site and is capable of making a significant future contribution, and would make a 'gateway' feature to the development. With regard to the oak tree (tree25) in the north eastern part of the site that is proposed for removal, it is considered that it would not be practical to retain this tree in a development scheme as it would render a significant area of the site unsuitable for built development. In the balance of all considerations relating to this development, including those relating to five year land supply and the existing tree cover which would be retained in the proposed scheme, it is not considered that the removal of this tree would be a sustainable reason for refusing planning permission.

- 6.10.2 The revisions to the site layout in the vicinity of plots 40 – 44 have addressed the County Arboriculturalist's concerns about the mature oak trees overhanging and overshadowing a significant proportion of garden areas and their proximity to proposed dwellings, and the nuisance which may have arisen leading to pressures to prune or remove the protected oak trees. The details of tree protection measures during the course of development, and the precise details of all new planting proposed, can be conditioned on any approval issued.

## **6.11 Archaeology**

- 6.11.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, which includes areas of archaeological interest. An Archaeological Desk Based Assessment has been submitted with the application. The Council's Archaeology Team have studied this report and have advised that although the potential for previously undetected buried archaeological remains being impacted remains low, it is not negligible and has not been tested. They recommended condition that a programme of archaeological work be carried out in accordance with an approved written scheme of investigation would be a condition of any outline planning permission issued.

## **6.12 Loss of Agricultural Land**

- 6.12.1 The site lies on grade 3 agricultural land. The NPPF states at paragraph 112 that "Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality." This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), the inclusion of this land as a residential development site in the SAMDev Revised Preferred Options of July 2013 and the grade 3 classification, it is considered that a refusal on the grounds of loss of agricultural land could not be sustained.

## 7.0 CONCLUSION

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

7.2 There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The development of this land would not detract from the wider landscape setting of Shifnal or the immediate locality, including the setting of the listed 'The Uplands' dwelling. The site layout and design of the dwellings would not unduly harm neighbour amenity. There are no ecological, tree protection, archaeological or drainage reasons that would justify a refusal of planning permission. The proposed junction design and internal road network would not be detrimental to highway safety; there would be a pedestrian/cycle link available as an alternative to private car use and the site is within walking distance of local services and facilities. Affordable housing would be provided at the current prevailing rate. The scheme would make a contribution towards affordable housing and the Travel and Movement Strategy for Shifnal through the Section 106 Agreement.

### Risk Assessment and Opportunities Appraisal

## 8.1 Risk Management

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

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

three months after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

Shropshire Core Strategy and saved Bridgnorth District Local Plan Policies:  
CS1 Strategic Approach  
CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles  
 CS9 Infrastructure Contributions  
 CS11 Type and Affordability of Housing  
 CS17 Environmental Networks  
 CS18 Sustainable Water Management  
 S1 Development Boundaries  
 S4 Safeguarded Land  
 D6 Access and Parking  
 H3 Residential Development in Main Settlements

SPD on the Type and Affordability of Housing  
 Open Space Interim Planning Guidance

#### 11. Additional Information

View details online:

<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Planning Statement  
 Design and Access Statement  
 Arboricultural Method Statement  
 Extended Phase1 Habitat Survey  
 Great Crested Newt Mitigation Strategy and Survey  
 Archaeological Assessment  
 Flood Risk Assessment and Drainage Strategy  
 Transport Assessment  
 Framework Travel Plan  
 Landscape Design Statement  
 Noise Assessment  
 Preliminary Risk Assessment  
 Arboricultural Method Statement

Cabinet Member (Portfolio Holder)  
 Cllr M. Price

Local Member  
 Cllr Stuart West

Appendices  
 APPENDIX 1 - Conditions

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

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

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

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

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

3. The submitted travel plan shall be implemented within one month of the first occupation of the residential development. The travel plan measures shall relate to the entirety of the residential development, and reflect the phasing of occupation as appropriate.

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

4. Prior to the commencement of the development full engineering details of the T junction to the A464 Wolverhampton Road including layout, construction, drainage, lighting and visibility splays, and of the proposed footway along the A464 Wolverhampton Road, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any of the dwellings they would serve are first occupied.

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

5. Prior to the commencement of the development full engineering details of the new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway marking/signs shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason: To ensure a satisfactory access to the site and dwellings, in the interests of highway safety.

6. 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.

7. 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 use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

If soakaways are not feasible in the greenfield area, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

If soakaways are not feasible in the brownfield area, drainage calculations to limit the proposed discharge, for a range of 1 in 100 year plus 30% storm durations, to an equivalent existing run-off rate based on a rainfall intensity of 50mm/hr, plus 50% betterment, should be submitted for approval.

The betterment requirement will be assumed to have been achieved if all surface water is disposed of via soakaways.

The drainage scheme shall demonstrate how surface waste run off will be managed and how the flow of flood water could be routed away from property and not cause flooding of any property either within the proposed development or any other in the vicinity and to ensure that the finished floor levels are set above any known flood level.

The approved schemes shall be completed before the development is occupied.

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

8. Prior to work commencing on plots 1 to 4 of the development details of a scheme to insulate them against noise from the adjoining A464 road shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. Alternative ventilation shall be provided if windows need to be kept shut as part of the scheme. The occupation of the premises shall not commence until the approved works have been fully completed and the works shall thereafter be maintained in place.

Reason: To ensure a satisfactory living environment for the occupiers of the proposed dwellings identified.

9. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

10. Prior to the first occupation of the dwellings details of the design and siting of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in accordance with a timetable to be approved in writing by the Local Planning Authority.

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

11. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Great Crested Newt Mitigation Strategy by First Environment Consultants Ltd relating to this development dated \*\*\*\* 2014. (The date to be inserted would be that of the final agreed mitigation strategy).

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

12. Prior to the first occupation of the dwellings details of design and siting of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with a timetable which has been approved in writing by the Local Planning Authority.

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

13. Prior to occupation of the first dwelling, details shall be submitted to and approved in writing by the Local Planning Authority of the trees, hedges and shrubs to be planted to enhance the development. The planting plan shall include details of species, sizes, type of stock, numbers, planting patterns, ground preparation / planting pit specification, means of tree / hedgerow protection and support, and arrangements for mulching / weeding, watering and replacement of losses during the first 5 years post-planting. The plan shall stipulate when the planting is to be carried out and by when it is to be completed. The planting shall be implemented as specified in the plan.

Reason: to ensure a satisfactory form of landscaping to enhance the development and contribute to long-term continuity of tree cover in the area.

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

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

15. The development shall be implemented strictly in accordance with the Arboricultural Method Statement (5223 FE AMS 01 D, First Environment Ltd, March 2014), particularly sections 5 and 6 and Appendix A tree Protection Plan (FE TPP 04) thereof. Tree works and tree protection measures shall be implemented in the sequence specified in Section 6.8 of that document Order of Works.

Reason: to protect significant trees and hedgerows that contribute to the character of the development and its location from damage during implementation of the development.

16. No construction materials or articles of any description shall be placed on the ground within the areas enclosed by protective fencing provided in accordance with the above condition, nor shall the existing ground level be raised or lowered or any trenches or pipe runs excavated within these areas, unless this work is carried out in accordance with an Arboricultural Method Statement which has been approved in writing by the Local Planning Authority.

Reason: To ensure that trees and hedges to be retained are not damaged by building or engineering works.

17. Demolition or construction work shall not take place outside the following times:  
- Monday to Friday 0730hrs to 18.00hrs  
- Saturday 08.00hrs to 13.00hrs  
- Nor at any time on Sundays, bank or public holidays.

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

18. No development approved by this permission shall commence until a programme of archaeological work has been secured on a specification (written scheme of investigation) submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall make provision for a series of trial trenches to test for the presence or absence of un-recorded archaeological deposits, prior to work commencing on site. The programme of archaeological work shall thereafter be carried on in complete accordance with the approved specification.

Reason: The site is known to hold archaeological interest.

19. Before any dwelling on the site is first occupied measures to prevent the pedestrian and cycle link through to Park Lane being used by motor vehicles shall be installed in

accordance with details which have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be maintained in place.

Reason: To safeguard neighbour amenity and in the interests of highway safety.

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

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

### **Informatives**

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

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

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. 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.

6. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and a Natural England licenced bat ecologist should be contacted for advice.
7. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and a Natural England licenced ecologist should be contacted for advice.
8. If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse.
9. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
10. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should apply to the Coordination Manager at the Bridgnorth - [Bridgnorth.highways@Shropshire.gov.uk](mailto:Bridgnorth.highways@Shropshire.gov.uk) Who shall be given at least 3 months notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an appropriate licence, approved specification for the works together and a list of approved contractors, if required The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into. The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 38 and/or 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system.

11. Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."
12. 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 and saved Bridgnorth District Local Plan Policies:  
CS1 Strategic Approach  
CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
S1 Development Boundaries  
S4 Safeguarded Land  
D6 Access and Parking  
H3 Residential Development in Main Settlements

SPD on the Type and Affordability of Housing  
Open Space Interim Planning Guidance