

## Development Management Report

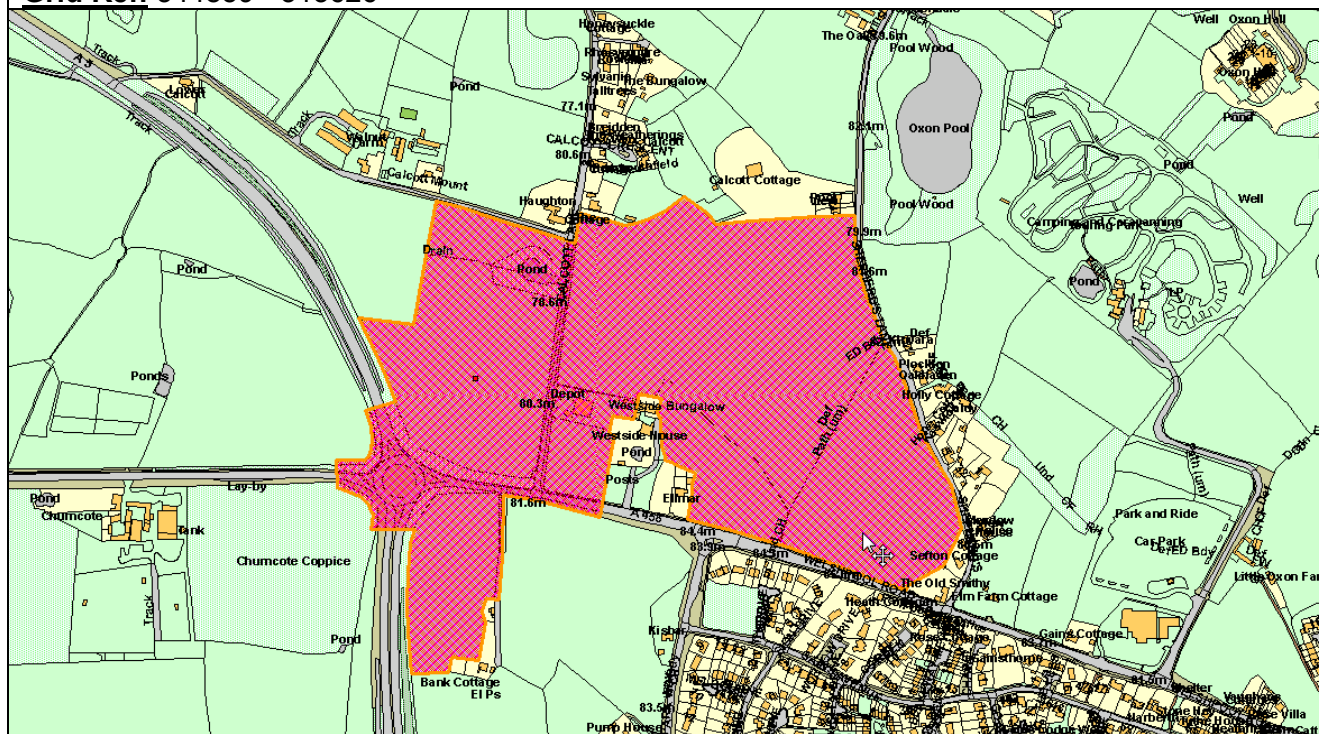
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/00246/OUT	<b>Parish:</b>	Bicton Parish and Shrewsbury Town Council
<b>Proposal:</b> Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure		
<b>Site Address:</b> Development Of Land At Churncote/Bicton/Bicton Heath Off Welshpool Road, Shrewsbury Shropshire		
<b>Applicant:</b> David Wilson Homes (Mercia) & Jennings Estates Ltd		
<b>Case Officer:</b> Tim Rogers	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>	

**Grid Ref:** 344859 - 313626



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the completion of a S106 Agreement to secure affordable housing and financial contributions as set out in the report.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of 296 dwellings of a mix of sizes, together with employment and commercial uses, on land off Welshpool Road at Churncote, Bicton and Bicton Heath. The proposed employment/commercial development includes offices; showroom; A3/A4 (restaurant/public house and a C1 (hotel). In addition to this the application also includes public open space, structural landscaping, vehicular accesses and necessary infrastructure improvements (including a pumping station in the north west corner).
- 1.2 This is an outline application although the housing development element includes details relating the access, scale, layout and design, with only landscaping remaining as a reserved matter. All matters are reserved for the employment/commercial element of the proposal.
- 1.3 The majority of the proposed residential development in the eastern part of the site will be served via a new access off Welshpool Road leading to a central access road and boulevard, and series of estate roads. The western section of the proposed dwellings (60 units) will be served via a separate access off Calcott Lane and those properties at the eastern end of the development site will front on to Shepherds Lane and will be served by a series of private drives off that highway. The proposed employment/commercial development will be situated to the north and south of the very western end of Welshpool Road close to its junction with the A5 at Churncote Island.
- 1.4 The application has been submitted having regard to, but does not include, the proposed Oxon Link Road. This link road will run from Churncote Island at its western end to Holyhead Road at its eastern end. It will form the northern boundary to the application site. The current proposal does however include the provision of public open space to the north of the line of the proposed link road with access via a pedestrian footbridge which will have both stepped and ramped access. The open space would also include a large attenuation pond as part of the surface water drainage solution to serve both the current proposal and the intended link road.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The land that is the subject of this application extends to the north of Welshpool Road between the A5 to the West and Shepherds Lane to the East. This is part of the land that is allocated within the adopted Shropshire Core Strategy - Shrewsbury Sustainable Urban Extension (SUE) West.
- 2.2 This area of land is gently undulating in its topography and is currently agricultural grassland. The majority of the boundaries are defined by mature native hedgerows with mature/semi-mature trees interspersed throughout the landscape. The land is close to other residential developments and has good connections to the main road

network. There are also some community services and facilities within Bicton Heath such as a Church, Shops, School etc. The nearby Oxon Park and Ride together with other public transport provide connections to the Town.

- 2.3 The application site surrounds properties known as Westside House and Westside bungalow which together have recently had a resolution to grant planning permission for residential development to include the retention of Westside and Westside bungalow with all matters reserved (ref 14/02749/OUT).

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

- 3.1 This proposal constitutes a major application which in the view of the Group Manager for Environment or the Service Manager with responsibility for Development Management in consultation with the committee chairman or vice chairman should be determined by the relevant Planning Committee

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.1.1 **SC Planning Policy** – The site is located outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the Borough Local Plan, which remains in effect, the application site forms part of the Shrewsbury West Sustainable Urban Extension (SUE), which is identified in the Council's adopted Core Strategy as a strategic location for development as part of the Shrewsbury Development Strategy (Policy CS2). The SUE is also identified in the Site Allocations and Management of Development (SAMDev) Plan which was submitted to the Secretary of State on 1<sup>st</sup> August 2014 for examination. SAMDev Plan Policy S16.1 and related Schedule S16.1a (Allocated Housing Sites), Schedule S16.1b (Allocated Employment Sites), and Figure S16.1.2 (Shrewsbury West SUE Land Use Plan) provide further policy guidance. In addition, the Council has adopted a Master Plan to guide the development of the SUE (adopted by Council on 19<sup>th</sup> December 2013). The application site forms a first phase of the development of the SUE and the proposals are in line with adopted Core Strategy Policy CS2, emerging SAMDev Plan Policy S16.1 and the adopted SUE Master Plan, all of which seek the delivery of comprehensively planned and integrated development, including housing, employment land, and appropriate infrastructure provision/contributions.

In particular, the location of the areas proposed for housing, business uses and public open space, and the provisions made with regard to land for, and contribution to the cost of, the planned Oxon Link Road (between the Churncote Island on the A5 to the Holyhead Road) accord with the Council's policies.

In addition, as with the Shrewsbury South SUE and other major greenfield housing developments in Shrewsbury, officers have worked with the promoters of the Shrewsbury West SUE and the applicants for the first phase of development to identify infrastructure requirements in order to ensure that the development as a whole is sustainable. The provisional costs and contributions required to address impacts arising from development have been agreed in the context of the approach agreed by Cabinet on 24<sup>th</sup> July 2013 in the report on Place Plans Review, linked to Core Strategy Policies CS2 and CS9, the Council's Developer Contributions SPD and, in this case, the specific requirement for the development to help to bring forward the proposed Oxon Link Road.

The package of total costs for the delivery of infrastructure for the whole of the Shrewsbury West SUE has been provisionally agreed to be £3,363,501 (with the overall contributions being £4,016,552m when CIL Neighbourhood Fund at 15% and CIL administration at 5% are added) plus the provision of land for, and the cost of construction of, the Oxon Link Road, and the provision of land for a new community centre/facilities, if required. Land is also being made available for the improvement of the A5 Churncote Island junction. The infrastructure cost figure is made up of:

Contribution to Local Road Network	£200,000
Subsidy to Local Bus Service	£1,000,000
Additional school places	£1,463,501
On-site play facilities and maintenance	£250,000
Supplementary green infrastructure enhancements	£50,000
Community centre/facilities	£400,000 (plus land, if required)
<b>Total</b>	<b>£3,363,501</b>

These figures are draft pending final negotiations. The infrastructure contributions will be provided through a combination of CIL payments, S106 Agreement payment, S278 highway works and land (where this is being provided for additional community/recreation facilities at the request of the Council rather than as an 'on-site design' requirement - amenity open space and natural/semi-natural open space provided as part of the development's 'on-site design' requirements, and the costs of their management/maintenance, are separate and additional).

Based on these provisional figures, the value of the contribution from the development of the current application site at Churncote is £1,592,546m plus that part of the land for the Oxon Link Road adjoining the site and a proportionate share of the costs of the construction of the Link Road and potentially land for a community centre/facilities, if required (although it is anticipated that any such provision would be linked with the existing local centre/facilities at the eastern end of the SUE). The contribution from the application development is calculated on the basis of the current CIL liability and the application site constituting approximately 39% of the overall housing planned for the SUE and is agreed in principle with the applicants. Officers confirm that these contributions are in accordance with the Council's agreed approach to ensuring that adequate funding is secured for infrastructure provision from major housing developments in Shrewsbury, and as agreed to be necessary to address identified impacts of the development as part of the Shrewsbury West Sustainable Urban Extension as a whole and to meet the tests set out in Regulation 122 of the CIL Regulations.

The agreed contributions form part of the benefits from the development to which regard should be had in assessing the proposals in line with the NPPF presumption in favour of sustainable development. The Council should also have regard to the aims of the NPPF in terms of boosting housing supply, with the degree that the proposed development would contribute to housing supply in Shrewsbury, and evidence provided by the applicant regarding planned delivery, material considerations.

As part of negotiating the overall package of developer contributions, consideration has also been given to the appropriate affordable housing contribution. At the time that negotiations were commencing, the affordable housing requirement was 13% for applications validated prior to 1st September 2013. After this date the current prevailing target rate was rising to 20% for this area, but it was agreed that, having regard to the strategic importance of the development, the overall infrastructure contributions including particularly the provision of land and funding for the construction of the proposed Oxon Link Road, and the cross-subsidy to delivering the employment elements of the Shrewsbury West SUE, 15% would be an appropriate affordable housing requirement for any applications validated between 1st September 2013 and 31st August 2018, subject to overage arrangements to reflect possible uplift in values for that period, with such overage clause to have effect notwithstanding any arrangement between the developers and the landowners to reflect an uplift over a period of time in the land price. From 1st September 2018, the affordable housing requirement would be the Council's prevailing target rate at that time.

In conclusion on planning policy matters with regard to the current application, the principle of development accords with the Council's adopted and emerging development plan documents and the adopted Shrewsbury West SUE Masterplan, and the proposals will make significant contributions to the identified housing, employment land and infrastructure requirements linked to the delivery of the Council's development strategy for Shrewsbury.

- 4.1.2 **SC Rights of Way:** Footpaths 7 and 9 Bicton and Footpath 8Y Shrewsbury, as shown on the attached plan, will be directly affected by the proposed development. The routes will need to be taken into consideration when processing this application and the applicants will need to contact the Outdoor Recreation's mapping team to discuss potential diversions/temporary closures of the routes so that the mapping of these public rights of way may be addressed before development commences.
- 4.1.3 **SC Drainage:** (combined comments – all comments available on the Council website): No objection is raised to the proposed development. The layout and volume of the extended pond is acceptable. However additional information will be required as part of the approval of reserved matters application to demonstrate the proposed maintenance regime for any sustainable drainage system proposed including details of who will take responsibility.

The indicative design is acceptable in principle. However the piped drainage network should be developed to include the finalised permeable areas, ground levels and subsequent attenuation volumes. If non-permeable surfacing is to be used on the driveways and parking areas and/or the driveways slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing onto the public highway. A contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water management Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. It is also recommended that the applicant consider using sustainable drainage methods.

- 4.1.4 **SC Historic Environment:** No objection. The Desk-Based Heritage Assessment prepared by RPS Group, dated February 2013 which serves as an assessment of both archaeological, built heritage and other historic environment matters on the lands indicated on the site plan.

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

The Heritage Assessment provides a relatively thorough assessment of historic environment matters and is generally satisfactory at this stage.

- 4.1.5 **SC Tree and Woodland Amenity Protection Officer: (Further comments awaited).** The application seeks to develop an area of land off Welshpool Road. The application is an outline application to provide mixed residential housing (landscaping reserved) and employment / commercial development (all matters reserved).

There are a number of significant trees on or adjacent to the site and an arboricultural impact assessment has been submitted in support of the application.

The AIA has been prepared broadly in accordance with the recommendations of BS 5837 (2012) Trees in relation to design, demolition and construction – Recommendations.

As an initial part of the AIA the trees on and adjacent to the site (where potentially affected) have been assessed and categorised in terms of their current and potential amenity value and potential to contribute to the development. Whilst generally acceptable the categorisations allocated to the trees, the following points are raised.

3 trees identified as T3, T5 and T21 in the AIA have been identified as Veteran trees, however T3 and T5 have been categorised as B1 indicating a tree of moderated quality based on its arboricultural qualities. It is noted that the trees (T3 & 5) are referred to as category A3 trees in the text of the report but are shown as B1 in the schedule and on the plans.

Veteran Trees are substantial arboricultural assets and their retention and protection should be given a high priority in the sustainable development of land. The National Planning Policy Framework recognises the importance of Veteran Trees and notes that:-

*“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;”*

Clearly Veteran trees have a high value and status and, in my view category A3

would be more appropriate for trees T3 & T5, as this would indicate trees of high quality based on their cultural and conservation values. Veteran trees are specifically referred to in BS 5837 as examples of trees which are suitable for inclusion in category A3.

With consideration to the high retention value given to Veteran trees concerns are raised that the Root Protection Area allocated to trees T3, T5 & T21 have been capped at 707m (as is normal practice in BS 5837). This is contrary to the advice provided in "Veteran Trees a guide to good management" published by English Nature (now Natural England) which recommends that the RPA for a Veteran Tree should be based on the area of a circle 15 times the diameter of the stem, or 2 metres beyond the maximum extent of the canopy, whichever is greater and that this area should not be capped.

The above is of particular relevance to tree T21 which, under the current site layout, will have part of its (capped) RPA encroached upon by an internal site road and that there is a dwelling sited immediately adjacent to the RPA. It is Officer opinion that this would pose an unacceptable risk to the retention of T21 and does not accord with the recommendation in BS 5837 to take particular care during the design process to accommodate such trees in a setting that aids their long term retention.

It is recommended that the RPA for T21 be calculated in accordance with the recommendations given in "Veteran Trees a guide to good management " and the site layout be amended to accommodate this important tree.

The AIA identifies a further 5 trees T19, 20, 30, 37 & 43, where there will be some encroachment into the respective RPAs by driveways. The AIA considers that the use of no dig construction methods could be employed to ensure that damage to the root systems of the affected trees was minimised. No objection in principle is raised to this approach but would require that the applicant demonstrate that this type of construction was suitable, from an engineering perspective, for use in these locations and that it was not precluded because of ground conditions.

The AIA notes that in addition to the removal of 4 category U trees (T23, 24, 49 & 62) it would be necessary to remove a further 5 trees (T18, 22, 25, 31, & 58) category B & C. From my examination of the plans it would also appear that trees T 26, 27 & 44 are to be removed.

The AIA notes that the development has the potential to impact on 3 significant trees (T59, 60 & 61) these trees are to be located within the a green boulevard and although this would accommodate the RPAs allocated to the trees there is the potential for damaging the roots of these trees during the landscaping of this area. Can we have details of the proposed changes to the ground conditions that would arise from the creation of the green boulevard?

Concerns are also raised that no allowance has been given for the influence of ground conditions on the RPA of the trees on the boundary of the site adjacent to the highway. In particular trees T30, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 50, 50a, 51, 52, 53, 54, and 55. The effect of this would be that the RPA extended further into the development area than is shown and in a number of cases this would

conflict with the location of proposed structures. It is recommended that the constraint to the site from the RPAs is reassessed to take account of the ground conditions, as recommended in BS 5837 (2012) and the site layout amended to accommodate these trees.

With consideration to the above points it is considered that the trees indicated as being retained on the proposed development cannot be protected in accordance with the minimum standards recommended in BS 5837 (2012) and it is therefore considered that in its current layout the proposed development has the potential to cause significant damage to a number of trees which in turn would precipitate their loss, including the loss of a veteran tree. The loss of these natural features would have a significant and detrimental impact on the arboreal environment, the wider landscape and public amenity and thus would be contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 and to paragraph 118 of the National Planning Policy Framework.

- 4.1.6 **SC Affordable Housing Officer:** It is acknowledged that the affordable housing provision will be provided at a rate of 15%. The provision of 45 affordable dwellings fractionally exceeds the Policy requirement and therefore is acceptable in principle.

Our previous comments remain in respect of requiring a greater number of 2 bed rented properties in lieu of 3 bed rented dwellings.

The tenure split accords with our Policy i.e. 70% rented and 30% low cost home ownership. There needs to be further dialogue with regard to low cost home ownership dwellings because the Private Shared Ownership/Shared Equity noted at 4.7 is unacceptable to the Council. It is suggested that the S106 Agreement should include the range of low cost home ownership tenures outlined in Appendix G of the Type and Affordability of Housing SPD, thereby enabling flexibility. We would also agree subsequent to any consent details in relation to the affordable housing plots together with the related tenures.

- 4.1.7 **SC Waste Management:** It is vital that new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (ie vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. The developer is advised to look at the guidance that waste management have produced, which gives examples of best practice.

- 4.1.8 **SC Ecology** (combined comments – all comments available on the Council website. Further comments awaited):

**Trees and hedgerows**

As set out in the 26<sup>th</sup> March 2014 comments, the concerns remain about the loss of mature trees in the proposed layout, which does not appear to have been addressed. The tree and hedge line to the east of Westside House (containing T22 – T26 on the Tree Retention and Removal Plan) is shown for removal. This feature is shown for retention on the Illustrative Masterplan within the Shrewsbury West



Masterplan Document Adopted by Shropshire Council December 2013. It is noted that these trees are recommended for removal on arboricultural grounds. If there is no alternative to their removal, they should be replaced. The layout indicates small tree planting along 'The Avenue', however there is not space allowed for these to grow to an equivalent size.

It is recommended that the housing layout is revised in the vicinity of this tree line so that preferably the tree and hedgeline should be retained as a feature, or if good reasons exist for removal, that replacement trees are provided with space to achieve an equivalent size. The advice of the Tree Officer should be taken on this.

### **Bats**

As stated in the 26<sup>th</sup> March memo the RPS Bat Survey (2013) confirmed Tree 20 as a summer roost by small number of non-breeding common pipistrelle bats. Tree 20 is shown for retention in the layout, however the other trees in this line (T22, T25 and T26) are shown for removal. As commented above, it is recommended that this hedge and tree line is retained as an important link for the bats using the tree roost.

Artificial lighting in the final development should avoid illumination of the retained hedges and mature trees, by the use of sensitive lighting positions, type and design. Bat boxes are recommended. The following condition is recommended:

With the loss of mature trees that would in time provide potential bat roosts, it will be important to provide replacement bat roosts in the development and a condition requiring details is recommended.

### **Badgers**

No signs of badger were found by RPS (2013) on the application site, although the 2011 Habitat Survey found a sett present close to the Oxon Park and Ride. As badger can range over a wide area and establish new setts, RPS recommends a walkover survey prior to development.

### **Nesting birds**

The hedgerows and trees have high potential to support nesting birds.

### **Public Open Space and Great Crested Newts**

A Proposed Habitats plan has been submitted showing a habitat creation area for grassland south of Calcott Cottage. I note that part of this is annotated as *great crested newt mitigation area*, however the GCN survey contained within the July 2012 report had a negative result and I have not been made aware that there is a GCN issue with this site. There may be a requirement for conditions on GCN as well as the informative I recommended previously.

A condition is recommended to require details of the management of the area north of the new road and other public open space in the development area. If appropriate this should be secured through a Section 106 agreement.

#### **4.1.9 SC Public Protection** (combined comments – all comments available on the Council website):

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**Noise**

Having reviewed the environmental noise assessment report number 12625B-1 I had certain concerns with the data presented. As a result discussions with the consultant have taken place and an updated noise report has been submitted and forwarded on to the planning case officer. The new report is titled Environmental Noise Assessment Report No 12625B-1 R1 dated 12<sup>th</sup> August 2014.

This report has now been reviewed and the data found to be acceptable. Appendix I: Glazing mark-up plan residential shows what glazing specification is required to achieve suitable noise levels inside dwellings. It also shows the location of a proposed close boarded fence with minimum density of 10kg/m<sup>2</sup>. As a result of the proposed mitigation measures it is recommended that a condition ensuring its implementation is placed on this application:

It is noted that a public house is proposed on site. Noise considerations are required including positioning of external areas, beer gardens and smoking areas, function rooms or rooms where music may be played. As a result I would recommend that at Reserved Matters stage noise is considered when designing the layout of the public house in order to ensure that it can operate as required in future. Without such consideration times of opening and music may be restricted through any premise license and restrictions to times of operation may be placed as a planning condition which takes precedent over any future premise license granted.

**Air Quality**

With regard to the air quality assessment submitted with this application, Project number JAP 7169 prepared by RPS dated 21st August 2013, it is noted that conclusions have been made predicting that there will be negligible increases of pollutants of concern due to the development when complete. As a result no mitigation is required. Officers confirm their agreement with this statement and therefore no air quality mitigation will be required for end use properties.

However, the report concludes that during construction it is recommended that medium dust impact risk measures are implemented in line with those measures set out in the IAQM dust and air emissions mitigation measures document. As a result should this application be granted permission it is recommended that conditions be imposed as supplied.

**Land contamination**

Officers have re-considered whether there is any need for contaminated land conditions on this site. Previously this service was not of the opinion that any contaminated land assessment was required. However, as it is proposed to demolish an area that has historical land use as a haulage depot and build houses on this area there is a small part of the area which has the potential to be contaminated. As a result it is recommended that a contaminated land condition is placed on an approval to apply to the area previously used as a haulage depot only.

- 4.1.10 **SC Highways:** No objections but recommend conditions are included on any planning permission that may be granted

Key Issues:-

- The relationship between the proposed development layout and the planned Oxon Link Road.
- The suitability of the surrounding road network to accommodate the traffic associated with the proposed level of development.
- The design of the proposed residential streets and the site layout within the context of the SUE and the encouragement of more sustainable travel through good design.

As this site is within the Shrewsbury West SUE area this application follows extensive pre-application discussions with the local planning and highway authorities by the applicant's agent RPS. However given the complexities of the wider site and proposed delivery of a link road partly funded by the development, extensive discussions have taken place between RPS and the local highway authority in order to deal with design considerations to ensure that both the residential development and link road are deliverable together. In particular detailed discussions have taken place regarding the details of the level design for both the proposed residential site drainage and for the link road, which has resulted in both parties making design changes to accommodate the delivery of a layout in accordance with the SUE masterplan.

For clarity, the delivery of the proposed link road and footbridge is not under consideration within this application but clearly there is a need to ensure that any adjacent development does not prejudice or restrict its delivery. If approved, this development will be required to provide a financial contribution via a s106 agreement towards the cost of constructing the link road as will any other residential development within the SUE site.

Officers are now satisfied that both the proposed residential development (and associated open space) and the link road can now be satisfactorily delivered within the areas shown on the supplied updated application drawings. Also, negotiations have taken place with the applicant that the proposed site drainage attenuation features can be constructed with the required capacity to accommodate draining the adjacent sections of link road which will minimise disturbance of the open space when the road is constructed. Furthermore, following the design changes carried out the proposed drainage features have been designed to be shallow to ensure they integrate well with the open space to enhance amenity and ecology value. Due to their shallow depth, these features will also be safe by design and will only be filled to shallow depth during heavy periods of rain.

A further point of discussion has been surrounding the mitigation of the impacts of noise from the planned link road on the residential development, which has been explored by the supplied Noise Impact Assessment. Some measures are required by the developer to mitigate against this, which will include a number of specification changes to the affected dwellings near to the proposed alignment of the road. A condition is recommended for the implementation of the required noise mitigation measures to prevent disturbance to future residents and to protect the local highway authority from potential claims arising from residents following the construction of the link road.

During the development of the SUE masterplan investigations were carried out to

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establish an approximate level of development that could be delivered within the existing road infrastructure off Welshpool in advance of, or without the proposed link road and a figure of around 400 residential units was set out in the adopted masterplan. This development set out to deliver a large proportion of this quantum plus some of the areas of allocated employment land and in accordance with national planning guidelines a transport assessment has been provided with the application to assess the nearby network. The main points of assessment have been at Churncote Roundabout (Highways Agency network no objection following investigations) and the main site access on to Welshpool Road and the subsequent junctions to the east of the site at Redwood Park Roundabout and the two signalised junctions at Shelton Road and The Mount. The assessment demonstrates that the additional traffic generated from this proposed development can be accommodated within the existing network without exceeding capacity at the junctions tested.

The proposed access road for the residential development is located mid-way between Calcott Lane and Shepherds Lane and has been laid out so that it can connect Welshpool Road and the link road, in order to facilitate the severance of the Welshpool Road to the A5 in accordance with the masterplan layout. This layout will provide the development with good vehicular access to both the A5/A458 trunk roads and to the Shrewsbury local road network. A ghost island right turn lane junction is proposed onto Welshpool Road which will provide an appropriate access both before and after the construction of the link road.

The development has been laid out to connect well with the existing surrounding walking infrastructure, with a good level of permeability within the site and to Welshpool Road for pedestrians. The internal road network has been designed around Manual for Streets principles which incorporates a good level of direct frontage and features to control vehicle speeds around the site.

A number of dwellings are proposed to access directly on to Shepherds Lane, which is due to be severed as part of the link road scheme so vehicle movements along this route should reduce considerably in future. However the design proposed for these accesses is considered to be appropriate both in the existing and future context of the site.

- 4.1.11 **SC Parks and Greenspace:** From the outline drawing PO2 for the above development the minimum POS requirement based on the current open space IPG for 1000 bed spaces would be 30,000m<sup>2</sup>/3ha. There is no indication within the application that identifies the amount of POS provided. NB the applicants have subsequently confirmed that the total public open space provision considerably exceeds this amount.
- 4.1.12 **Bicton Parish Council:** Objection on the following grounds:-
- 1, 3 storey houses are unsuitable for this area.
  - 2, The extra traffic on Welshpool road will be problematic.
  - 3, The one play area is not enough. It is too close to the swales and too close to the Oxon Relief Road for safety and security.
  - 4, Bungalows are much in demand in this area. This development has no bungalows.
  - 5, There is no provision for accommodation for the disabled.

6, Drainage, there has been a permanent pool, on this site, for 2 years. This is a flood risk area. This proposed development will increase the flood risk to existing properties and blight sales of those properties.

7, Construction traffic must not be allowed to use the existing lanes. Access must be directly from the main road.

All of the above objections were raised when the application first went in. RPS promised that they would consult and then amend the plans accordingly. The consultation process was most unsatisfactory. Local residents were not informed of the process, or the date, as was promised. Such people as did manage to attend found that there was no one informed enough to answer their questions. RPS promised to run the consultation again. This amounted to a very small display in the corner of the entrance lobby of the CO-OP supermarket in Bicton Heath, un-manned!

A proper review of the plans, taking in to account comments received, is needed; and then the plans should be submitted again.

Two of the biggest concerns that have not been addressed in the 'revised' plans are, 1, play areas; there are not enough of them, the one proposed is badly sited and represents a danger of abduction to children using it because of its proximity to the Oxon Relief Road. 2, Traffic access on to the Welshpool Road. To put all this development's traffic on to the Welshpool Road will cause congestion.

4.1.13 **Shropshire Wildlife Trust:** Objects – the proposal will effectively sever the existing environmental network within the area enclosed by the ring road. The potential public open space or green infrastructure is not satisfactory.

4.1.14 **Highways Agency:** (final comments – all comments available on the Council website):

No objection.

The Highways Agency has agreed with RPS that the impact of the development on the northern A5 arm of the junction is of primary concern. The available VISSIM model of the junction showed queues of 430 m in the morning 2015 peak hour increasing to 655 m with development traffic added on this arm. Queuing in the evening peak was comparatively negligible. However, the ARCADY model submitted by RPS did not reflect this situation showing negligible levels of queuing in both the base and base plus development morning peak scenarios. The results of a queue survey commissioned by RPS provided no further clarity in the interpretation of the model outputs showing an average queue of some 72 m in the morning peak with a worst case queue of 121m n the north A5 arm.

In the absence of a model which both the Highways agency and RPS agree on the interpretation of the outputs, RPS has developed an updated and calibrated ARCADY model. The review of the information provided indicates that A5/A483 junction is operating at its design capacity in the northern arm during the morning peak. The development worsens this situation. It is acknowledged that the modelling is incomplete and that only an AM peak hour assessment has been provided for the opening year. No future year assessment has been provided. The model has only been calibrated on the northern A5 arm and not on any others. It is not possible therefore to comment on the impact on the remaining arms on the same basis as the northern arm.

It is recognised that the roundabout despite recent improvements is operating close to its design capacity and that improvements will be needed in future on account of potential new developments in the local area adding traffic to the roundabout.

As RPS are aware the Highways Agency and Shropshire council have developed a protocol in place to move forward on planning contributions to mitigate impacts on the A5 trunk road based on the impacts from specific developments. The information provided thus far, although incomplete, indicates that the development would have a detrimental impact on the roundabout on the northern arm.

The Highways Agency recognises that the A5/A458 Churncote Island junction is planned to be improved in association with the construction of the proposed Oxon Link Road with this road forming part of, and being funded through, the development of the SWSUE. The junction improvement will enable the junction to accommodate increased traffic flows generated by the development of the SUE, including the current application site 14/00246/OUT on land at Churncote.

The Highways Agency is aware that the Shropshire Council has been offered LEP funding, subject to detailed business case approval, for the junction improvements and that developer contributions towards the cost of the Oxon Link Road are being secured through legal agreements linked to the grant of planning consents for the development of the SUE starting with the current application and that there is therefore a strong likelihood of the improvements required being implemented in the next few years.

Nonetheless, it is necessary to ensure that the impacts of this (and any subsequent) development are addressed in the event of the Oxon Link Road and associated junction improvements not progressing. The impacts of the development have been assessed and this indicates the need for some mitigation works in relation to the northern arm of the roundabout, in particular. The Highways Agency would not wish abortive work to be carried out pending the planned junction improvement. It is therefore recommended that permission for the development is conditional on, and subject to, legal agreement to ensure that funding is provided to enable the required mitigation works to be carried out in the event of the planned junction improvement not being completed within the next 10 years. On this basis the Agency is prepared to lift the Holding Direction relating to the current application.

4.1.15 **Environment Agency:** (final comments – all comments available on the Council website):

**Groundwater and Contaminated Land:**

The proposed site is situated on Bridgnorth Sandstone Formation (Sandstone undifferentiated) which is a principal aquifer. This is overlain by till and fluvioglacial deposits (sands and gravels) which are a secondary aquifer.

The site is within Source Protection Zone (SPZ) 3 of a public water supply groundwater pumping station.

For completeness, the Geo-environmental Assessment Report, dated November

Contact Tim Rogers on 01743 258773

2012 (Ref. 12133/1) refers to the Kinnerton Sandstone Formation as a Secondary B aquifer, however this is classified as a Principal Aquifer.

**Haulage Depot:**

Within the pre-application response reference was made to an existing haulage depot to the east of Calcott Lane. It is noted that the Geo-environmental Assessment Report confirms that further investigation and possibly remediation will be required in the transport depot and potentially the areas of the infilled ponds. Upon receipt of the additional information, as outlined above, it is likely that conditions could be recommended to secure the further site investigation as outlined within the Report.

**Flood Risk:**

Based on the 'indicative' Flood Map for Planning (Rivers and Sea) the site falls within Flood Zone 1 ('low risk' from fluvial flooding). Given the low risk of fluvial flooding to the site, and the scale and nature of the proposed development, we would expect your Council's Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), to lead on and approve the detailed surface water drainage design. Please refer to the West Area 'Planning – FRA Guidance Note 1' for further information.

**Foul Drainage:**

No objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

**Pollution Prevention:**

Developers should incorporate pollution prevention measures to protect ground and surface water. There are a range of guidance notes giving advice on statutory responsibilities and good environmental practice which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

**Export & Import of wastes at site:**

Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

In terms of the additional surface water drainage information, given the scale and nature of the proposal (non EIA development within Flood Zone 1) no bespoke comments are provided in relation to flood risk. Please refer to the local Flood Risk Standing Advice Guidance note 1 - development over 1ha within Flood Zone 1, for consideration in consultation with your Flood and Water Management Team (as the Lead Local Flood Authority). Conditions for inclusion on any planning permission that may be granted have been suggested in the response dated 19<sup>th</sup> May 2014.

Based on the additional information submitted, we are now in a position to remove our standing objection and provide the following comments. We note that the

applicants have revised the development proposals, including the removal of the proposed Petrol Filling Station. Within our previous we noted that the Geo-environmental Assessment Report, dated November 2012 (Ref. 12133/1) confirms that further investigation and possibly remediation will be required in the existing transport depot area on site and potentially the areas of the infilled ponds.

- 4.1.16 **Shrewsbury Town Council:** Shrewsbury Town Council has been consulted on the principle of development of this area through not only the Core Strategy, but also the Shrewsbury West Master Plan and the Site Allocations of Management of Development consultations and on the latter we carried out our own meetings to garner public opinion. The Town Council supports the principle of a mixed-use urban extension for Shrewsbury in this location.

Were this to have been a routine outline application (redline round the development site and a means of access), the Town Council would have likely raised no objections. This application is somewhat unique in that all matters are included; the only reserve being landscaping. We have therefore considered this in the same way we would a full application.

Members are conscious of the fact that this development straddles the parish boundaries of Shrewsbury and Bicton with the lion's share of development including all recreation and open space falls within Bicton Parish Council. We have considered the whole site in the context of an urban extension of Shrewsbury and should in no way be seen as the Town Council enforcing a level of development on our neighbouring parish council.

Access - Members wish to be assured that this development site and its associated traffic shall not have an adverse impact on both the local road network and internal ring-road and the A5 outer ring-road. Members are mindful of the cumulative impact of developments particularly since there are a number of large scale developments within walking distance of this site. There are certain roads, namely Racecourse Lane which has the propensity to become unacceptable rat-runs for the neighbouring communities and it is hoped that CIL will be used to mitigate against such an effect.

Internal Road Layout - Members fail to see the need for the number of accesses/egresses onto both Shepherds Lane and Calcott Lane. Whilst they are designed to be personal accesses/egresses for a number of properties, there is potential for those to become rat-runs to avoid any backup from the main access onto the site off Welshpool Road. These multiple accesses will not only have an adverse impact on the street scenes of these two roads which retain a rural feel, but will also suffer from loss of hedgerow, tree-stock and the resultant loss of natural habitat. Members therefore wish to see the number of accesses from both Lanes reduced.

Density and Form - Whilst it is acknowledged that that this development site is an urban extension, such density is accepted in the heart of the urban area, but not on the outskirts. Members would wish to see the density of this site reduced to reflect the rural nature of the surrounding area.

Sustainability - It is quite clear that this site is likely to generate a reliance on the



car, but members are concerned about the lack of thought in encouraging walking and cycling and more specifically the provisions of safer routes to school for both the neighbouring primary schools and the current catchment area for the secondary school. Members need to be assured that children who might not necessarily be transported to school by car, remain safe.

Open Space & Play - Accepting that these areas do not fall within the town boundary, members make comment by virtue of the Town Council being the principle provider of recreational open space and play in the area. Members are concerned that the layout of open space has been an afterthought and based more on the fact that there is a requirement to create a buffer between any properties and the proposed link road. Members question the value of the open space to local residents. At meetings with the developer, members expressed their concern about the location of the play area and whilst we are aware of the distance a play area should be from neighbouring properties, play areas should be designed so that parents can have the reassurance of letting their children play safely; members feel this is not the case. Members also question the purpose of the boulevard area. Whilst clearly creating an attractive entrance that will help sell a lifestyle, this will create open space with no recreational amenity value to the local residents.

Recreational Space beyond the Link Road - Members fail to understand how this area of the development site will integrate with the rest of the site. Open space is only valuable when it is easily accessible, well used and overlooked so that the community polices the appropriate use on site. This will never happen on this area.

Conclusion - Whilst members have no objection to the principle of development, they feel unable to support this application as it stands, therefore these comments should be taken as formal OBJECTION to the application.

4.2 **Public Comments** – This application has been the subject of a substantial amount of public comment (60 plus representations) which are primarily in objection to the proposed development. The comments made therein are summarised in categories below.

4.2.1 Policy

- The proposal is contrary to the NPPF as it is not sustainable and it does not plan positively for the provision of shared and community facilities.
- The proposal is not viable.
- No public consultation has been carried out by the developers as required by the Localism Act.
- This application must not be considered in isolation. There are others in this area which when combined will have an unacceptable impact.
- No Neighbourhood Plan has been produced by the Council for this area which is in contravention of the NPPF.
- The Masterplan does not represent the view of the local community.
- A previous application for the commercial development of the land close to the Churncote Island was refused in 1992 for similar development.
- No evidence has been provided to support the claims that this level of housing is required in this area.

- The proposed development will not be economically or environmentally sustainable.
- The infrastructure in the area could not cope with the proposed scale of development.
- Mains Gas and better internet access should be provided as part of the development for the neighbouring area.
- The money would be better used renovating existing empty properties within Shrewsbury.
- There are better alternative sites which already have the infrastructure in place.

#### Location

- Location is not appropriate
- Development should be focussed to infill in the town where pre-existing services are underused.

#### Impact on Character and Other Commercial Uses

- The provision of hotel, petrol station and car showroom is not in keeping with the rural location.
- The construction of the new business premises will have a detrimental impact on existing small concerns in the area.
- There is no demonstrable need for a further petrol station given the close proximity of others.
- No documented evidence has been provided to show that this will add to the quality of the area.
- There is no need for another hotel in this area.

#### Highways

- The Oxon Link Road should be replaced by a cycling/walking route which would benefit the community and leave the option for the road available in the future.
- The link road appears to be planned to connect to Battlefield Business Park. The cost of this is huge with little benefit.
- It will cause congestion at the Harlescote/Battlefield End of the road.
- The link road is potentially part of the North West Relief Road that was shelved in 2010 and is contrary to the NPPF.
- The link road is being constructed at the expense of affordable housing.
- The development will affect the volume and congestion of traffic to an unsafe level.
- Access onto the A458 for both pedestrian and disabled residents would be adversely affected.
- There should be no access off Shepherds Lane to the site.
- Shepherds Lane and Calcott Lane will not be able to cope with the increased traffic volume. At least until the new link road is built traffic calming measures should be put in place.
- Accesses onto Shepherds Lane will be dangerous to vehicles and pedestrian. It will create a rat-run and destroy hedgerows.
- Works are required to Racecourse Lane to stop it from being increasingly used as a shortcut by non-residents.

- A Construction Method Statement should be provided to prevent construction vehicles from accessing the site from Calcott and Shepherds Lane.
- Insufficient parking space has been provided on the site and will lead to congested access roads with cars obstructing pavements.
- The main access should be moved so that it connects with Gains Park Way.

#### Drainage

- The land is liable to flooding
- The Green Boulevard should be designed to accommodate the current flood waters.
- Insufficient information regarding the proposed drainage of the site and the impact this will have on neighbouring properties.

#### Ecology/Landscaping

- An EIA should be provided as was the case with another nearby application.
- No landscaping between the development and existing dwellings has been shown on the submitted plans.
- It is a greenspace for Wildlife and recreation purposes
- The hedge along the boundary with Shepherds Lane has not been identified on the submitted plans. If it is removed it will have a detrimental impact on the character of the area.
- The development will affect a natural pond which is rich with wildlife.
- All the hedgerows and trees must be protected.
- Little new planting has been proposed.
- The Ecological Surveys have not been undertaken in the correct places or at the right time of year.
- The Oxon Relief Road will not be to a sufficient standard and there will be insufficient provision for hard landscaping and planting to provide visual and acoustic screening.

#### Design and Scale

- The development is overbearing in its design and appearance and nature.
- Very little open space and amenity areas.
- The development will result in a loss of open space which people use for recreational purposes.
- The buffer zone and green space would be better located bordering Shepherds Lane and Calcott Lane.
- The heights and types of new dwellings will be overbearing on existing dwellings.
- The design and scale does not reflect that of the surrounding area.
- The inclusion of three storey dwellings within the site is inappropriate and out of keeping with the local vernacular.
- The sizes of the dwellings and plots are too small to provide appropriate standards for families.
- The mix of housing does not allow for an ageing population.

#### Residential Amenity

- The proximity of some of the 2.5 storey houses to existing dwellings will cause a loss of privacy to adjacent lower dwellings.
- The new dwellings facing towards Shepherds Lane will cause a loss of privacy and natural light.
- Has sufficient play area space for children been provided and for adults to walk and take exercise.
- The areas that are for public open space are too close to the link road and too close to the swales to be safe for children to use.

#### Pollution

- A development in this area will increase the noise, air pollution and light pollution in the area.

#### Other Matters

- The lack of consultation is not acceptable and no decision should be made until this is rectified.
- A Health Impact Assessment should have been provided to ensure sufficient facilities are provided
- New medical facilities are required for the area and should be in place before planning permission is granted for development.
- Errors have been made regarding education facilities in the area in the Design and Access Statement
- Evidence of no further education facilities being required in this area is needed.
- A new school is required in this area before planning permission is granted for any further house building in the area
- Schools have already closed in the town reducing the availability of school places.
- There is no demonstrated separation between the council as Landowner and as the Local Planning and Highways Authority and that the application is to the benefit of the Council.
- No provision has been made to take into account the opinions of children.
- As part of the land covered by the SWSUE is owned by the Council, it is not possible for the Council to impartially carry out its profession duty and role.
- CIL should not be used for the Link Road proposal.
- The development will cause problems for existing homeowners in the area to sell their properties.

## 5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology

- Drainage
- Other considerations

## 6.0 OFFICER APPRAISAL

### 6.1 Policy & Principle of Development

6.1.1 The Core Strategy Development Plan Document (adopted 24<sup>th</sup> Feb 2014) is the principal document of the Shropshire Local Development Framework (LDF). The LDF is a set of documents setting out policies relating to the use and development of land in Shropshire. The Core Strategy sets out the Council's vision, strategic objectives and the broad spatial strategy to guide future development and growth in Shropshire during the period to 2026. It is the starting point for the determination of planning applications and will be supported in due course by other documents relating to the allocation of land and more detailed development management policies (SAMDev submission to the Department for Communities and Local Government at the end of July 2014). The policy considerations in respect of this proposal are set out in some detail in the comments of the SC Planning Policy team above (para 4.1.1)

6.1.2 Policies CS1 and CS2 of the adopted Core Strategy set out the relevant issues relating to development of the nature and scale proposed. Policy CS1 identifies Shrewsbury as a sub-regional centre and Shropshire's main growth point. It confirms that Shrewsbury will be the focus for significant retail, office and employment development, and accommodate approximately 25% of Shropshire's residential development over the plan period.

6.1.3 Policy CS2 specifies that Shrewsbury's priorities for the allocation/release of land for development will be:

- Making best use of previously developed land and buildings for housing and other uses within the built up area, especially sites contributing to the enhancement of the town centre, the redevelopment of edge-of-centre areas, and the regeneration of the Shrewsbury Northern Corridor;
- Bringing forward, on a phased and planned basis, two sustainable urban extensions providing 25% of Shrewsbury's housing growth and 50% of its employment growth including Shrewsbury West – land at Bicton Heath and off Welshpool Road as illustrated on the Key Diagram, to incorporate major housing development (approximately 700 dwellings to the north of Welshpool Road), additional employment land (approximately 9-12 hectares), the provision of a new link road connecting Churncote Island on the A5 to Holyhead Road, enhancement of Park and Ride facilities and other sustainable transport improvements, scope for additional health and care facility development, and the provision of new community facilities.

6.1.4 It is clear from the above that the proposed development is in accordance with the principles of the development strategy for Shropshire as set out within the Core Strategy. The policies within the Core Strategy are clearly intended to promote sustainable development and are consistent with the significant presumption in favour of sustainable development as set out within the National Planning Policy Framework (NPPF) as a whole. In addition the proposed development is in accordance with the terms of the Councils adopted masterplan for the SUE as a whole (adopted Dec 2013). Officers consider that having gone through extensive consultation and adoption procedures the policies as set out within the Core

Strategy and the masterplan are the primary policy considerations in respect of the determination of this application and that these policies strongly support the principle of development of the application site.

6.1.5 Given all of the above it is evident that the delivery of the SUE is of major importance in the Councils strategic approach to development delivery across the County during the LDF plan period (2026). This development is considered to be sustainable in terms of its location and will bring with it significant social and economic benefits which must be afforded considerable weight when assessing the overall planning balance as indicated within the NPPF. Even as the first phase of the overall SUE delivery the current proposal is, in itself, likely to take several years to deliver. Subject therefore to the assessment of all other material considerations including the detail of the proposal and the implications for interests of acknowledged importance the development is considered to be acceptable. The other considerations are set out below.

## 6.2 **Design, Scale and Character**

6.2.1 Policy CS6 of the Shropshire Core Strategy - 'Sustainable Design and Development Principles' - requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design, taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.2.2 The residential element of the proposed development is presented with significant detail notwithstanding the fact that it is an outline application. Only landscaping is reserved for later approval. The proposal is large enough to create its own sense of 'place' and its own identity but nevertheless it has been designed to pay respect to the nature of adjoining development. For instance it is proposed that those properties at the eastern end of the proposed development adjacent to Shepherds Lane are the larger, less dense, detached properties that better reflect the character of the existing properties on the opposite side of the lane.

6.2.3 The heart of the main body of the proposed residential development will be dominated by a large green boulevard presented behind a large roundabout on the main roadway through the development running north to south. This road will serve as the main spine for the development with a number of spurs emerging from it to both east and west. It is intended that this spine road will serve as the main link between Welshpool Road and the proposed link road to the north, in due course. In doing so it will remove traffic from both Calcott Lane to the west and Shepherds Lane to the east. The central boulevard, which will be a very significant feature within the development will follow the line of, and allow the retention of, a line of mature trees that form a significant element of the site as it is today.

6.2.4 The proposed development will provide for a total of twenty-six different house types (including the affordable dwellings). The majority will be two-storey in height though it will include some 2.5 storey dwellings with accommodation in the roof-space. The property types will include terraced (maximum of four units), semi-

detached and detached dwellings. All units will have a minimum of one off-street parking space with the vast majority of units having two or more. A selection of house types and street scenes will be presented to Committee at the meeting.

- 6.2.5 The applicants have indicated that the proposed dwellings will be constructed primarily in red brick (mixed) but with some brown/tan brick for features and feature buildings. The overall scheme will include some render panels as well as some fully rendered properties. Roofs will be in a mixture of red/terracotta and blue/grey tiles.
- 6.2.6 The proposed commercial element of the application is not as fully worked up as the residential scheme and is in outline form only with all matters other than access reserved for later approval. Access would be directly off Welshpool Road to both parts of the proposed commercial uses i.e. north and south of the highway. The application originally included a petrol filling station but this has subsequently been deleted during consideration of the application.
- 6.2.7 The siting of commercial uses such as those proposed on the edge of settlements adjacent to major highways and transport links is a well-established principle and a common feature of many towns and cities. It usually provides a less dense form of development on the edge of settlements than would be the case for residential development. Subject to the finer detail which would be the subject of further applications, the siting scale and nature of the uses proposed is considered to be acceptable.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 The proposed development does not immediately adjoin any surrounding properties (other than Westwood House/Bungalow referred to above) as there are highways in between it and other dwellings. The proposed dwellings that will front on to Welshpool Road and Shepherds Lane will have private drives between them and the roads, such that the separation distances from existing properties will be more than adequate. All of the proposed properties immediately surrounding Westside House and Westside Bungalow are designed with their rear gardens backing on to the common boundary thereby maximising the distance between dwellings and minimising the impact on privacy.
- 6.3.3 The proposed development will initially increase traffic levels on Shepherds Lane and Calcott Lane particularly at their southern ends and therefore there will be some impact on existing dwellings served by these properties. The implications for these lanes has however been assessed by the Council's highways development control team and they are satisfied that the impact will not be significant. Furthermore it is intended that upon development of the link road to the north, both Calcott Lane and Shepherd Lane will be blocked off thereby reducing the amount of through traffic in the long term. The highway implications as a whole are considered in more detail below.
- 6.3.4 It is acknowledged that the residential element of the development as proposed is in a more dense form than is currently the case for immediately surrounding

developments. It should however be noted that that there are substantial elements of the development at Gains Park that are comparable to the densities proposed. Furthermore there is a significant drive towards maximising the use of developable land whilst still ensuring adequate levels of residential amenity for both existing and intended occupiers. It is officer's opinion that the development as proposed will achieve this balance. It is not considered that there will be any significant adverse impact on the residential amenity of residents.

## 6.4 Highways

6.4.1 As can be seen from the comments of Highway Officers as set out in detail at paragraph 4.1.10 of this report, a number of highway and traffic related issues have required detailed consideration as part of this application and these have resulted in some amendment to the proposal. There is also a clear and significant level of concern from the local population about the highway implications of the proposals. Furthermore the Highways Agency have been involved as part of the necessity to consider and assess the implications of proposed development for Churncote Island and the strategic road network.

6.4.2 As can be seen from the comments of Highway Officers as set out in detail at paragraph 4.1.10 of this report, a number of highway and traffic related issues have required detailed consideration as part of this application and these have resulted in some amendment to the proposal. There is also a clear and significant level of concern from the local population about the highway implications of the proposals. Furthermore the Highways Agency have been involved as part of the necessity to consider and assess the implications of proposed development for Churncote Island and the strategic road network

6.4.3 Whilst the proposed development will inevitably have some impact on the local highway network, in order for this to prejudice the presumption in favour of sustainable development there would need to be clear and demonstrable harm to the safety of highway users. Based on assessment of the proposed new highway junctions and the potential traffic movements associated with new residential development (which also informed the master planning process for the SUE) officers are fully satisfied that this will not be the case, certainly until approximately 400 dwellings are completed and occupied. Therefore whilst the current proposal would deliver a significant proportion of the 'limit' it will not exceed it and will in any case take several years to deliver.

6.4.4 Whilst the Highways Agency have identified through assessment of appropriate traffic modelling with the applicants that there will be some adverse impact on the traffic movements at Churncote Island. This is however recognised as only being in the short term and can in any case be mitigated in the event of the link road not being delivered.

6.4.5 In a similar vein it is acknowledged that there will also be some increased traffic along both Calcott Lane and Shepherds Lane as a result of the proposed development. It should however be recognised that for the vast majority of the site the easiest and most obvious way onto the wider highway network will be via Welshpool Road. It will only be those wishing to approach from, or leave in, a northerly direction and avoid the main highway network that might use these routes and as such it is unlikely to be significant. Once again this impact is only likely to be



generated for the short term unless the link road is not delivered.

## 6.5 **Impact on Trees**

6.5.1 In their initial comments concern has been expressed by the Councils arboricultural advisors about the implications for some veteran trees that are of considerable importance (paragraph 4.1.5 above). Further information has been submitted by the applicants and their own advisors and the further views of the Councils experts will be reported at the meeting.

6.5.2 Should it not prove possible to satisfy the Councils Tree officer that no significant adverse impact to veteran trees will arise as a result of the development then the potential loss of some veteran trees will need to form part of the overall planning balance. Clearly veteran trees are recognised as substantial assets within the NPPF and their removal should not be sanctioned unless the overall benefits from the development clearly outweigh the loss.

## 6.6 **Ecology**

6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist.

6.6.2 Both Shropshire Wildlife Trust (SWT) and the Councils Ecologist have raised some concern in respect of the proposed development and its implications for the natural environment. Part of the concerns expressed by SWT relate to the designation of the SUE and the principle of development in this location. As previously expressed within this report the adoption of the Core Strategy and the masterplan for the SUE have in themselves been subject to extensive consultation (including with SWT) and have effectively established the principle of development in this location.

6.6.3 It is acknowledged that the proposal as submitted involves the loss of a number of trees and some sections of hedgerow that it would be preferable to keep if possible. However following a significant amount of discussion with the applicants and their advisors about these items it has been accepted that their removal would be in the best interests of the ordered development of the site as a whole.

6.6.4 In actual fact for an application site of the size currently before Members the amount of ecological implications arising from the development are not that significant as evidenced by the comments made by the Councils Ecologist above. Whilst there may be some harm as referenced above, significant trees and hedgerows are being retained where possible, there is the potential for wildlife habitat improvements within the site, and in particular the public open space as part of a landscaping scheme to be agreed, and negative the overall impact needs to be also considered against the overall benefits of the scheme including social and economic benefits.

6.6.5 The further comments of the Council ecologist are awaited following the submission of further justification and information from the applicants. These will be reported at the meeting. Planning officers are however satisfied that the applicants have demonstrated that while there will be an impact on the natural environment, mitigation can be put in place which will largely overcome the negative impacts of

the proposal. This would be in the form of additional planting of significant trees in suitable locations and works to improve and enhance the area, particularly public spaces, to better accommodate protected species.

## 6.7 **Drainage**

6.7.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. Therefore the application and the supporting drainage information have been considered by both the Environment Agency and the Council's Drainage Engineer who made the comments as set out in paragraph 4.1.3 above.

6.7.2 Notwithstanding the concerns expressed by some local residents about the site and its ability to accommodate adequate drainage facilities for the development proposed neither of the consultee's has raised concerns about or objections to the proposals. The petrol filling station that originally raised some concern about groundwater contamination has been deleted from the application since its submission.

6.7.3 There is no evidence available to officers to suggest that the site is unsuitable for the development proposed. Under the requirements of the NPPF there would need to be clear and demonstrable harm arising from the development in order to prejudice the presumption in favour of sustainable development. That is not the case in this instance.

6.7.4 In view of the above it is considered by officers that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

## 6.8 **Historic Environment**

6.8.1 The application and supporting documentation including the Desk-Based Heritage Assessment prepared by RPS Group have been assessed by appropriate members of the Council's Historic Environment team. Those officers have confirmed that the Assessment adequately considers the archaeological, built heritage and other historic environment matters on the land forming the application site.

6.8.2 As with the other factors above, in order for issues relating to the historic environment to present an obstacle to planning permission being granted, there would need to be significant and demonstrable harm likely to be caused. In this case there is no evidence to suggest that this would be the case.

## 6.9 **Rights of Way**

6.9.1 There are a number of footpaths that cross the development site. No objection to the development has been raised by the Rights of Way Officer. However it is advised that the applicants should contact them to discuss the arrangements which need to be made regarding footpath diversion or blocking up of rights of way.

## 7.0 **Other considerations**

7.1 In this section responses are made to some of the points raised by objectors to the  
Contact Tim Rogers on 01743 258773

proposal as set out in paragraph 4.2.1 above. It is not considered necessary or appropriate to address every single point individually as many of the concerns raised are considered within the officer comments above.

- 7.2 **Sustainability** - The sustainability credentials and location of the development site have been thoroughly tested and assessed as part of the Core Strategy and Masterplan adoption processes. Officers are fully satisfied that the proposal is sustainable and is not contrary to the requirements of the NPPF.
- 7.3 **Public consultation** – There has been some public consultation carried out by the applicants although they themselves have acknowledged that there was a problem with the leafleting for one of the public events. The level of public consultation undertaken the applicants is not a factor that is a material consideration in the determination of the application. The Council has fulfilled the consultation requirements for an application of this nature.
- 7.4 **Neighbourhood Plan** – There is no neighbourhood plan for this area and there is no obligation to produce one. There is however clear policy justification for the proposed development and the SUE as a whole as demonstrated through the Core Strategy and the Masterplan both of which were subject to extensive public consultation.
- 7.5 **Previous refusal on the site** - Reference to previous application decisions is not appropriate as planning policy has changed considerably since previous decisions were taken and in any case any new application must be considered on its own merits.
- 7.6 **No identified need for the housing** - Housing need is identified nationally, then across the region, the County as a whole, and Shrewsbury as the primary centre for growth. It is not necessarily specific to a particular location. There is a requirement on the Council to deliver the levels of housing identified by Government.
- 7.7 **Viability** – The economic viability of the proposal is a matter for the developers. Were it not to be viable then the development would no doubt not proceed. The environmental viability of the proposal is assessed above and no issues of concern that would be significant and demonstrable have been identified.
- 7.8 **Other ways of providing the housing** - Infilling of sites within settlements and renovating existing empty properties can and will contribute to new housing provision but will in no way provide the level of new properties required to meet the County's contribution to the national housing need.
- 7.9 **Location of commercial uses** - Hotels, car showrooms and some other forms of commercial development are commonly found on the edge of settlements close to main highway networks. The current proposal will be no different in this regard.
- 7.10 **Need for the commercial development** – The 'need' for the commercial element of the proposals is not a material consideration. These elements of the development will only be provided if the developer is satisfied that they are viable in their own right.

- 7.11 **Link Road** – The provision of the Oxon Link road does not form part of the current application and should not form part of the material considerations in its determination. The development is however clearly designed to have regard to the likely provision of the link road which is a clear objective of the Council.
- 7.12 **Implications for Shepherds Lane** – It is accepted and acknowledged that the proposals will have some impact on the character of Shepherds Lane and will require the removal of some hedgerow to facilitate private driveway accesses. However the submitted plans show that the amount of hedgerow removal necessary to provide the accesses and associated visibility requirements will not be substantial (the clear majority of the hedge will be retained) and the impact of the additional traffic to serve a total of twelve dwellings has not been identified as a problem by the Councils Highways officers.
- 7.13 **School Provision** – A financial contribution towards enhanced school provision is a requirement of this proposal. The amount of the contribution and the need for additional provision has been assessed and agreed in consultation with the relevant officer within the Councils Education service using the appropriate methodology.
- 8.0 CONCLUSION**
- 8.1 The proposed development is clearly one of major significance for the town as a whole and the local area in particular. It forms part of the wider site identified as the Shrewsbury West SUE, consideration and assessment of which has been on-going for several years culminating in adoption of both the Shropshire Council Core Strategy and the SUE masterplan. Within the masterplan provision of the Oxon Link road is clearly identified as part of the overall package of development, but the current proposal precedes any application for the link road and whilst acknowledging its likely delivery, has to be assessed on its own merits.
- 8.2 There are some substantial benefits to be derived from development of the nature and scale proposed. Not least is the contribution to the current housing shortage and the need for new housing delivery. There are also economic benefits in terms of the benefits to the local economy during the construction phases of the proposed development and the employment to be created through the new commercial activity. There is also the provision of a substantial number of new affordable dwellings, the provision of considerable new areas of public open space, and the financial contributions to local infrastructure and services as detailed in this report (paragraph 4.1.1).
- 8.3 As is inevitable with most forms of development and certainly ones of this scale there will be some adverse impacts that need to be weighed in the overall planning balance. In this case the negative impacts will include additional traffic along existing highways, the loss of some trees/hedgerows and the visual/ecological qualities supplied by them, and the impact on the outlook from a small number of dwellings adjoining the site.
- 8.4 Careful consideration of this application, and the significant amount of supporting documentation, has not revealed any significant and adverse impacts that would be clear and demonstrable, and which would either in isolation or cumulatively,

override the strong presumption in favour of sustainable development. In this case it is considered that the benefits of the developments significantly outweigh any negative impacts and the strong recommendation is that the application should be approved subject to conditions as set out below and to the satisfactory completion of a section 106 Agreement to secure the provision of affordable housing appropriate infrastructure contributions as set out in this report.

8.5 In arriving at this recommendation 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.

## 9.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 9.1 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 - written representations, a hearing or inquiry.
- ☐ The decision is 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 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 give 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

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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 (taken as a whole)

Core Strategy and Saved Policies:  
Policy CS1: Strategic Approach  
Policy CS2: Shrewsbury Development Strategy  
Policy CS6: Sustainable Design and Development Principles  
Policy CS9: Infrastructure Contributions

### RELEVANT PLANNING HISTORY:

14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure PDE

## 11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr John Overall

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

The means of enclosure of the site

Full landscaping details including:

Hard surfacing materials

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

Planting plans

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

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

Implementation timetables

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

5. 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.



6. As part of the reserved matter details of 20 bat boxes or bat bricks 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.

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

7. Due to the planned delivery of the Oxon Link Road alongside the proposed residential development the developer shall fully implement the required noise mitigation measures as set out in the supplied Noise Mitigation Assessment, prior to the first occupation of the affected dwellings.

Reason - To prevent disturbance to the future residents of the site from noise from the link road and to protect the local highway authority from future claims.

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

8. 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.

9. 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 highway 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 commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

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

11. 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 is commenced or the building(s) occupied.

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

12. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

5) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 4 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (3 and 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

13. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

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

14. The glazing specification and fencing specification shown in Appendix I of Environmental Noise Assessment prepared by noise.co.uk dated 12th August 2014 Report no 12625B-1 R1 shall be implemented in full.

Reason: to protect the amenity of the area and the health and wellbeing of future and existing residents.

15. During construction and demolition activities measures set out in the Institute of Air Quality Management document Dust and Air Emissions Mitigation Measures should be followed to a minimum of the medium risk category.

Reason: to protect the amenity of local residents and the local area.

16. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:
- Description and evaluation of the features to be managed;
  - Ecological trends and constraints on site that may influence management;
  - Aims and objectives of management;
  - Appropriate management options for achieving aims and objectives;
  - Prescriptions for management actions;
  - Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - Personnel responsible for implementation of the plan;
  - Monitoring and remedial/contingencies measures triggered by monitoring.
- The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

17. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

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

18. Construction and demolition activities including the arrival of vehicles and deliveries on site shall not occur outside of the following times: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No activities shall be carried out on Sundays and bank holidays.

Reason: to protect the amenity of the area and that of nearby residential properties.

19. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

20. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To ensure protection of controlled waters by controlling the potential for introduction of rapid contaminant migration pathways.

### **Informatives**

1. 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.

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.

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

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

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. Under the Highways Act 1980 - Section 184(11) you are required to submit an application to form a crossing within the highway over a footway, grass verge or other highway margin. Please note that there will be a charge for the application. Applications forms can be obtained through the web site [www.shropshire.gov.uk/hwmaint.nsf](http://www.shropshire.gov.uk/hwmaint.nsf). If you wish further advice please contact the Shropshire Council's Highway Development Control Team.
4. The developer 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
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. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Where

there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

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. A fee is payable per request.

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.

7. Appropriate agreements will be required with the local highway authority for works on existing highway and for the construction of new public highways. Contact should be made with the developing highways area manager to discuss this.
8. The applicant is reminded that confirmation of a Diversion Order for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.