

Development Management Report

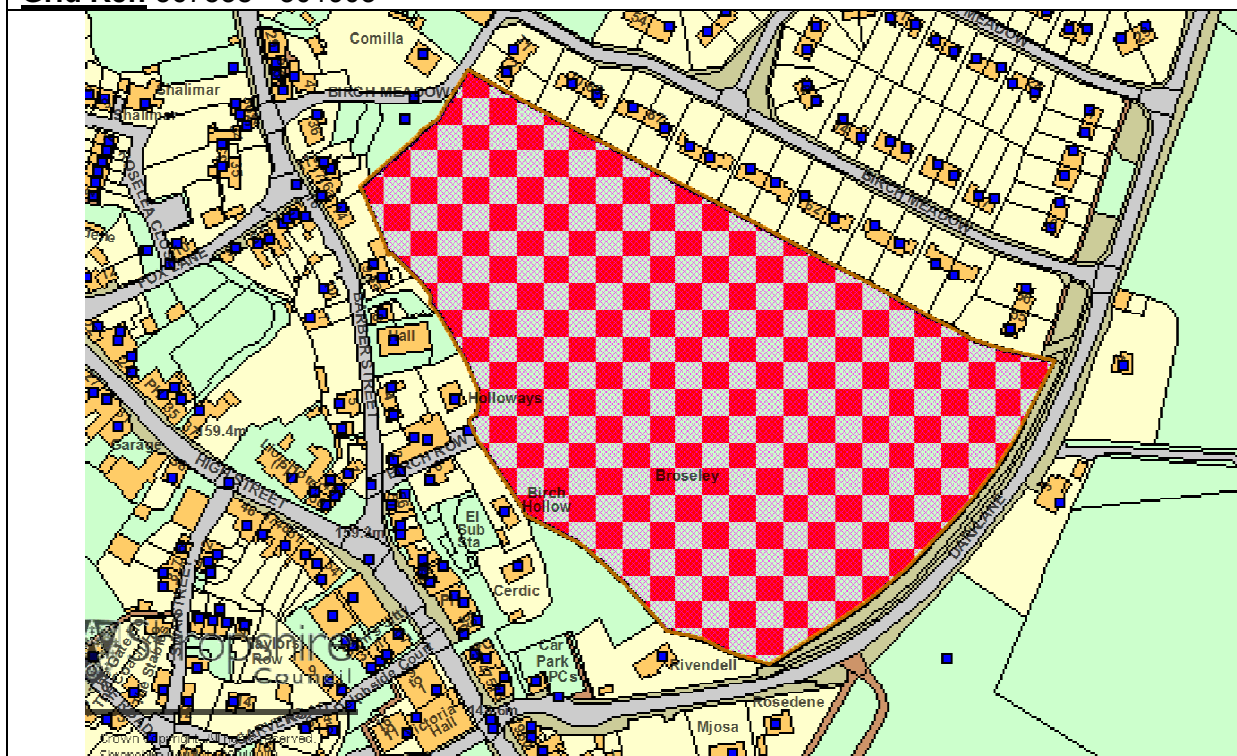
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Summary of Application

Application Number: 14/02911/FUL	Parish: Broseley
Proposal: Residential development comprising 88 dwellings (to include affordable housing), creation of new vehicular access (off Dark Lane), open space and landscaping, attenuation pond, new surface water drain south of Dark Lane and footpath links to Birch Row and Birch Meadow	
Site Address: Residential Development Land Adjacent Dark Lane Broseley Shropshire	
Applicant: Taylor Wimpey Midlands Ltd	
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk

Grid Ref: 367538 - 301903



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REPORT

Recommendation:- Grant permission subject to satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision, and to secure the provision and maintenance of the open space by an appropriate body, and to the conditions set out in Appendix 1.

1.0 THE PROPOSAL

- 1.1 At its meeting on 9th October 2012, the South Planning Committee resolved to grant planning permission for a development at this site comprising 94 dwellings to include the creation of vehicular accesses (off Dark Lane), estate roads and cycleways; an area of public open space, landscaping scheme and associated infrastructure (ref. 12/02108/FUL). This was subject to the completion of a Section 106 legal agreement for the provision of affordable housing at the site. The legal agreement has not as yet been signed, and therefore the planning permission has not been issued.
- 1.2 The current proposal relates to the same site, and proposes fewer dwellings and a modified design and layout. The proposal relates to some 3.3 hectares of land to the west of Dark Lane which is allocated for residential development in the Bridgnorth District Local Plan (Policy BRO1). In comparison with the previous application the new proposal is to a reduced density (a reduction of 6 units); a revised road layout; a single access point from Dark Lane.
- 1.3 The vehicular access would be approximately central on the site road frontage and would have a width of 5.5 metres with 2 metre wide footpaths on either side. Of the open market dwellings there would be 50no. four bed roomed houses, 25no. three bed roomed houses, and 8no. two bed roomed houses. The proposed affordable housing would comprise 2no. three bed roomed houses, 2no. two bed roomed houses and 1no. two bed roomed bungalow. The properties would comprise a mix of detached and semi-detached dwellings. Other than the bungalow the properties would be two storey. There would be a total of 14 different house types. The dwellings would feature three variations of main brick types, of either red or buff colour, with roof tiles in either russet or blue/black tones. Some properties would have integral garages, with others featuring detached or semi-detached garages. The properties at the northern and southern sides of the site would be positioned with the front elevation facing into the site, with the rear gardens adjacent to the site boundary. The properties occupying a more central positions within the site would generally have rear gardens backing on to each other. A number of properties, including those in key locations, would be provided with chimneys.
- 1.4 The road system would incorporate bends at the eastern side and more gentle curves further to the west. There would be a pedestrian link to Birch Meadow to the northwest and Birch Row to the southwest.
- 1.5 An area of open space would be provided at the eastern side of the development, south of the access road. This would include an attenuation pond, wildflower planting, tree and shrub planting and a pedestrian pathway between grassed areas.

1.6 The application is accompanied by a design and access statement; a planning statement, an ecological assessment, a site investigation report, a transport statement, a flood risk assessment, a drainage strategy, an underground utility survey, a confidential viability report, an archaeological scheme of investigation, a community consultation report, and other technical information.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site is situated within the Broseley Development boundary shown in the Bridgnorth District Local Plan. The land is currently rough pasture and is undulating with a gentle rise in a north westerly direction and also slopes up in a northerly direction to the rear gardens of dwellings off Birch Meadow, which adjoin the north eastern site boundary. To the north the site has a short frontage onto Birch Meadow where a pedestrian link would be provided. A pedestrian link would also be provided to Birch Row on the southwestern side of the site. The land to the south west of the site falls within the Broseley Conservation Area and comprises a mix of buildings fronting Barber Street and High Street, with a number of other buildings/dwellings and gardens on the land to the rear of these frontage properties. The south eastern site boundary adjoins Dark Lane which follows a gentle curved alignment with the footway separated from the carriageway edge by a grass verge.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 This is a complex /major application. The Principal Planning Officer in consultation with the Committee Chairman and Local Member agree that, in view of the site history and the decision by the Committee on the previous application, that this application should also be determined by the South Planning Committee.

4.0 **Community Representations**

4.1.0 -Consultee Comments

4.1.1 **Broseley Town Council** Concerned that the infrastructure issues raised by a development of this size were not being properly addressed. They endorsed the points made in many of the residents' comments and objections relating to: land stability; lack of affordable housing within the proposal; high density of the housing; drainage, sewerage and water disposal; proximity to conservation area; historic value of reservoir; impact on local schools and the medical practice; pressure on Dark Lane and neighbouring highways; Design and Access claims regarding public transport were absurd; the Japanese Knotweed problem

4.1.2 **Barrow Parish Council (adjacent parish)** Should this application be successful restrictions on the routes to be used by works traffic should apply. Bridge Road, Benthall in particular should be banned for all works traffic.

4.1.3 **SC Highways Development Control**

The application has been discussed with the Highways Officer and it is understood that no objections will be raised to the application on highways grounds. Members will be updated on the formal comments of the Highways team in advance of the Committee meeting.

(The Highways Officer raised no objections in relation to the previous application for residential development at the site (ref. 12/02108/FUL). That application included six more dwellings than the current proposal and also eight separate access points onto Dark Lane.)

- 4.1.4 **SC Drainage** No objections. The surface water drainage proposals are acceptable.
- 4.1.5 **Severn Trent Water** (On previous application for more dwelling units on the land) – no objection.
- 4.1.6 **SC Public Protection** No objections. The Site Investigation report is dated May 2012 and reports on site investigation works carried out in July and August 2010. It also summarises a limited site investigation carried out by Halcrow in January 2010. A risk assessment has been carried out and has concluded that with regard to soil contamination there are no unacceptable risks. However, the old SGV of 450 mg/kg for Pb (lead) has been used and this was withdrawn along with the guidance that underpinned its derivation. Therefore the risk assessment with regard to lead is not acceptable.

In addition, since 2012 there is new guidance and documentation released in respect of lead and the assessment criteria is now lower than the old SGV. Looking at the levels of Pb recorded means that the risk assessment with regard to lead needs to be revised. Accordingly, if planning permission is granted a condition is highly recommended to require the submission of a site investigation report to determine the need for remediation (see Appendix 1).

In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided. A condition is therefore proposed should this application be granted approval (see informatives in Appendix 1).

- 4.1.7 **SC Ecology** No objections. Recommends conditions and informatives.

Reptiles: The submitted ecological report considers the vegetation on site to be sub-optimal for reptiles. They do however recommend a scheme of mitigation and set this out in their report, and a condition should be imposed requiring that this is followed (see Appendix 1).

Bats: One tree was considered by the ecological consultants to have low potential to support roosting bats. It is to be removed as part of the plans, and the consultants recommend that it is 'soft-felled'. The recommended methodology should be followed.

It is also recommended that lighting is controlled to avoid impacts on bat behaviour (see Appendix 1).

Nesting Wild Birds: Trees and hedgerows on the site are likely to support nesting birds. The ecology report recommends provision of bird boxes and a condition relating to this is recommended (see Appendix 1).

- 4.1.8 **SC Trees** No objections. The planting plan and landscape specification have been amended to incorporate the three previously unidentified trees on the drawings. Recommends conditions regarding tree protection measures and tree planting (see Appendix 1).
- 4.1.9 **SC Conservation Officer** The proposed development site lies adjacent to the Broseley Conservation Area. A previous application on the site was generally supported from a conservation perspective with comments given about some improvements to layout. It is considered that this proposed new scheme is an improvement in terms of density, layout and design. No objections to the proposed development are raised from a conservation perspective. Recommends imposition of condition requiring the prior approval of external materials.
- 4.1.10 **SC Archaeology** No objections.

The proposed development site contains archaeological remains relating to the early coal mining in the Broseley area and there is a high possibility that the site contains evidence for one of the earliest mining railways in the country. These remains may therefore be impacted on by the proposed development. In view of the above and in accordance with PPS5, a recommendation was made that an archaeological evaluation of the application site be undertaken prior to any planning application being determined. The aim of this evaluation would be to assess the extent, survival and significance of any archaeological remains. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. The site has been subject to a number of archaeological investigations for a previous development scheme. These in essence remain valid in respect of this new application. These assessment/evaluations comprised a three phased approach that included an initial Desk Based Assessment (DBA), followed by field evaluation in the form of an earthwork survey and finally a programme of archaeological trial trenching. This work has now been completed and reported on in full. The results indicate the site has been subject to mining activity over a considerable period with the remains uncovered being of local significance representing a relict mining landscape, typical of the East Shropshire Coalfield. A remarkable number of shafts or pits, 15 in total, were revealed in the 4% of the site that was excavated. Later mining activity, associated with clay deposits, has to some extent obscured and/or truncated mining remains from earlier periods and those that were revealed were seen to be in poor condition. Because of safety reasons no trenches were excavated below the post-medieval mining activity and some potential for evidence of earlier mining activity remains although this may not survive to any coherent degree. No evidence for the potential early wooden railway mentioned in the documentary records of 1605 was revealed. During the 2011 archaeological excavation an examination was made of an underground chamber accessed via a manhole lying outside of the southern boundary of the development site. Further investigation of this chamber has not elucidated any dating or functional information. The proposed development site can therefore be deemed to have some archaeological potential and any below ground archaeological remains are likely to be affected by the construction of the proposed new dwellings and associated services.

The submitted Written Scheme of Investigation is satisfactory in providing the necessary level of archaeological mitigation for all construction works including any impact on the underground chamber.

- 4.1.11 **SC Affordable Housing** As we have fairly up to date info from this site, we are reasonably content to accept the applicant's offer in relation to the affordable housing and subject to our standard s106 overage clause.
- 4.1.12 **SC Waste Management** The vehicle tracking for this development has been agreed. However there are concerns that the hammerheads will be used for car parking and this will mean that the refuse/recycling vehicles will have to reverse, which is one move that should be eliminated wherever possible, as more accidents occur when refuse/recycling vehicles are carrying out this manoeuvre than any other.
- 4.1.13 **SC Parks and Recreation** The public open space requirement for this development, as identified within the Open Space Interim Planning Guidance 2012 as 30m² per bed space, should provide 9090m² of recreational open space. The current provision is 8400m²! This provision is further reduced as a usable recreational space with the inclusion of a SUDS wetland meadow area. Consideration should be given to creating additional open space within the development.

Within this application the open space is located on the south facing front of the development adjoining Dark Lane, a busy road close to the school. Previous applications on this site had identified the open space as a village green within the development, a design supported by this service.

4.2. -Public Comments

- 4.2.1 The application has been advertised on site and in the local press. In addition more than 250 residential properties in the vicinity have been directly notified. Thirteen objections have been made. The grounds for objection are summarised as follows:
- Will make already dangerous roads between Dark Lane and Broseley even more dangerous
 - Should be significantly reduced in size
 - Insufficient capacity of local schools
 - Traffic survey should be undertaken
 - Detrimental impact upon wider views of Broseley Conservation Area
 - Site inappropriately designated for development within the Local Plan, probably due to the influence of the land owner
 - Traffic from site should not be limited to just one access point, should be links to both the Birchmeadow Estate and to the road leading to the Birchmeadow Centre
 - Concern over flood risk and flash flooding
 - Concern over surface water drainage arrangements
 - Impact on wildlife area opposite the site
 - Impact on stability of surrounding properties both during and after the corrective stabilisation works required for the site; have been told would

- have to claim on our own home insurance
- Impact on water course running through the field
- Impact on Haycop Conservation Area
- several of the various surveys are using out of date and incorrect information
- impact on bats on adjacent nature reserve
- traffic survey undertaken during school holidays so not representative
- zebra crossing should be installed
- density is uncharacteristic of the local area
- affordable homes have no parking spaces attached to them
- increased risk of traffic accidents
- will overload sewerage system, and impact downstream at the Gorge
- will increase subsidence
- potential damage cause by high pressure grouting
- contours on site have shifted since site investigation works were undertaken 4 years ago
- impact on structural stability of houses that are not immediately adjacent to the site boundary
- lack of capacity of existing services to cope with additional residents
- no strategy for dealing with Japanese knotweed problem
- insufficient investigation into the whereabouts of the early wooden railway
- insufficient affordable houses
- query over who will manage the tree planting
- traffic calming required on Dark Lane
- should include three storey houses to match those in Broseley
- new layout is an improvement on the one produced by Bloor homes but still too many houses
- land never identified as suitable for residential development, merely identified as land available for sale
- concern over artesian water course running through the site
- many adjacent properties have wells which are fed by this water supply
- may provide 88 dwellings but also make upwards of 50 houses uninhabitable
- land has not been identified as suitable for development in the local plan

4.2.2 Haycop Conservation Group

- concern over surface drainage water and impact on conservation area
- impact on artesian water course and water supplies
- impact on rare butterflies and moths in the area
- concern over lead levels in the soil
- Dark Lane should be made into a one way pedestrianised area

4.2.3 4 general comments have been made:

- Bridge Road should be banned for all works traffic
- Planning measures should be put in place to monitor ground movements
- A further highways survey should be carried out as there are now more cars on Dark Lane due to speed restrictions on Bridgnorth Road
- 88 is still a high density, especially adjacent to a conservation area
- Small number of affordable houses goes against aim of providing affordable homes for younger people
- Only one bungalow when accommodation for older residents is needed in

Broseley

- May add to parking issues and congestion
- Archaeological interest should be preserved
- will put further pressure on the drainage and sewerage disposal facilities
- potential issues with flooding

4.2.4 1 letter of support has been received:

- refreshing to see a brown field site proposal that 'fits' with the locality and conforms to the Broseley Plan

5.0 THE MAIN ISSUES

Principle of development

Design, scale and character

Highway Safety

Residential Amenity

Land Stability

Drainage

Archaeology

Ecology

Open Space

Viability and Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Broseley is a settlement identified by saved Local Plan policy H3 as a settlement appropriate for new house building. The application site is an allocated housing site in the Bridgnorth District Local Plan, reference policy BRO1, which is a policy allocation which remains in place following the adoption of the Shropshire Core Strategy. The supporting information to the land allocation indicates the site is to be released for development during the plan phase 2011-2016 and that it has a site capacity of 90 dwellings, and therefore the current proposal is in line with this.

6.1.2 Emerging planning policy as set out in the SAMDev Plan indicates that the site is located within the proposed development boundary. Whilst the SAMDev does not propose to allocate the site for housing development, the supporting text (5.4.2) indicates that this is because there is already a resolution to grant planning permission (subject to a section 106 legal agreement) for 94 homes on the site (ref. 12/02108/FUL).

6.1.3 On the basis of the above there is no in principle planning policy objection to residential development on the land.

6.1.4 Saved Local Plan Policy H7 states that development will not be permitted where the net site density is below 30 dwellings per hectare, unless it can be demonstrated that development at that density would harm the character of the surrounding area. This proposal for 88 dwellings would equate to a net site density of some 27 dwellings per hectare. Whilst this is slightly below the figure of 30, the density of the current scheme is similar to that proposed in the previous application (12/02108/FUL) which proposed a density of 28.5 dwellings per hectare. Both applications seek to address the Committee's refusal of the 107 unit scheme (ref.

11/00955/FUL) on the grounds that it harmed the character of the surrounding area. It is considered therefore that the site density of the current proposal would not be unacceptable as a matter of principle. The consideration of the site through the Local Plan process, and its subsequent allocation for residential development, established that there were no technical constraints which would prevent the site's development. The acceptability or otherwise of the scheme will therefore turn upon the assessment of the scheme under the main issues set out below, and having regard to the refusal reason for application 11/00955/FUL set out in paragraph 1.1 above.

- 6.1.5 The fact that the Committee resolved to grant planning permission 2012 for a similar residential development at this site (subject to the completion of a legal agreement to secure affordable housing) is a relevant consideration which should be given some weight in the decision making process. Although planning permission for that development has yet to be issued, the resolution of the Committee nevertheless confirms that the residential development of the site as proposed by application 12/02108/FUL is acceptable.

6.2 Design, Scale and Character

- 6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. Its themes are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. This site is adjacent to the Broseley Conservation Area, which borders its southwestern side. Account therefore needs to be taken of the impact of the proposed development upon the setting of the Conservation Area. A note to policy BRO1 advises that "This site adjoins the town's historic core and the layout, design and use of materials should reflect this."
- 6.2.2 The Broseley Conservation Area Appraisal comments that the density, pattern and type of settlement varies greatly within the large conservation area. With regard to the section in the immediate vicinity of the application site it states:-
- 6.2.3 "This pattern of development changes in the more northerly part of Church Street where buildings are more tightly concentrated, with many fronting the street and and grouped in rows or occasionally in terraces. This pattern becomes more dense still along much of High Street. The open areas of The Green and the junction of Barber Street provide counter points to the tightly confined street. To the west of High Street there is an intricate network of lanes and narrow roads, with modest older houses and cottages interspersed with new development.
- 6.2.4 To the north, Barber Street, Duke Street and Fox Lane have regular. More scattered groupings of small houses and cottages, and mid -20th century development fills much of the area between High Street and Queen Street."
- 6.2.5 Much of the development in this area is positioned close to the back edge of the footpath, with a more random disposition of buildings away from the street

frontages.

- 6.2.6 The general approach to the development layout has been to utilise the existing topography of the site to provide a series of streets which link together to form perimeter blocks. This approach has rationalised the need for any retaining features, such as walls, to enable a more open appearance to the development. The relatively informal road layout in the present scheme is also in contrast to the refusal reason's reference to the angular road layout of application 11/00955/FUL.
- 6.2.7 The details of the layout are largely consistent with that previously proposed under 12/02108/FUL, albeit with some revisions to reflect the existence of two mineshafts on the northern portion of the site and ensure that these can be adequately treated. The design approach taken to the new homes is to provide them in the form of short terraces (no more than three dwellings) pairs of semi-detached dwellings or detached dwellings within their own curtilage. A substantial number of housetypes will be provided to provide variety in a manner consistent with the general character found in the town. The detailed layout sets back dwellings from the Dark Lane frontage allowing an area of green space to interface between the development and the adjacent road. This has benefits in delivering a green edge to the proposal.
- 6.2.8 Reflecting the topography of the site, and in particular the difference in levels between the site and Birch Meadow to the north, the design of the scheme has sought to ensure that any retaining features necessary are located within back gardens of homes. As such a number of dwellings along the northern side of the site would have terraced rear gardens, and this would avoid harsh urban features such as brick retaining walls.
- 6.2.9 The proposed development would provide a variety of roofscapes, and chimneys will be provided in key locations to assist in breaking up the roofscape. It should also be noted that the varying site levels, the variety of house types and materials, and the site levels, the variety of house types, materials, and the differing road configurations between the main access roads and shared driveways, along with the associated landscaping, would maintain variety and interest in the layout of the streetscene.
- 6.2.10 An area of open space would be provided on the eastern side of the site, to the south of the access road, and the applicant has stated that this would perform a number of functions. It would include a flood attenuation balancing pond, and would therefore allow the scheme to deliver a SUDS drainage scheme. It would provide a wetland type habitat and peripheral planting reflects this. Whilst it is not intended that the area would have a formal recreation function it would nevertheless be accessible to the public for informal activities such as dog walking. Properties on this side of the site to the north of the access road would be set back from Dark Lane and it is proposed to undertake additional landscaping along this edge. This design would provide a green buffer to existing residential properties that are located to the southeast of the site, and also provide a landscape edge to the main entrance to the development. It is considered that this, together with the additional tree and shrub planting proposed within the site, would constitute adequate landscaping provision for the site.

- 6.2.11 The proposed house types have been considered by the Council's Historic Environment Officer who considers that the new scheme is an improvement in terms of density, layout and design. No objections have been raised in relation to the impact on the setting of the adjacent Conservation Area.
- 6.2.12 It is considered that the proposed house types would be well proportioned and appropriate for this location. The predominant use of brick and tile would reflect the finishes found within the adjacent Conservation Area. The two storey form of the development (apart from one bungalow) would be of a scale subservient to the larger 2 and 3 storey properties found in the historic core and comparable to that of properties which intersperse with them. The provision of chimneys to some dwellings at key focal points within the development, and short projecting front gables to some of the dwellings, would provide variety to the roofscape which was considered to be lacking from the proposal that was refused (11/00955/FUL). As a consequence, it is considered that the built form would not adversely impact upon views into the Conservation Area or upon the views across the site from the elevated position of Birch Meadow to the north. It is considered therefore, for the reasons explained above, that the proposed development would be appropriate in scale, density, pattern and design for the site as required by Core Strategy Policy CS6.

6.3 Highway Safety

- 6.3.1 Saved Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. A note to the housing land allocation policy BRO1 states that off site development funded highway works or other traffic management measures may be required to improve the junction of Dark Lane and the High Street. The Transport Statement that has been submitted states that Dark Lane has a good safety record and no accidents have occurred at the junction of Dark Lane and High Street in five years. It concludes that traffic from the development would not affect safety on the local road network.
- 6.3.2 It should be reiterated that the site is allocated for residential development, with an indicative number of units of 90. It follows from this that the current proposal of 88 units on the site is accepted under the Local Plan allocation as being capable in principle of being development without leading to conditions detrimental to highway safety. It should be noted that application 11/00955/FUL was not refused on any grounds relating to highway safety.
- 6.3.3 The previous application submitted for residential development at this site (12/02108/FUL) proposed eight separate accesses from Dark Lane: one main access road into the site, and seven drive accesses to those properties proposed along the southeastern side of the site. The current application proposes that all properties would be accessed via a single main access from Dark Lane. This access road would also have footways on both sides, linking in to existing footways along Dark Lane. Whilst the formal consultation comments of the Highways Officer are awaited, it is understood that the Officer has no objections to this access design in principle, and that it would not be detrimental to highway and pedestrian safety. It is noted that the Highways Authority did not raised any objection to the previous application for residential development at this site, but recommended the imposition

of a number of conditions. These conditions included the requirement to submit for approval full engineering details of the site access and roadway; a Construction Method Statement and Traffic Management Plan; a Travel Plan. It is considered that it would be appropriate to impose similar conditions on any permission granted in respect of the current application.

6.3.4 Saved Local Plan policy D6 also requires there to be adequate servicing arrangements within developments and for car parking to have regard to the Council's recommended car parking standards. The Council's Waste Management team has confirmed that the road geometry is acceptable for refuse/recycling vehicles based upon the vehicle tracking information provided. The further comments made regarding the hammerhead design are noted, and some changes to the site layout have now been made to provide additional bin collection points in order to improve access by refuse vehicles. The level of car parking provision is two off-street spaces per dwelling. The majority of these spaces are located either to the side of dwellings or in front of properties. This provision complies with the adopted maximum parking standards of the former Bridgnorth District Council which are still in force.

6.4 Residential Amenity

6.4.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The positioning, orientation and scale of the dwellings and garages which would be adjacent to the application site boundaries would cause no undue harm to the living conditions of existing adjacent dwellings, in terms of privacy, light and would have no significant overbearing impacts. Within the development, there would be no residential amenity conflicts between the proposed dwellings. The site layout allows for sufficient space for the landscape buffer planting to be established without significantly impacting upon the garden area to those dwellings and the amount of sunlight/daylight reaching those properties.

6.4.2 It would be appropriate to impose planning conditions to limit construction hours to the standard hours and to prevent the burning of waste, as recommended by the Council's Public Protection team (see Appendix 1).

6.5 Land Stability

6.5.1 The National Planning Policy Framework (NPPF) advises at paragraph 120 that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It requires at paragraph 121 that planning policies and decisions should take account of ground conditions and land stability, and that adequate site investigation information, prepared by a competent person, is presented. A note to policy BRO1 advises that the site is in an area where land stability may be affected by past mining activity and a site investigation should be undertaken to establish the developable extent of the site.

6.5.2 The application is accompanied by a Site Investigation Report undertaken in 2012 in relation to the previous scheme. The main issues identified in the report include: deep and variable strength made ground materials across parts of the site; the presence of shallow coal mineworkings; two identified mineshafts within the site boundary and a third to the north of the site; the likely presence of additional

unrecorded mine entries within influencing distance of the site. The report sets out a strategy in respect of ground stabilisation works and foundation design, and gas protection measures to allow the development to proceed. The proposals include the intention to undertake dilapidation surveys of all existing properties along the western boundary of the site prior to any remediation/piling works commencing to ensure that these works have not structurally affected the properties.

6.5.3 The Council's Public Protection Officer has reviewed the submitted report and considers that a further risk assessment is required to bring the existing data up to date, in particular in relation to current guidance regarding lead, and has recommended that a condition can be imposed to ensure that this is undertaken.

6.5.4 It is noted that the reasons why application 11/00955/FUL were refused did not include ground stability issues. In addition it is considered that there has been no material change in planning circumstances since Members resolved to grant planning permission for residential development at the site under application ref. 12/02108/FUL which would now justify a refusal reason relating to land stability.

6.6 Drainage

6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to reduce flood risk. A flood risk assessment has been submitted with the application. This has established that the site falls within low probability zone 1, meaning that the proposed dwellings would be at little risk of flooding. As part of a Sustainable Urban Drainage Strategy (SUDS), the surface water drainage strategy would incorporate an attenuation pond. This would be designed to attenuate flood water volumes to the 1 in 100 year storm event (plus 30% allowance for climate change). The system would be linked to a surface water drainage system which would connect to an existing watercourse to the southeast, with flows being controlled using a hydrobrake system. The surface water management strategy, including accompanying run off calculations, have been reviewed by the Council's Drainage Officer who has confirmed that it is acceptable. The system would satisfy Core Strategy policy CS18 by not resulting in an increase in run off from the site, in order to safeguard the properties downstream from any increased risk of flooding.

6.6.2 With regard to foul drainage, Severn Trent Water has previously raised no objections to a connection to the foul sewer to serve residential development on this land.

6.7 Archaeology

6.7.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, which includes areas of archaeological interest.

The results of surveys of the site indicate that it has been subject to mining activity over a considerable period with the remains uncovered being of local significance representing a relict mining landscape. Based upon surveys undertaken the Council's Historic Environment Officer considers that the site can be deemed to have some archaeological potential. The Officer has confirmed that the submitted Written Scheme of Investigation is satisfactory in providing the necessary level of archaeological mitigation for all construction works. A condition can be imposed requiring that this is adhered to as part of the implementation of any permission for

the development (see Appendix 1).

6.8 Ecology

- 6.8.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. An ecological appraisal has been submitted with the application and this confirms that there are no statutory designated ecological sites at or in the vicinity of the site. It states that further afield, there are two SSSI's and a Local Nature Reserve within 2km of the site; however these would not be negatively affected by the proposed development.
- 6.8.2 The Council's Planning Ecologist has reviewed the submitted ecological report and has raised no objections to the proposal. Whilst the vegetation on site provides sub-optimal habitat for reptiles, the Ecologist has recommended that the mitigation measures put forward in the ecology report should be adhered to. This, and the other conditions proposed by the Ecologist can be added to any permission granted for the development.

6.9 Open Space

- 6.9.1 The Council's Parks and Recreation team have noted that the public open space requirement for new development, as set out in the Open Space Interim Planning Guidance document, is 30m² per person. This would equate to a requirement for 9090m² whereas the currently proposed area is 8400m². The team have recommended that consideration should be given to creating additional open space within the development area. The Parks and Recreation team have also noted that previous application had proposed that open space would be provided more centrally within the development area which is favoured over the siting of the open space adjacent to the public highway.
- 6.9.2 Based upon previous advice from the Parks and Recreation service regarding residential development at this site, it is considered that it would not be necessary to provide formal sports provision on site. However it is considered that there is a need for the development to provide some on site informal recreation space, and to have convenient access to the Birch Meadow Community Centre and the adjacent sports pitches and play equipment.
- 6.9.3 As set out in section 6.2.10 above, the proposed development would provide an area of open space at the southeastern side of the site, and this would perform flood attenuation, ecological and informal recreation functions. In addition a footpath link would be provided to Birch Meadow and the areas of open space. It is considered that the proposed site layout has been informed by the need to ensure that it addresses the reasons for the refusal of application ref. 11/0955/FUL, whilst also reflecting density standards. In addition, whilst the comments relating to the amount of open space provision are acknowledged, it should be noted that the current proposal provides for an increased area of open space that the previous application 12/02108/FUL, which Members have resolved to grant planning permission for. The comments of the Parks and Recreation service regarding the positioning of the open space at the edge of the site are valid, however this would also serve to provide a green buffer from the public highway which would improve the appearance of the development from this side.

6.9.4 Taking the above factors into consideration it is considered that, whilst the amount of open space proposed would not meet the requirements of the IPG, the type and amount of open space in conjunction with the linkages proposed to nearby recreation areas, would be acceptable for this particular development.

6.10 Viability and Affordable Housing

6.10.1 The National Planning Policy Framework (NPPF) at paragraphs 173 to 177 addresses 'Ensuring viability and deliverability'. It states in paragraph 173 that;

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

6.10.2 Core Strategy Policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards provision from all residential development. With regard to provision linked to open market housing development, Core Strategy Policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. This will be achieved through consideration of the 'current prevailing target' rate in the calculation of the affordable housing contributions.

6.10.3 The target rate is set annually through the Shropshire Viability Index, which identifies an initial rate based on an assessment of economic viability on a number of sites across Shropshire, and then applies an index, which tracks housing construction costs and house prices, to adjust the level of contributions on an annual basis. In addition, there will be a five yearly review of the viability assessment to allow for adjustment of the index to ensure that it remains fit for purpose. The initial assessment, the annual updates and the 5 yearly reviews are all carried out with the involvement of a panel of representatives from the development industry. The Index has been developed to provide a robust flexible approach in line with national planning policy guidance. The affordable housing contribution rate for this area would be 15%.

6.10.4 The consideration relating to the Dark Lane application is whether or not the developer can deliver an economically viable scheme whilst providing the 'infrastructure' contributions required by the Council – namely the on site provision of 15% affordable housing together with the financial payment in accordance with the Community Infrastructure Levy. It is the applicant's case that it would not be financially viable to deliver 15% affordable housing units on this site and they are instead proposing five units for rent which is equivalent to 5.7%. This would equate to 5.3% affordable housing in the scheme. These units would comprise one x 2

bed bungalow, two x 2 bed houses and two x 3 bed houses. A confidential financial appraisal, undertaken by property consultants, has been submitted to support this contention.

- 6.10.5 This site viability issue, in terms of how much affordable housing the development could deliver, was considered in detail in relation to the previously submitted application for this site, for which Members resolved to grant planning permission. The matter was referred (at the developers cost) to the District Valuation Service (DVS) for expert external analysis and assessment in accordance with the provisions of the adopted Supplementary Planning Document (Paragraphs 4.25 to 4.31 inclusive). In relation to that scheme for 94 dwellings, the District Valuer confirmed that the maximum number of affordable dwellings that could be delivered while allowing the site to come forward for development was 5.
- 6.10.6 The submitted viability report makes a similar conclusion. It states that, despite the improvement in the residential development market, the ability of the site to deliver anything other than 5 affordable dwellings remains compromised on viability grounds. The main reasons for this are that construction costs have continued to rise broadly in line with market values, and the current scheme proposed is for 6 fewer properties than previously proposed so the underlying value of the project is reduced.
- 6.10.7 The Council's Affordable Housing team has advised that this affordable housing offer can be accepted, given the information available in respect of the site. Taking into consideration the specific characteristics of the site it is considered that a reduced affordable housing provision of five units can be accepted for this proposal.
- 6.10.8 Whilst in principle the findings of the viability assessment can be accepted, Officers will be seeking to ensure that the Section 106 legal agreement, as part of any approval, contains 'overage' provisions (as provided for in the Supplementary Planning Document). These provisions will enable the Council to examine the development cost and proceeds as a cumulative whole upon completion to ensure that any profit made by the applicant in excess of a 20% return on the Gross Development Value can be recouped from them and paid to the Council by way of an additional Affordable Housing Payment. Any such monies would be available to reinvest in Broseley for the direct provision of additional affordable homes.
- 6.10.9 Officers have therefore concluded that the Council should accept the applicant's offer to provide 5 affordable homes for rent (5.7%) as part of the proposed scheme. In addition to the financial considerations, Officers have also considered the wider strategic importance of enabling this scheme to come forward rather than the site remaining dormant. Whilst recognising that the reduction of affordable housing is a disappointment to the local community the prominence and contribution of this site within the Development Plan in delivering the overall housing and economic aspirations of the Council cannot be ignored. Enabling its delivery promises to yield significant financial benefits to both the town and Shropshire as a whole through the payment of the Community Infrastructure Levy by the applicant.

7.0 CONCLUSION

7.1 The proposed development would be in keeping with the locality and would not detract from the setting of the adjacent Conservation Area; would not be detrimental to highway safety; and would not unduly harm neighbour amenity. There are no land stability, archaeological or ecology reasons that would justify a refusal of planning permission. With regard to drainage, the designed strategy would be acceptable to avoid increasing flood risk in the area. With regard to affordable housing, it is considered that the number of units proposed is acceptable within the context of the development costs associated with this site. On this basis it is considered that the proposal can be accepted in relation to the Development Plan and other material factors, and that the grant of planning permission can be recommended subject to conditions as set out in Appendix 1 and the completion of a Section 106 legal agreement for affordable housing provision and the provision and maintenance of the open space by an appropriate body.

8. Risk Assessment and Opportunities Appraisal**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 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.

Human Rights

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

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

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

Equalities

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

9. Financial Implications

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application include:-

National Planning Policy Framework:

6 : Delivering a Wide Choice of High Quality Homes

7 : Requiring Good Design

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

Shropshire Council Core Strategy (February 2011):

CS3 : The Market Towns and Other Key Centres

CS6 : Sustainable Design and Development Principles

CS8: Facilities, services and infrastructure provision

CS9: Infrastructure contributions

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Type and Affordability of Housing Supplementary Planning Document
Open Space Interim Planning Guidance (adopted January 2012)

Bridgnorth District Local Plan – saved policies

H3: Residential Development in main settlements

H7: Housing density

D6: Access and parking

BRO1: Housing site west of Dark Lane

Emerging planning policies

Submitted SAMDev Plan policies:

MD1 – Scale and Distribution of Development

MD2 – Sustainable Design

MD3 – Managing Housing Development

MD12 – Natural Environment

MD13 – Historic Environment

S4 - Broseley Development Strategy

1. Over the period 2006-2026, around 200 dwellings and around 2 hectares of employment land are planned for Broseley. Apart from the site at Dark Lane, housing developments should be small scale to reflect the local character and meet the design principles in policies DS1-DS9 of the Broseley Town Plan.

2. All development proposals should have regard to the adopted Broseley Town Plan. Local green spaces as identified on the Broseley Town Plan map will be protected from inappropriate development that harms their open character.

3. Proposals for small scale office, workshop and light industrial uses and expansion of existing businesses will be supported where they are well located and well suited to employment use. Existing employment land will be protected unless it can be shown that a site is no longer viable, in which case proposals for mixed uses will be supported where the proposed alternative use would provide equal or greater benefits for the local community than the current use.

4. Land is allocated for employment development as set out in Schedule S4.1b below and identified on the Policies Map.

5. Tourist related development will be supported where it enhances an existing business on the same site, offers a conservation gain by restoring or improving the sustainable use of heritage feature or creates a new tourism related business on a suitable infill or brownfield site.

6. Retail development will be directed to the village centre where it will benefit from, and contribute to, the town's historic character. The Primary Shopping Area as shown on the Policies Map is protected for retail uses in accordance with policies CS15 and MD10.

No housing allocations are proposed for Broseley as 48 dwellings have already been built in the period 2006-2013, 34 dwellings have planning consent (as at 31st March 2013) and there is a resolution to grant planning permission (subject to a section 106 legal agreement ref. 12/02108/FUL) for 94 homes at Dark Lane.

10.2 Relevant Planning History

11/00955/FUL Mixed residential development comprising 107 dwellings and garaging (sale, shared ownership and rent) to include creation of vehicular access (off Dark Lane), estate roads and cycleways; an area of public open space, landscaping scheme and associated infrastructure REFUSED 6th December 2011

12/02108/FUL Mixed residential development comprising 94 dwellings and garaging (sale, shared ownership and rent) to include creation of vehicular access (off Dark Lane), estate roads and cycleways; an area of public open space, landscaping scheme and associated infrastructure, resolved to grant permission subject to a legal agreement

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 14/02911/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Dr Jean Jones

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

4. Tree and shrub planting shall be undertaken in accordance with the approved planting plan (LDS 288-04B, April 2014) and landscape specification (LDS288(B)-LS) and completed by the end of the first bare-root planting season (November - February inclusive) following commencement of development, or each phase of development as agreed in writing with the LPA.

Reason: to ensure a satisfactory form of landscaping and to contribute to long-term continuity of tree cover at the site.

5. The development hereby permitted shall not be undertaken other than in accordance with the surface water drainage system shall be installed in accordance with the submitted details, including those submitted on 29th September 2014.

Reason: To ensure the proper drainage of the site, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6. Demolition or construction works shall not take place outside the hours of 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: In order to maintain the amenities of the area.

7. No waste materials generated as a result of the construction operations shall be burnt on site and airborne dust from the construction operations on the site shall be minimised by spraying water or by carrying out works that may be necessary to suppress dust.

Reason: To safeguard the amenities of the locality.

8. The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation (Nexus Heritage Report No: 3098.R01 Sept 2014).

Reason: To ensure a satisfactory level of archaeological mitigation in view of the archaeological potential of the site.

9. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Appraisal by FPCR dated December 2013.

Reason: To ensure the protection of wildlife, including reptiles and bats.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

10. 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.

11.
 - a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
 - b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
 - d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

12. Prior to the commencement of development, tree works shall be carried out and tree protection measures installed to the written satisfaction of the LPA, as described in the Tree Works / Protection Plan (LDS288-03, April 2014). The tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development and shall not be moved or removed, even temporarily, without the prior written agreement of the LPA. The areas within the tree protection barriers are to be treated as a construction exclusion zone throughout the duration of the development, with no storage or construction activities occurring within them.

Reason: to protect retained trees and hedges on and adjacent the site that contribute to the appearance of the area from damage during implementation of the development.

13. Prior to the commencement of the development, full engineering details of the new junction and frontage enhancement on to Dark Lane, including street lighting, carriageway markings/signs, together with the enhancement of the adjacent footway, highway verge and carriageway of Dark Lane fronting the development site, shall be submitted to and approved in writing by the local planning authority: The approved works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: In the interests of highway safety.

14. No development shall take place until details of the design and construction of the new roads, parking and turning areas, footways, cycleways, vehicular and pedestrian accesses, together with details for the disposal of surface water and street lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason: To ensure a satisfactory access to and through the site.

15. Prior to the commencement of development, details of the proposed Travel Plan and Sustainable Travel Information Packs shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan/Information packs shall be fully implemented in accordance with the approved details concurrently with the first occupation of dwellings on the site.

Reason: In the interests of encouraging sustainable travel.

16. No development shall take place, including any works of demolition, until a Construction Method Statement and Traffic Management Plan 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/Plan shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. coordination and management of all deliveries, HGV routing proposals and off-site holding areas
 - ix. phasing of any temporary and/or permanent vehicular/pedestrian accesses and management thereof within the construction period of the development.

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

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

17. 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.

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

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

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

Reason: In the interests of visual and residential amenity.

Informatives

1. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway
Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

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

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

2. An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.
Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."
3. The adder, common lizard, grass snake and slow worm are protected against intentional killing or injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

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.

4. 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.
5. 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 or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

6. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
7. 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. 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.