

Committee and date

Central Planning Committee

18 June 2015

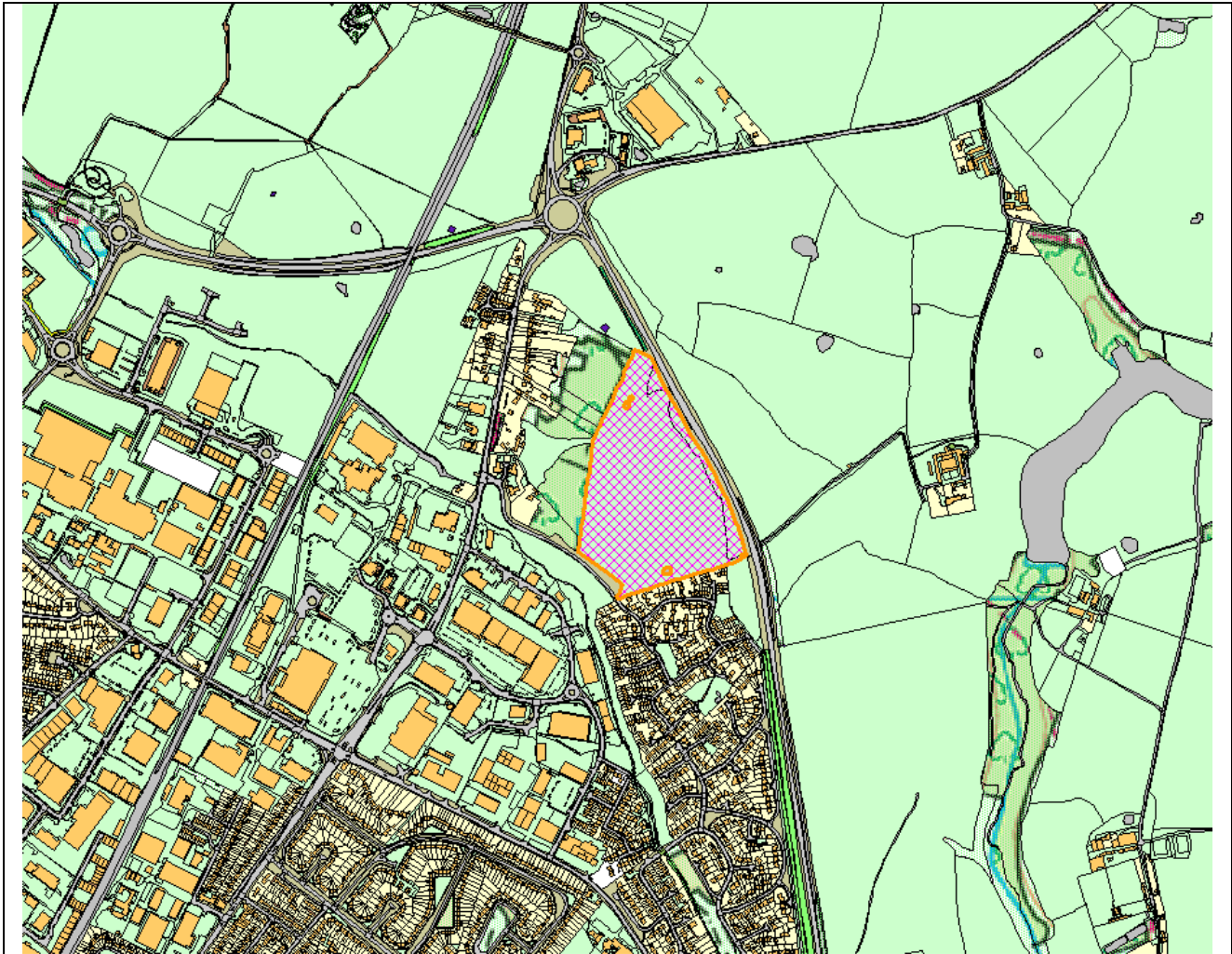
Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 15/00673/REM	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to permission 11/03087/OUT for erection of 230 dwellings including affordable homes; associated garaging; creation of ecological area and play areas		
<u>Site Address:</u> Development Site Off Shillingston Drive Berwick Grange Shrewsbury Shropshire		
<u>Applicant:</u> Persimmon Homes (West Midlands)		
<u>Case Officer:</u> Tim Rogers	<u>email:</u> planningdmnw@shropshire.gov.uk	
<u>Grid Ref:</u> 351774 - 316025		



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Recommendation:- That planning permission be granted subject to the conditions set out in Appendix 1 and subject to the Area Planning Manager (in consultation with the Councils Housing Enabling Team) being given delegated powers to issue the decision subject to the final positioning of affordable units being agreed with the applicants in accordance with the Councils adopted policy.

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

1.1 This application seeks approval of reserved matters following the previous granting of outline consent for residential development on land off Shillingston Drive and north of Berwick Grange in the north eastern part of Shrewsbury (ref 11/03087/OUT). The outline consent left all matters of detail other than the means of access into the site reserved for later approval. The outline consent indicated development for a maximum of 230 dwellings.

- 1.2 The current reserved matters application provides for 230 new dwellings in a total of 19 different house styles, ranging from two bed terraced properties up to five bedroom detached properties. The total includes provision for 35 affordable dwellings within the scheme in a mixture of shared ownership and social rented forms. The maximum height of any of the proposed dwellings is 2.5 storeys. The layout concentrates the new development in the centre of the site with an ecological buffer zone to Lion Coppice which runs down the western side of the site, and areas of open space, incorporating balancing ponds as part of the surface water drainage scheme for the site, around the northern, eastern and southern boundaries. There is also a play area to be provided approximately halfway down the eastern side of the proposed development. The open space incorporates a series of footpaths which also link to Battlefield road to the north of the site and Berwick Grange to the south.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated approximately 3.5km north-east of Shrewsbury town centre and comprises mainly rough grassland. The site is bordered by Lion Coppice to the west, the A49 trunk road to the east, and residential properties to the south. The south eastern corner of the site has a frontage to Shillingston Drive and it is from this road that access is proposed to serve the whole site.
- 2.2 The site rises gently from south to north but given the size of the site this is not a significant slope. There are existing footpaths crossing the site which provide links to community facilities as well as the wider footpath network. The site does contain some mature trees and has a significant number around its boundary including hedgerows. Two overhead power lines cross the site (one high voltage and one low) with associated easements

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 There has been a request from the Local Member that the application be referred to Committee and the Town Council have raised concerns that relate to material planning considerations and which cannot be overcome through negotiation.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 **Environment Agency** – No objection.

4.1.2 SC Highways - Recommendation

The highway authority raises no objection to the granting of consent.

Conditions

The proposed footway/cycle track link between the site and Battlefield Road over the land to the north west of the development, which will also serve as an emergency access shall be fully implemented in accordance with the approved plans and made available for public use no later than the first occupation of the 100th dwelling at the development.

Reason: to promote sustainable travel to/from the site and in the interests of public safety.

Background

The applicant has provided full technical details for the road design for review by the local highway authority, which have now been accepted in principle. Some discussions have taken place regarding the proposed layout for the site access roads and a number of changes have been incorporated into the design to meet our requirements. Details of the proposed footway/cycle track link between the site and Battlefield Road to the north west of the development weren't submitted initially as part of the reserved matters application, however details have now been provided and this detail is included in the proposals. This link will also form a secondary 'emergency' vehicular access to the development site and will be controlled by removable bollards. We note that some comments have been made regarding a secondary vehicular access along with corridor, however this was investigated and discussed as part of the outline planning process and was deemed not to be feasible by the applicant and nor was it a requirement of the local highway authority; an outline consent for the residential development including access has been granted for the site without the requirement for a secondary vehicular access.

Further background information regarding the access arrangements for this site can be found in the documentation accompanying the outline planning consent for the site referenced 11/03087/OUT. This includes information regarding the funding agreed with the developer for road improvement works along Battlefield Road to mitigate against additional traffic arising from the development.

4.1.3 **Rights of Way – No objection:**

Please refer to my comments to the outline planning application: 11/03087/OUT which still stand. However, I would like to amend the number of the Footpath referred to as being affected to Footpath 117 not FP 11 as stated.

4.1.4 **Affordable Housing Officer –**

It was agreed with the applicant that 15% of the homes would be affordable, 18 rent and 17 low cost home ownership. The mix of sizes for the rented units are acceptable, but we would have expected a more even distribution of 2 and 3 beds for the low cost home ownership units. The location of the affordable units are all along one side of the development, this does not adhere to our SPD which states that the affordable homes should be integrated with the market properties, for example in groupings up to 6 properties. The rented units need to be in these clusters for ease of management but the shared ownership properties can be pepper potted throughout the development as these are not managed by the housing associations. It is better for the shared ownership properties to be on different phases of the development, as the lower number of S/O mortgages needed at any one time will assist due to the reduced number of lenders.

4.1.5 **Tree Officer – No Objection subject to condition:**

Unless altered by prior written agreement with the LPA the protective fence shall be erected strictly in accordance with the submitted Tree Protection Plan and to the

satisfaction of the LPA prior to commencing any approved development related activities on site including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenity of the site by protecting trees

4.1.6 **Drainage** - Drainage condition 11 should not be discharged as part of this reserved matters submission as no detailed information has been provided.

4.1.7 **Shrewsbury Town Council** - Members **do not object to the principle** of developing this site but they are disappointed that no pre-consultation discussions have taken place. They would welcome the opportunity to meet the developers and discuss the layout of the site. Of particular concern, they feel that good access to the site is vital to the success of the scheme and this was an issue that was made strongly by local representation to the SAMDev consultation process. The proposed one access point to serve 500 properties is inadequate and the Town Council would respectfully ask that the developers revisits this aspect as it is likely to be a contentious topic for local residents. Members also question the safety of the play area given the proximity to what must be considered as SUDs features. More understanding is required to ascertain whether those SUDs are likely to have any long-term water build-up that might be a safety concern for young people. Members also question the location of the play area and can only conclude that it has been positioned where it is as it is undevelopable land rather than in the best location. Members are surprised at the close proximity of some of the houses to the high voltage power lines and pylons. They ask that current guidance is sought and followed to ensure the safety of residents.

4.1.8 **Archeology** - We have no comments to make on this reserved matters application with respect to archaeological considerations. We note, however, Condition 8 of the outline permission ref. 11/03087/OUT.

4.1.9 **Shropshire Fire and Rescue** – No Comments.

4.1.10 **Woodlands Trust** – Object: While The Trust is pleased to note that the development plan includes a buffer along the leading edge of the Ancient Woodland where it abuts the development site, we strenuously object to the fact that only a 10m buffer is planned.

4.1.11 **National Grid** – No objection subject to development complying with statutory guidance relating to development in proximity to overhead powerlines.

4.2 **Public Comments** –

8 letters of objection have been received, all of which can be viewed in full online, and are summarised below –

- ❑ The plans do not comply with Natural England standing advice.
- ❑ The proposed cycle path is felt to be both pointless as it leads nowhere, and dangerous as it is located beneath high voltage transmission cables.
- ❑ The density of housing is too great.
- ❑ The development, as planned, will detrimental impact on the ground

conditions of both the site and the neighbouring Berwick Grange.

- ☐ There is concern regarding the increase in traffic using an awkward access.
- ☐ There are inaccuracies on the plans regarding land ownership.
- ☐ The development has the potential to cause changes in the hydrology of Lion Coppice which will adversely affect the habitat of wildlife.
- ☐ There is concern regarding the potential loss and detrimental impact upon ancient woodland.
- ☐ Some of the proposed dwellings and the childrens play area are located too close to the high voltage transmission cables.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Other considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of the development of this site for residential purposes has been established by the granting of the outline consent in January this year following a Committee resolution originally from November 2013, following the satisfactory completion of an appropriate S106 Agreement.

6.2 Siting, scale and design of structure

6.2.1 The proposal is reasonably dense in terms of its layout of the built development and clearly allows for the maximum number of dwellings envisaged at the time of the outline consent. That being said there are a number of constraints and factors which would lead to the type of development that is currently proposed. These include the need to provide appropriate buffers to Lion Coppice, the link road, and Berwick Grange, as well as the overhead power line which crosses the site. This has lead to the concentration of development in the centre of the site, although as designed and set out the occupiers of all properties will have ready access to the surrounding open space and associated footpath/cycleway links.

6.2.2 The proposed development comprises the use of a significant number of different house types none of which are over 2.5 storey's in height. The use of different materials and features to the properties will help to ensure that the development as a whole does not appear uniform or bland, and this can be ensured by condition. The use of curves and different surfacing to some of the internal roadways will also help to avoid a regimented feel to the development.

6.2.3 The Councils Housing Enabling officer has indicated that they would prefer to see some amendment to the location of some of the affordable housing. The recommendation for this application is that if approved the final location of affordable housing will be agreed with the applicants in line with Council policy.

6.3 Visual impact and landscaping

6.3.1 Clearly a development of this scale is inevitably going to have significant implications in terms of it visual impact. Due to the presence of Lion Coppice to the

west of the site, views into and from the site a very limited. View into the site from the east are also restricted by existing vegetation and in any case are primarily from passing vehicles using the link road. The physical development itself is separated from the link road by the public open space etc. The impact on views from the Berwick Grange development to the south of the site will also be mitigated to some degree by existing trees and more than adequate separation will be ensured by another band of open space. The properties viewable from Berwick Grange will primarily have their front or side elevations visible i.e. the proposed development will not 'turn its back' on the neighbouring properties.

- 6.4 Other considerations - Concerns have been raised in a number of representations about other aspects of the development. These are considered below:-
- 6.4.1 The plans do not comply with Natural England standing advice – This relates to a recent change in NE advice that has come into effect since the outline approval. Whilst this advice and other interested parties would clearly like to see a greater buffer to Lion Coppice this is not what was identified at the time of the outline approval. Furthermore the Councils ecology and tree officers are satisfied with the protection afforded by the proposed 10m buffer beyond the end of the rear gardens of properties backing onto the coppice.
- 6.4.2 The proposed cycle path is felt to be both pointless as it leads nowhere, and dangerous as it is located beneath high voltage transmission cables – The proposed footpath and cycle links are not pointless and do provide for access into and out of the proposed development from Shillingston Drive, Berwick Grange and Battlefield Road as well as providing a valuable resource for other users such as dog walkers etc. In addition the access on to Battlefield road will provide for emergency vehicular access in the event that access via Shillingston Drive is prevented for any reason.
- 6.4.3 The density of housing is too great – As referenced above it is acknowledged that the density of the built form of the proposed development is reasonable high and greater than the nearest existing developments. However the development site is affected by a number of constraints and will provide a significant local benefit in terms of the open space and public footpaths to be provided and the development is of such a scale, with sufficient separation from adjoining development to allow the formation of its own character and sense of place rather than slavishly adhering to the nature of existing development.
- 6.4.4 The development, as planned, will detrimental impact on the ground conditions of both the site and the neighbouring Berwick Grange – It is not clear what the concern here is in relation to the impact on existing/ potential occupiers but it should be noted that neither the EA nor the Councils drainage officers have raised any concern in this respect.
- 6.4.5 There is concern regarding the increase in traffic using an awkward access – The issue of the access off Shillingston Drive was considered in detail as part of the outline submission. Highways officers have raised no objection to the use of the access or the internal road layout subject to a condition providing for emergency vehicular access to Battlefield Road.

- 6.4.6 There are inaccuracies on the plans regarding land ownership – This query relates to the inclusion within the site of land along the southern boundary which is adjacent to properties on Hallam Drive. The occupier of at least one property owner claims that they own some of the land in question. This is really a legal matter for the parties involved and in any event the proposal does not provide for any built development or works to the land in question. Clearly the granting of permission would not give the applicants any rights over third party land. If the developer is for any reason unable to implement the scheme as submitted then they will be required to submit formal amendments for consideration.
- 6.4.7 The development has the potential to cause changes in the hydrology of Lion Coppice which will adversely affect the habitat of wildlife – All development will affect hydrology to some degree. No concerns about the impact of the proposal on surface water drainage on are around the site have been identified by the Councils ecology, tree or drainage teams.
- 6.4.8 There is concern regarding the potential loss and detrimental impact upon ancient woodland – There is no intention to remove any of the ancient woodland. It is outside the application site and the indicated buffer will allow for any overhang of the site..
- 6.4.9 Some of the proposed dwellings and the childrens play area are located too close to the high voltage transmission cables – National grid has not raised any objection to the proposed development and has provided details of the tolerances that the developer will be required to work to. The applicant is fully aware of these requirements. The play area will not directly affect the powerlines and conversely the use of the play area by individual children will be intermittent rather the more prolonged use associated with residential occupancy. There is no clear evidence that a potential health issue will arise as a result of the location of the play area.

7.0 CONCLUSION

- 7.1 Outline planning permission has already been granted for residential development of the application site for a number of properties similar to that currently proposed through this reserved matters application. The details submitted are considered to be acceptable in terms of the scale, appearance and layout of the proposed development (including its density) and the detailed landscaping scheme is considered to adequately protect the adjoining Ancient Woodland and to provide additional planting which will help to properly mitigate the visual impact of the development from outside the site. It is acknowledged that there are some matters of concern that have been identified by interested parties regarding parts of the details submitted, however it is officers opinion that these issues can adequately be addressed by the imposition of appropriate conditions or are not readily justified such that they might prejudice a positive determination of the application and the presumption in favour of sustainable development.
- 7.2 Given the above it is recommended that permission be granted for the reserved matters as submitted subject to the imposition of additional conditions as set out below and the conditions as imposed on the original outline consent.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/11/00937 Proposed residential development PREAIP 18th December 2013
 PREAPP/11/01009 Residential development PREAIP 18th December 2013
 11/03087/OUT Outline application (access) for residential development (including affordable homes); creation of vehicular access and estate roads; creation of an 'eco-park' and play areas GRANT 9th February 2015
 15/00673/REM Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to permission 11/03087/OUT for erection of 230 dwellings including affordable homes; associated garaging; creation of ecological area and play areas PCO
 15/00683/DIS Discharge of conditions 7 (Wildlife Protection) condition 8 (Archaeology) condition 9 (Wildlife Protection (Mitigation) Plan) condition 10 (Habitat and Landscaping Plan) condition 13 (Residential Travel Plan) attached to planning permission 11/03087/OUT Outline application (access) for residential development (including affordable homes); creation of vehicular access and estate roads; creation of an 'eco-park' and play areas PCO

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Malcolm Price

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. 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

3. Unless altered by prior written agreement with the LPA the protective fence shall be erected strictly in accordance with the submitted Tree Protection Plan and to the satisfaction of the LPA prior to commencing any approved development related activities on site including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenity of the site by protecting trees

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

4. The proposed footway/cycle track link between the site and Battlefield Road over the land to the north west of the development, which will also serve as an emergency access shall be fully implemented in accordance with the approved plans and made available for public use no later than the first occupation of the 100th dwelling at the development.

Reason: to promote sustainable travel to/from the site and in the interests of public safety

Informatives

1. The proposed road works will require the appropriate agreement(s) with the local highway authority; no works are to commence on the public highway without the required consent being in place.