



Committee and date

Central Planning Committee

10 September 2015

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 15/02212/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erection of 25 no. dwellings and associated public open space; formation of vehicular access		
<b>Site Address:</b> Land To The South Of Hillside Drive Shrewsbury Shropshire		
<b>Applicant:</b> Galliers Homes Ltd, Galliers Properties Ltd,		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 351759 - 312619



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the on site affordable housing.**

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application relates to the erection of 25 dwellings with associated public open space and the formation of vehicular access off Hillside Drive.

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

2.1 The site is an agricultural field or paddock situated at the end of Hillside Drive. The field is roughly rectangular in shape and is bound on all four sides by the properties in Hillside Drive to the North, the railway line to the South, the river to the East and Belvidere school playing field to the West. The Eastern part of the site that slopes down to the river is wooded and the Severn Way public footpath runs adjacent to the river. There is also an informal footpath across the site and although it is currently used by residents the land is private and it is not a public footpath nor is the land public open space.

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

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Local Member has requested that the application be determined at committee. The Principal Officer and Area Planning Manager in consultation with the Committee Chairman and Vice Chairman agree that the Local Member has raised material planning issues and that the application should be determined by committee.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

##### **4.1.1 SC Highways:**

##### Recommendation

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

##### Background

We understand this is a SAMDev allocated site and the proposals appear to broadly accord with the allocation. The proposed estate roads will form a sensible extension to Hillside Drive and the design is well laid out. The proposed footpath link to the Severn Way running adjacent to the river will provide a good route from the site for leisure walks. Consideration should be given to this route being dedicated as a public footpath and therefore it becoming part of the public rights of way network.

#### 4.1.2 **SC Conservation:**

In considering this proposal, due regard to the following local and national policies, guidance and legislation will need to be taken: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, the Planning Practice Guidance, and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The subject site is located on the east side of Shrewsbury immediately north of the rail line and immediately west of the River Severn. This area is not covered by a Conservation Area designation however the Grade II\* listed Belvidere Railway Bridge dating from 1848 spans the river immediately adjacent to this site. Our archival Ordnance Survey mapping layer indicates there may be other non-designated heritage assets in south east corner of the site and this should be clarified by the applicant and should not be negatively impacted by the proposal. Within this setting new dwellings and any associated enclosures should be designed to a high standard of detail, materials and finishes that harmonise well with the area. Relevant conditions concerning external materials should be applied.

#### 4.1.3 **SC Archaeology:**

##### Background to Recommendation:

The proposed development site is located c.350m south-west of a large, early Roman temporary military camp (HER PRN 00124). It is possible that any road leading south-westwards from the camp forded the river immediately to the east of the proposed development site before continuing across it. Below ground remains of any such road may therefore survive on the proposed development site. For this reason it is deemed to have low-moderate archaeological potential.

##### Recommendation:

In view of the above, and in line with Paragraph 141 of the NPPF, I recommend that a programme of archaeological work, to comprise an archaeological watching brief during all ground works, be made a condition of any planning permission for the proposed development.

I have not requested either a desk based assessment or a field evaluation be submitted prior to determination. Neither do I have any objection to the development of the site. In my professional opinion I would therefore strongly disagree that an archaeological watching brief (i.e. archaeological monitoring of the ground works during commencement and recording of anything found), which in this instance is the recommended programme of archaeological work under the advised condition, is a disproportionate response in respect of a 25 unit development on a site of this size. I would also stand by my comments regarding the archaeological potential of the site - whilst I have not seen the river bank at this location, the Roman military were not necessarily known for taking the easiest route if it meant diverting from a straight road alignment (and in any case I think I advised the potential as low, hence only a watching brief was advised). If, however, Helen's client would prefer to de-risk the site prior to commencement, I would be pleased to amend the recommended programme of archaeological work to a field evaluation comprising trial trenching.

Following conversations with the agent confirmed that it would be appropriate for the archaeological watching brief, required under the advised programme of archaeological work, to focus initially on the top-soil stripping during the formation of the estate roads (since this would provide transects across the majority of the site), and for there to be a review of the need for any further archaeological mitigation thereafter subject to the findings.

#### 4.1.4 SC Trees:

The trees that are subject to the Belvidere Paddocks TPO 2005 are shown in the extract below:



The submitted Arboricultural Assessment has considered the woodland and prominent individual trees and the proposed layout would not cause any encroachment into the construction exclusion zones (CEZs) around the trees. No objection to the proposals on arboricultural grounds provided a tree protection condition is added to any approval.

#### 4.1.5 SC Ecology:

##### Nesting Birds

The site has the potential to be used by nesting birds.

##### Bats

The proposed development site is within close proximity to the River Seven and is bordered by a railway line. These are important environmental corridors which must be protected and enhanced during development.

##### Badgers

No evidence of badger use was recorded during the ecological survey.

Suggests conditions and informatives in order to mitigate and enhance the site for birds and bats.

### Non-native Species

There is Himalayan Balsam on site. This is a non native, invasive species. Precautionary measures to avoid the spread of, and attempt to eradicate this species from the site should be included within the mitigation construction plan.

### Environmental Networks

The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework. This proposed development site is within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework. Welcomes the retention of habitat as public open space to the east of the housing. SC Ecology would discourage lighting in this section during and post construction. This area should not be disturbed during construction i.e. fenced off during development by at least a 20m buffer from the River Seven with no storage of material etc. Measures should be put in place to control run-off of sediment and pollution into the river during and post development. Access across the site should be maintained post development for terrestrial mammals therefore any fencing installed post construction should be permeable.

#### **4.1.6 SC Parks and Recreation:**

Under Shropshire Council's current planning policy regulations, the Open Space Interim Planning Guidance adopted 11th January 2012, all development should provide 30sqm of public open space per bed space. The proposed development should therefore provide a minimum 2640 m<sup>2</sup> of useable public open space as part of the site design.

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

The playing field to the west of the site has no public access, which I assume is mainly for schools use. There are a number of different open space typologies that could be used on the site. However, as there are no play areas within a 10 min walking distance, I would recommend any open space provision has the potential to provide some play facility. This could be linked to the wooded area to the West.

#### **4.1.7 SC Affordable Homes:**

The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing. The size and tenure of the new affordable homes are acceptable in this area.

#### 4.1.8 SC Public Protection:

It has been brought to this services attention that there may have been a foot and mouth burial pit on the land proposed for development. As a result the potential for this to require further attention has been researched and addressed below. A document on the HPA webpages states that no human contraction occurred in the most recent outbreaks and therefore no risk to human health from building above is expected. A link to the document is:

[http://www.hpa.org.uk/webc/hpawebfile/hpaweb\\_c/1274089050185](http://www.hpa.org.uk/webc/hpawebfile/hpaweb_c/1274089050185)

A further document states the materials and recommended amounts of fuel for pyres.

Link:

[http://archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/fmd/documents/environmental\\_report.pdf](http://archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/fmd/documents/environmental_report.pdf)

The above documents state that air pollution is not considered to be a long term issue but short term increases in certain pollutants due to the burning of any carcasses as a method of disposal were likely at the time. It is stated that fallout from the pyres was not expected to cause any human health impact and therefore this element requires no further thought.

Potential ground instability from decomposition resulting in voids where animals were buried may present concerns for the developer. Gassing was likely but from 1967 burial pits is not expected to present any issue today. Leaching from a burial pit would have been likely for around 20 years and therefore this will have also ceased to be a likely issue in the locality. It would be unlikely that a soil sampling regime would be able to establish if there was any burial pit on site. Geophysical equipment may be able to show any burial pit however this service does not consider it necessary to go to the expense of carrying out such a survey as no documented evidence from the time of the burial is available to us to suggest that a burial site exists.

Having note of the documents and information above we are not of the opinion that a burial pit for livestock due to contracting foot and mouth or for welfare issues at the time of the outbreak in 1967 pose a threat of harm to human health through microbial activity, leachate to water supplies or from gassing of decomposing material. It has not been suggested that a pyre was located on site however chemical traces as a result of any pyre have been tested and documented in the above linked documents. These report that there is no major threat to health as a result of the ash material left behind after a pyre or from the fallout from a pyre. There may be traces of fuel still existing if a pyre was found on site but we have no knowledge of this taking place. Due to the fact that pyres were generally left to burn out it is unlikely that many fuel sources which could be considered as contaminants would be likely to have remained or still be present in sufficient quantities to find land to be considered likely to be contaminated. Adding to this the substantial amount of time that has passed only adds weight to this line of thought. The Health Protection Agency website has been consulted in regard to any microbial health affects to humans from foot and mouth and it states that foot and mouth disease is not a public health threat. I am therefore of the opinion that the land is not likely to be contaminated and require further assessment as such. A large burial site may however be a risk to the structural integrity of any development placed over the top of it. The applicant may wish to seek further information in order to establish if a burial

pit is located on the proposed site and if so the position and extent.

With regards to noise the noise assessment provided concludes that acoustic close boarded fencing is required to achieve a suitable noise environment in some garden areas.

#### 4.1.9 **SC Drainage:**

The proposed surface water drainage is acceptable.

#### 4.1.1 **Environment Agency:**

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Based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with the EA as it does not fall within our 'consultation filter'. The proposed built development falls within Flood Zone 1 based on our 'indicative' Flood Map for Planning (Rivers and Sea). However, a small area in the east of the red line site boundary appears to be located within Flood Zone 2 of the River Severn, which is classified as a 'Main River' in this location. Based on the scale and nature of the development located within Flood Zone 2, we would recommend you refer to our area Flood Risk Standing Advice - for 'Development in Flood Zone 2 – where the flood zone is generated by a Main River' and consult with the Lead Local Flood Authority (LLFA) i.e. your Council's Flood and Water Management team, to assist review of the Flood Risk Assessment.

For contaminated land matters, you are advised to seek the comments of your Environmental Health Officer or Contaminated Land Officer, with reference to our 'Developer Guidance' sheet.

For foul drainage matters, you are advised to seek the completion of the 'Foul Drainage Assessment Form' for your consideration.

For Pollution Prevention and any consent requirements (separate to planning) you are advised to refer to our 'Developer Guidance' sheet which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities.

## 4.2 - **Public Comments**

### 4.2.1 **Cllr Pam Moseley:** Requests that this application be placed before the Central Planning Committee for decision for the following reasons:

1. Whilst the principle of development of this site is now established, through its inclusion as a preferred option housing site (SHREW016) in the SAMDev plan, the indicative number of units for the site is 20. The applicant has applied for 25, a 20% increase in potential households. The Shropshire and Shrewsbury Town Councils joint working group met on 10 June to consider the options for Shrewsbury. (I was not a member of this group, as Members with sites in their divisions were precluded). The minutes of the meeting state "Members agreed that the lower figure of 20 properties was the preferred option and that this scheme protects the green corridor." Additionally, in informal discussion with the planning policy team in May 2013, I was advised that 20 properties would be an

appropriate number for this site, with 25 being too many. In view of these opinions as well as my own, I therefore consider that the scheme of 25 houses proposed is excessive for this site.

2. Policy CS6 of the core strategy states that any development should complement and relate to its surroundings, and that it is appropriate in scale, density, pattern and design, and also that it takes into account the local context and character. As stated above, the density at 25 units is a 20% increase on the SAMDev allocation, and this number of houses in the layout shown, would provide a very different density to the properties in the immediate area, with design, pattern and type of houses also being very different. As such, I feel that policy CS6 is not met by this proposal.
3. Traffic issues were flagged up by local residents as an issue during the SAMDev consultation process. Hillside Drive is narrow, and has a bend close to the junction with St James Road. There are no parking restrictions. As such, the additional vehicle journeys which would result from the higher figure of 25 houses could prove to be excessive.

#### Additional comments:

This land has been identified as a housing site (SHREW016) through the emerging SAMDev process, and should have this status confirmed soon. As such, the principle of residential use has been established.

Under SAMDev, the site was identified as suitable for 20 units. However, this application is for 25 units, an increase of 20%. With this greater number of properties proposed, there would be a commensurate increase in vehicular movements, all of which would have to use Hillside Drive, which is narrow, contains a bend close to its junction with St James Road, and can contain parked roadside vehicles. As such, I feel that the safety of this road, especially for pedestrians, would be compromised.

The Shropshire Council/Shrewsbury Town Council Joint Working Group on SAMDev options (of which I was not a member), met on 10 June 2013, and considered this site amongst others. The minute from that meeting reads "Members agreed that the lower figure of 20 properties was the preferred option, and that this scheme protects the green corridor". On 23 June 2015, Shrewsbury Town Council's planning committee considered this application. Whilst they supported the proposal, they considered that 25 houses amounted to overdevelopment of the site. As such, there is a general view that twenty homes is an acceptable number for this site, with which I concur.

As a consequence of the proposal for additional houses, there is a higher density of housing proposed, with a consequent effect on the character of the new development. Policy CS6 of the Council's Core Strategy requires that development complements and relates well to its surroundings, and that it is appropriate in scale, density, pattern and design, taking into account the local context and character. The proposed housing layout however is different in character to that which neighbours the site, largely due to the higher density. The lower number of houses would provide a development which related better to the neighbouring properties.



In the applicant's earlier indicative plans for this site (dated May 2010), the group of mature trees in the top northwest corner of the site were shown as "woodland to the north" and outside of the development area. In the submitted plans, these trees are shown to be within the garden areas of plots 1 and 2, and within the development area. This potentially makes the trees more vulnerable to future loss, as new owners may not welcome their size, shade and loss of light. I feel that the trees would be afforded better protection were the arrangement of the earlier scheme to prevail. Otherwise, I would request that their retention be conditioned in any consent.

The application states that the scheme includes 0.8 Ha of public open space, representing 39% of the site. The Council's Parks and Recreation team's comment states that the SC's policy requires 2640m<sup>2</sup> of "useable open space" for the housing proposed. The area of land sloping to the river is well vegetated, and not necessarily easily accessible. As such, an assessment needs to be made as to whether there is sufficient useable open space, for activities such as informal play, within the site. The provision of play facilities could also be considered from developer contributions.

Should planning consent be granted, I would like to request that a construction method statement be conditioned, setting out times/days of working, deliveries, storage of materials, parking of plant and employee vehicles, and wheel washing when necessary.

To conclude, I feel that this SAMDev designated site should be developed for a maximum of twenty homes, which was the figure consulted upon through the SAMDev process, and that the proposal for twenty five homes is excessive.

Additional comments in response to letter from the agent:

Firstly, I note that STC have confirmed their comment as Support with Comments, and as such this is labelled as Support on the website. However I would point out that their comment is something of a misnomer, as whilst the town council effectively supports in principle, their comments refer to 25 properties being overdevelopment and also to potential traffic problems. As such, I hope that this concern is taken into account when considering it for placing on the committee agenda.

Secondly, I would like to provide a response to some issues in the schedule of responses to consultee comments, which include those made by me, which has been prepared by the applicant.

I will list these below:

1. Comment 11/6 and 11/7 by SC Parks and Recreation:

The 8000m<sup>2</sup> of open space will I presume include the large area of sloping land to the river. I would not consider much of this to be useable in terms of recreation, play etc, due to the many densely growing trees and shrubs present.

2. Comment 14/7 by Archaeology:

I understand that an agreement has been reached, but would make the point that this comment is a professional opinion and as such their view should prevail.

### 3. Comment 29/6 by me:

The applicant writes that their plans have "consistently provided indicative layout plans and figures for 25 dwellings on the site over the 5 years of the Plan's preparation" (referring to SAMDev). That may well be the case, but despite this, the number of dwellings proposed for the site in SAMDev has consistently remained at 20. The applicant could have proposed many more over the plan preparation period, but this is immaterial, as the allocation remains unchanged at 20.

With regard to density, the figures quoted by the applicant refer to properties in roads some of which are distance from the site and not within sight of it (eg Burnham Ave, Northwood Road). The true comparators are Hillside Drive and St James Road, from its junction with Crowmere Road to Hillside Drive.

### 4. Comment 29/6 STC:

As far as I am aware, the developer could of course exceed the 20% of affordable homes if the overall scheme were reduced from 25 to 20, and retain 5 in the scheme, were they so minded.

**4.2.2 Shrewsbury Town Council:** Supports - Whilst the Outline planning application was supported in SAMDev, the Town Council feels that the increase from an initial 20 properties to 25 with this application is an overdevelopment of the site and is not in-keeping with the existing property density on Hillside Drive. There are concerns regarding an increase in traffic movements from the new development. The Town Council notes that there are no arrangements for play space on the site and would like to see more information regarding the provision of these facilities from the developers.

**4.2.3 23 letters of objection** have been received summarised as follows:

- Planning permission had been refused in the past on this site in 1976 and 1984.
- The SamDev proposal is a maximum of 20 whereas the application is for 25.
- This site was identified in SAMDev subject to retention of protected trees, provision of public open space/woodland ecology area and enhancement of footpath access to Severn Way, which have not been fully addressed.
- The number of houses and density is not in keeping with that in Hillside Drive.
- The number of properties should be reduced and the scheme changed to be aimed at mainly elderly residents who would have a much lower vehicle usage.
- 25 dwellings accessing the site via Hillside Drive will treble the existing volume of traffic.
- This will also increase traffic in St.James Road, Crowmere Road and Belvidere Road and Bridge.
- Calming measures on all these roads should be provided by the developer

- Highways safety, congestion and parking issues due to the width of Hillside Drive being insufficient as a thoroughfare to cater for the increased volume of traffic proposed.
- In sufficient parking provision for the new houses resulting in on street parking.
- Short term problems during construction due to the volume and size of heavy building plant and deliveries and works vehicles travelling to and from and parking at the site. Large vehicles will be forced to mount the pavement which is an offence.
- National Rail access the adjacent railway line several times each year and won't be able to in the future. The Police, fire service and fishermen also currently park at the end of Hillside Drive to access the site and the river.
- There is no agreement for public transport to service the area and it is a long trek for young families and the elderly to access the nearest bus stop in Crowmere Road.
- An existing resident who lives adjacent to the site (15 Hillside) will be surrounded by 4 family homes and the noise and disruption from future residents will affect their quality of life and requests that a 2.4metre buffer is provided.
- Health and safety due to the former use of the site for the burial of Foot and Mouth cattle.
- Increased number of dwellings will impact on the capacity of the school and GP surgeries.
- Impact on public open space - the proposed site is currently a haven for the local residents to walk their dogs, let their children /grandchildren play and run in safe open space with no concerns about traffic and is extremely well used by the community. There is no provision for play space.
- The number of dwellings should be halved and the proposal should include provision for a play area and public space for walkers and dog walkers.
- Request for more public open space by taking some of the school playing field.
- There will be limited pedestrian access and Galliers should provide a short cinder path from Manor Way down to the existing cinder path from Galton Drive in the Community Woodland. The muddy footway down to the river by No 1 Hillside Dive should also be improved.
- Impact on trees and wildlife
- The field is one of four important wildlife areas that sit on the wildlife corridor that extends from the sewage works at the northern end, past Monkmoor woodland,

through the proposed development site and on to the wooded area to the south of the railway bridge. The loss of this part will have a compound effect on the wildlife in the whole area.

- Concern that the proposal includes the removal of protected trees and that there will be pressure from future residents to remove remaining trees at a later date and in particular plots 22 and 24.
- Loss of edge of town location and countryside setting and views.
- The neighbour consultation period was affected by the online system being down and not accepting comments and may have potentially resulted in residents not making their comments as the wording on the website implied they were not taking them.

4.2.4 **West Mercia Constabulary:** There are opportunities to design out crime and /or the fear of crime and to promote community safety. Provides information regarding Secured by Design status and Section 17 of the Crime and Disorder Act 1998 which states that it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

## 5.0 THE MAIN ISSUES

Principle of development  
Density, layout, scale, design and appearance  
Heritage assets  
Access and Parking  
Trees  
Ecology  
Public open space and footpaths  
Impact on existing residents  
Developer contributions  
Flood risk and drainage  
Contaminated Land

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Shropshire LDF Policy CS2 identifies Shrewsbury as the main focus for all new residential development and development of this site adjacent to an urban residential area of Shrewsbury accords with this policy. Although the site is currently outside the development boundary for Shrewsbury and is classed as countryside the site is an allocated site within the emerging SAMDev DPD (SHREW016). Paragraph 216 of the NPPF indicates that the weight that can be attached to relevant policies in emerging plans such as the SAMDev DPD depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The SAMDev DPD has reached an advanced stage as it has been submitted for examination and the

Schedule of Main Modifications to the submitted version of the SAMDev Plan has been published. Only those areas subject to a proposed modification are subject to consultation. There are no proposed modifications to this allocated site and therefore significant weight can be given to this policy which is considered to have been found sound and consistent with the NPPF.

- 6.1.2 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that:

*‘Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise’.*

The Council has published a revised 5 year land supply statement which demonstrates that the Council now has a 5 year land supply. Now that the Council is in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements, policies for the supply of housing should be considered up-to-date. It is therefore considered that significant weight should be given to the policies that relate to housing land supply and that residential development of this site is acceptable in principle subject to there being no material considerations that would indicate otherwise.

- 6.1.3 Within SAMDev under schedule S16.1a (Allocated Housing Sites) it states the following:

*Development of the allocated housing sites identified on the Policies Map should be in accordance with Policies CS6, CS9, and CS11, Policies MD2, MD3 and MD8, and the development guidelines and approximate site provision figures set out in this schedule.*

The proposed site is an allocated site with a ‘site provision figure’ of 20 and states the following with regard to ‘development guidelines’ :

*Development subject to retention of protected trees, provision of public open space/woodland ecology area and enhancement of footpath access to Severn Way.*

Whether the proposal meets these guidelines will be considered in the paragraphs below. With regards to the ‘site provision figures’ this site has a figure of 20 but as outlined in S16.1a (referred to above) site provision figures on the allocated sites are only approximate and they are not a maximum figure. The site provision figure can be exceeded provided regard is given to policy CS6 when assessing whether the density, scale and layout is appropriate.

## 6.2 **Density, layout, scale, design and appearance**

- 6.2.1 Policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. Both local and national policy requires proposals to make most effective use of land whilst preserving the character and appearance of the area. Comments have been received from local residents and the local member concerned that the density is higher than the surrounding development. The agent has responded to this and has confirmed the following:

*The proposed development provides a gross density (including public open space) of 12 dwellings per hectare, or a net density (excluding public open space) of 20 dwellings per hectare. This is substantially below the accepted norm of 30 dwellings per hectare. Core Strategy policy CS6 (7th bullet) requires development to make the most effective use of land. This minimises the amount of greenfield land that is needed across Shropshire. Paragraph 58 in the NPPF likewise requires that developments optimise the potential to accommodate development, to make effective use of land.*

*Hillside Drive has relatively large, private gardens which result in a density of only 7 dwellings per hectare. St. James Road has a density of 17 dwellings per hectare, while Burnham Avenue has a density of 24 dwellings per hectare and Northwood Road has a density of 31 dwellings per hectare.*

*The combined housing estate of Hillside Drive, St. James Road, Burnham Avenue and Northwood Road has an overall density of 19 dwellings per hectare (excluding public open space). The proposed development of 25 dwellings is a similar density of 20 dwellings per hectare (excluding public open space) and is therefore consistent with the character of the local area and in accordance with policy CS6 and MD2.*

The figures quoted are an average across development in the surrounding area and it is acknowledged that the density of development in the nearest street (Hillside Drive) is much lower. The density in Hillside Drive is much lower as all the properties have very large long rear gardens. However from the street they do not appear to be sited within spacious plots as they are situated quite close to each other and there are no large gaps in between. The dwellings on the proposed site have a similar spacing and some are actually spaced further apart than those in Hillside Drive and even more so that the tight knit development in the approach roads of St James Road and Northwood Road. In addition the space between the last houses in Hillside Drive and the first houses on the site is considerably greater than any of the spacing between the houses in Hillside Drive. It is therefore considered that the proposed development will not appear more cramped and overdeveloped than the development in the nearest approach roads to the site and that the proposed layout will complement and continue the existing pattern of development and will not negatively impact on the character and appearance of the locality.

- 6.2.2 The proposed dwellings are a mix of detached and semi-detached houses and include a single terrace of three. Some include integral garages and some detached, and include front gardens and driveways of a size similar to that in Hillside Drive. They comprise a mix of traditionally designed houses with front facing pitched roof gables and porches and include chimneys on some of the house types. There is a larger proportion of detached homes and this is in keeping with the existing character of the area. It is considered that the mix in houses types and the variety in the scale and design of the houses is appropriate for the locality and will provide an attractive street scene. If the density of housing and number of dwellings was reduced to 15 for example (as has been suggested by some residents) this would likely result in a proposal for much larger 5+ bedroom homes (in order to make the scheme viable) and the provision of only 3 affordable dwellings instead of 5. Although having the site occupied by all very large homes might be in keeping with some of the houses in the locality it would not be in keeping with the wider area and would not provide a balance

of housing types and sizes desirable in any housing proposal. Larger houses would potentially attract larger families with greater car ownership and would therefore not necessarily reduce the vehicle movements in Hillside Drive.

### 6.3 Heritage assets

6.3.1 Conservation Area/Listed Buildings - The Conservation Officer has confirmed that the site is not situated in a Conservation Area but that Belvidere Railway Bridge dating from 1848 spans the river immediately adjacent to this site and is Grade II\* listed. The archival Ordnance Survey mapping layer also indicates that there may be other non-designated heritage assets in the south east corner of the site. As the proposal has the potential to impact on the listed bridge special regard has to be given to the desirability of preserving the setting of the listed structure as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The listed railway bridge crosses the river to the South East corner of the site. There are no heritage assets within the South East corner of the site and the whole of the Eastern side of the site will be undeveloped and will remain as informal open space/woodland. It is therefore considered that the proposal will not impact on the setting of the listed bridge or any designated or non-designated heritage assets.

6.3.2 Archaeology – The Councils archaeologist has advised that below ground remains of a Roman Road may survive on the proposed development site and the site is deemed to have low-moderate archaeological potential. There was initially dispute about whether archaeological work should be undertaken prior to commencement of development and it is agreed that a condition should be imposed to ensure that no development commences until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI).

### 6.4 Access and Parking

6.4.1 Local residents and the local member are concerned that the proposed number of dwellings will treble the existing volume of traffic in Hillside Drive, which they consider is insufficient in width for the proposed increased volume of traffic and will result in congestion and impact on highway and pedestrian safety. Hillside Drive although narrow is a dual width road but its width can sometimes be reduced by parked vehicles. However it is agreed with the applicant that road conditions (including restrictions in width to single file traffic) can encourage slow vehicle speeds and is consistent with 'Manual for Streets' which requires new roads to be designed to produce slow vehicle speeds. Highways have no objection to the application and have commented that the proposed estate roads will form a sensible extension to Hillside Drive and that the proposed design is well laid out. The suitability of Hillside Drive to serve approximately 20 dwellings was considered prior to the sites allocation and it is considered that 25 dwellings rather than 20 dwellings will not result in a significant increase in traffic using Hillside Drive and the approach roads than has already been deemed to be suitable when the site was allocated for housing. The proposed layout includes more than adequate parking for the new residents (including space for at least 2 cars and up to 4 cars on some plots) and would therefore not result in the need for parking in the streets or Hillside Drive. The access enjoyed by Network Rail, the Police, Fire Service or Fisherman to the railway line and the river will not be prohibited by this proposal. It is not considered necessary for the developer to provide calming measures to the

approach roads to this site (as has been suggested by some local residents) in order to make the development acceptable. However CIL funds could be used to provide this if it was considered necessary. The concern regarding construction vehicles and deliveries to the site is acknowledged and will be addressed by the imposition of a condition requiring a construction management plan to be submitted prior to commencement.

## 6.5 Impact on existing residents

6.5.1 Policy CS6 also seeks to ensure that residential amenity is protected. Many residents have objected to the application largely due to the number of dwellings and increase in traffic which has been considered in the paragraphs above. There is also concern about the loss of the use of this field and route to the river that they currently enjoy; the loss of an edge of town location and countryside setting and loss of a view. The site is private land and the proposal will provide a public footpath to the Severn Way footpath and there is no right to a view or the preservation of an edge of town location. One existing resident is concerned that their home will now be surrounded by houses resulting in noise and disturbance from future residents in such close proximity and has requested a buffer strip. This is not considered necessary as the distance between the proposed new dwellings and the existing dwellings is no closer than the existing dwellings in Hillside Drive and St James Road and it is not considered that the proposed development would result in any noise and disturbance any different to that in the existing residential estate. However the plan has been amended so that the houses on plots 22-24 have been moved a few metres further away from the boundary with this neighbour also giving longer gardens to the new dwellings. Due to the distance between the existing and proposed dwellings it is considered that the proposed dwellings will not appear obtrusive or overbearing to existing residents and will also not result in overlooking or a loss of privacy.

## 6.6 Trees

6.6.1 Concern has been raised that the proposal includes the removal of protected trees and that there will be pressure from future residents to remove trees at a later date where they are included in their rear gardens (plots 1 and 2 for example) and in particular plots 22 - 24. As mentioned above the houses on plots 22-24 have been moved further away from the trees on this boundary and as the gardens are situated to the South of the trees they will not be overshadowed by them. The gardens of plots 1 and 2 are very large and the houses and the majority of the gardens will not be overshadowed by them as they will be situated to the South. There is no need to impose a condition regarding their retention as they are protected by the Belvidere Paddocks TPO 2005. The proposal does not require the removal of any mature trees and the tree officer has confirmed that the trees are protected by the TPO and that the submitted Arboricultural Assessment has considered the woodland and prominent individual trees and the proposed layout would not cause any encroachment into the construction exclusion zones (CEZs) around the trees. There is no objection to the proposals on arboricultural grounds provided that a condition regarding tree protection during the construction phase is imposed.



## 6.7 Ecology

6.7.1 There is local concern that the proposed development will impact on wildlife and the wildlife corridor. The river Severn and the railway line are wildlife corridors and will not be impacted on by this proposal. The proposed developed part of the application site is on the field which is not part of the Council's identified environmental network. However the woodland on the East part of the site is and this will be retained and protected by the proposals so that there will be no negative impact on the environmental network. The councils Ecologist welcomes the retention of habitat as public open space to the East of the housing and provides advice during and post construction and recommends a condition be imposed requiring a wildlife mitigation/protection plan to be submitted. There is Himalayan Balsam (a non-native, invasive species) on site and precautionary measures to avoid the spread of and attempt to eradicate this species from the site will be included within the mitigation plan. The submitted survey found no evidence of use of the site by badgers or any other protected species or wildlife including dormice, bats, amphibians, reptiles, barn owls, birds of prey, kingfisher, water vole, crayfish or otter. The site showed very little use by wildlife and this was considered to be due to the high ongoing activity by humans on the site and the frequent activity by dogs and cats across the site and has therefore limited the species willing to use the river bank, woodland and field. The Councils ecologist has confirmed that the site including trees and hedgerow and the wildlife corridors have the potential to be used by nesting birds and by bats. Conditions suggested by the Ecologist to ensure the enhancement of the site for bats and birds will be imposed. It is therefore considered that the proposal would have no adverse impact on protected species or their habitat and that subject to conditions the proposal would provide ecological enhancement of the site.

## 6.8 Public open space and footpaths

6.8.1 Informal use of the site is currently enjoyed by local residents but the land is private and there is no public right of way to the Severn Way riverside footpath and the gate could be locked and the public prohibited from entering the site. This proposal includes and secures a footpath link to the Severn Way and an open space/woodland ecology area as required by the development guidelines for this allocated site. The Council's Parks and Recreation team confirms that the Open Space IPG requires 2640m<sup>2</sup> of useable open space for the amount and size of housing proposed. The proposed amount of open space is 8000m<sup>2</sup> and far exceeds that required by the Open Space IPG. It is acknowledged that this space includes the area of wooded land that slopes down to the river and that this might not be useable in terms of formal recreation and play but it is usable for informal recreation. The IPG outlines that open space can be recreational or amenity open space or Natural or Semi-natural open space that '*should provide access to, enhance or link with existing green corridors*' and this is what is being proposed and accords with the development guidelines. The Council's Parks and Recreation team have also confirmed that there are a number of different open space typologies that could be used on the site but are no formal play areas within a 10 min walking distance recommends that the open space provision has the potential to provide some play facility and that this could be linked to the wooded area to the West. Some residents have also commented that an equipped play area should be provided by the developer on site. There is sufficient land available within the opens space provided to add an equipped play area. The proposed open space will be maintained and managed by either Shropshire Council or the Town Council or a management company and CIL

funds can be used to provide any required play equipment. It is considered that the proposed open space/woodland area meets both the IPG guidelines and the allocated site development guidelines.

## 6.9 Developer contributions

6.9.1 The scheme will be liable for CIL and the proposal includes 5 affordable houses on plots 20-24 and will be sold to a registered provider as 3 affordable rent and 2 shared ownership properties. The S106 agreement has already been prepared and signed to secure this on site affordable housing. The proposal therefore accords with CS11.

## 6.10 Flood risk and drainage

6.10.1 The Flood Risk Assessment and Drainage report prepared for the SAMDev process has been submitted and the EA have confirmed that the site is at low risk of flooding with the built development and access road being within Flood zone 1 and only a small part of the open space/woodland area being in flood zone 2. Foul drainage will be to the existing main sewer and surface water drainage to soakaways and will be managed to ensure that surface water run-off does not exceed the current greenfield run-off rates. The Drainage team have confirmed that the proposed surface water drainage is acceptable.

## 6.11 Contaminated land and noise assessment

6.11.1 A noise assessment has been submitted due to the proximity of some of the proposed dwellings to the railway line. Public Protection have commented that the noise assessment concludes that acoustic close boarded fencing is required to achieve a suitable noise environment in some garden areas and recommends a condition regarding this. Some residents have commented that the site was previously used for the burial of Foot and Mouth cattle and are concerned about the impact on the health of existing and new residents if the land is disturbed and also its stability for building on. Public Protection have provided a full assessment and response to this (available earlier in the report) and have concluded that the land is not likely to be contaminated and no further assessment is required. However a large burial site may have implications for potential ground instability. The applicant is aware of this and ground stability will be considered and taken into account as it would on any building site and the foundations and the construction of the buildings will be subject to building regulation control.

## 7.0 CONCLUSION

7.1 The development of this site for housing is acceptable in principle as it is an allocated site within SAMDev. Although the numbers are higher than the approximate housing provision indicated it is considered that the proposal makes effective and efficient use of land as required by local and national policy and that the layout, scale, design and appearance of the development is acceptable and would not adversely impact on the character and appearance of the locality or the amenity enjoyed by existing residents. Although it will result in an increase in vehicles using Hillside Drive it is not considered that this would significantly impact on highway safety. It will also not result in the loss of trees protected by the TPO and would have no adverse environmental or ecological

implications and will regularise public access to the open space and woodland and the Severn Way footpath. The proposal includes adequate open space provision, CIL funds can be used to provide any equipped play area and 5 affordable houses will be secured by the S106. The proposal therefore accords with SAMDev policy S16.1a, Core Strategy policies CS2, CS6, CS11 and CS17 and the NPPF.

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

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

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

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies: CS2, CS6, CS11 and CS17

## 11. Additional Information

List of Background Papers: File
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Pam Moseley
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.

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

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

Reason: To ensure a satisfactory access to the site.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - ' the parking of vehicles of site operatives and visitors
  - ' loading and unloading of plant and materials
  - ' storage of plant and materials used in constructing the development
  - ' the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - ' wheel washing facilities
  - ' measures to control the emission of dust and dirt during construction
  - ' a scheme for recycling/disposing of waste resulting from demolition and construction works

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

5. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

6. The protective tree fence shown on the submitted Tree Protection Plan (No 4 in the submitted arboricultural assessment plans) shall be erected 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 amenities of the local area by protecting trees.

7. No development or clearance of vegetation shall take place until a Wildlife Protection (mitigation) plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
  - d. Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
    - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

8. No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted to and approved in writing by the LPA. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied. The submitted scheme shall include:
- a) Means of enclosure, including all security and other fencing
  - b) Hard surfacing materials
  - c) Planting plans, including wildlife habitat and features
  - d) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - e) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
  - f) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
  - g) Implementation timetables

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

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

9. A close boarded fence of 10kg/m<sup>3</sup> density as a minimum shall be installed to the southern garden boundary of plot 5, 6, 7, 8, 16 and 17, to the Eastern boundary of plot 17 and to the Western boundary of plot 5 prior to the first occupation of the dwellings on these plots.

Reason: To protect the health and wellbeing of future residents.

10. A total of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site, as shown on a site plan submitted to and approved in writing by the local planning authority, prior to first occupation of the buildings hereby permitted.

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

11. A total of 10 woodcrete bat boxes/integrated bat brick suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. A plan showing the locations of the bat boxes/bricks must be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

12. 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.