



Committee and date

South Planning Committee

1 December 2015

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/03009/FUL	<b>Parish:</b> Broseley
<b>Proposal:</b> Erection of five dwellings and construction of new vehicular access (redesign of application ref 10/04658/FUL)	
<b>Site Address:</b> Development Site Adjacent Stone Lee Calcutts Road Jackfield Shropshire TF8 7LG	
<b>Applicant:</b> Mr Nachhattar Singh	
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

**Grid Ref:** 368449 - 302895



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**Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement in respect of the affordable housing contribution and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The background to this application is that in 2006 planning permission was granted for a development of five dwellings and construction of a new vehicular access on land which includes the current application site. (ref 06/0149). Some drainage works were carried out which sought to implement that consent, but it was established that these works were not sufficient to constitute a material start on the development under Section 56 of the Town and Country Planning Act 1990 as they were remote from where the foundations of the buildings would be and no works had commenced for the foundations. Consequently a new application was made for the same scheme in 2011 (ref 10/04658/FUL), which was approved by the South Planning Committee at the May 2011 following a Committee site visit. The decision to grant consent was subject to the completion of a Section 106 Agreement to secure a contribution to affordable housing and public open space under the policies applicable at that time. However the Section 106 Agreement has not been completed due, it is understood, to one party with an interest in part of that application site having not yet agreed to sign and application 10/04658/FUL therefore still remains 'on the books'. This current proposal is for a different scheme on land which excludes the section of land in which the party who has not agreed to sign the Section 106 Agreement for 10/04658/FUL has an interest.
- 1.2 This application as originally submitted proposed the construction of a gated cul-de-sac. On the south western side of the road there would have been 90° parking in the form of 7 parking spaces, interspersed with two landscape planting areas. On the north eastern side there were two detached dwellings featuring tandem parking next to them. At the head of the cul-de-sac there would have been a semi-detached pair and a detached dwelling, with the latter having use of a tandem parking area immediately in front of it. The front elevations of the dwellings were positioned close to the edge of the cul-de-sac road, with planting beds and narrow hardstanding areas immediately in front of them. There were small private rear garden areas adjacent on the north eastern and south eastern site boundaries.
- 1.3 The dwelling designs as originally proposed featured second floor accommodation in their roof spaces, lit by small triangular shaped dormers and small gable end windows. The two detached dwellings on the north eastern side of the road had chimneys, a gable peak feature to the principal bedroom windows on their front elevations and different designs of canopy porches. The larger 4 bedroomed dwelling had facing brick to the external walls, with the smaller 3 bedroomed unit rendered with a brick plinth. The roof tiles were small plain tiles, with a horizontal banding pattern in the manner in which they would be laid. The detached 4 bedroomed dwelling on plot three had short projecting front and rear two storey gables and a mix of rendered and brick external finishes. The semi-detached pair of three bedroomed dwellings had two storey front projection, roofed by a double gable arrangement with a valley. This element would have had a rendered finish,

with the remainder of the dwellings in brick. Small plain roof tiles matching those of the detached dwellings would be used.

- 1.4 It was considered that the fenestration of the proposed dwellings, the triangular dormer features and the inclusion of rendered elevations ( The appropriateness of which has been queried by Historic England) and the free standing form of closely spaced detached dwellings would be out of keeping with this Conservation Area and World Heritage Site location. The proposed positioning of upper floor windows on the north elevation of plot 3 was also considered to impact adversely on the amenities of the adjacent dwelling. Following discussions the designs of the proposed dwellings have been amended.
- 1.5 The proposed external elevations to the dwellings would now be wholly brick with small plain roof tiles. The triangular shaped dormers have been deleted from the front and rear elevations and the bedroom accommodation in the roof spaces would be lit by conventional rooflights on the rear elevation roof slopes. There would be curved brick headers to the four bay casement windows on the front elevations and stone cills to the windows throughout the scheme. The layout of the accommodation has been adjusted to remove the need for first floor window openings on the north facing elevation of plot 3 and part of plot 2 in order to safeguard neighbour privacy. To achieve a more cohesive development the dwellings on plots 1 and 2 would be linked by a dual pitched roof canopy over part of the tandem parking area to plot 2. Plots 1 and 2 would retain their substantial chimneys. Plots 2 and 3 would now be linked by garage accommodation with a bedroom over and plots 3 and 4 linked to form a terrace with a pedestrian passageway to a rear garden under part of the bedroom accommodation in unit 4. The result of these changes is that plots 2 to 5 would form an 'L' shaped built form which incorporates variations to the ridge height where the two limbs of the L' would intercept, giving interest to the roofscape. This configuration would have similarities to that in application 10/04658/FUL. The resulting dwelling mix would be three 4 bedroomed dwellings and two 3 bedroomed dwellings. The size of the proposed rear garden areas have not been changed by the revisions. However the layout of the shared drive and parking area has been altered by the deletion of gates, the provision of a turning head within the site, the provision of a bin store enclosure enclosed by 1.5m high hit and miss fencing with gated access close to the entrance and additional parking spaces so that there would be two per dwelling plus two additional parking spaces. A band of tree planting is shown on the proposed site plan adjacent to Calcutts Road and on either side of the proposed access.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is within the Severn Gorge Conservation Area and the World Heritage Site. It is located on the south-east side of Coalport Road in between land associated with the bungalow Stone-Lee and a development known as 'The Woodlands', on the site of a former concrete works, which wraps around the northern and eastern sides of the site and comprises of 17 dwellings in the form of houses and a block of apartments. There are self-set trees within the application site and remnants of structures showing former industrial use of the land. The general location of the site is an area of varied modern and historic housing development disposed in a

haphazard manner along Calcutts Road and a network of narrow lanes off it.

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

- 3.1 The Town Council has submitted a view contrary to the Officer recommendation. The Area Planning Manager, in consultation with the Principal Planning Officer and Committee Chairman, consider that the application raises planning issues that would warrant determination by the South Planning Committee.

### **4.0 Community Representations**

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

- Consultee Comments

- 4.1 Broseley Town Council (28-09-15) – Object:  
None of the changes had addressed the previous concerns and the Council's previous objection still stands.

Broseley Town Council (02-09-14) – Object:

-The Town Council endorse the comments made by English Heritage (Michael Taylor letter dated 24/11/10) with regard to the previous application, which were still valid for the current application: "specifically the access design does not contribute positively to the conservation area and does not relate with the area's inherent rural character."

-The design and high density were out of character for a sensitive area and were inappropriate for the site's location within a World Heritage Site. A much higher standard of design had been applied to the neighbouring development.

- 4.2 SC Highways Development Control – Verbal No Objection.

- 4.3 SC Public Protection – No Objection:  
Having considered past use of the proposed site as a brick and tile manufacturer amongst other activities I recommend that full contaminated land conditions are placed should this application be granted approval:

Contaminated land

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.

I would also ask the case officer to consider noise from surrounding activities. I am unfamiliar with the area however I am aware that there are industrial units in the area. If the case officer is of the opinion that these units may have an impact on the proposed dwellings I would recommend that a noise assessment is prepared and submitted prior to a decision on this application

#### 4.4 SC Ecology (15-07-15) – No Objection on the basis of there being no mature tree removal or existing building modifications:

##### Bats

There is a known bat roost within close proximity to the site. In order to enhance the site for bats the following conditions and informatives should be on the decision notice.

1. A minimum of 2 integrated bat bricks 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. The bat bricks should be shown on a site plan. 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

2. 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.

#### Informative

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

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

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

#### Nesting Birds

The site has the potential to support nesting birds. The following condition and informative should be on the decision notice.

1. A minimum of 2 artificial bird nests suitable for small birds such as swifts, swallow, house martins swallow shall be erected/integrated on the site prior to first occupation of the buildings hereby permitted. The enhancements for nesting birds should be shown on a site plan.

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

#### Informative

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

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

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

#### Badgers

The following informatives should be on the decision notice to ensure protection of badgers.

#### Informative

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open

overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

#### Informative

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

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

#### Landscape

Existing trees should be retained and protected during and post construction (as per SC Tree Teams comments). The site has the potential to be enhanced for biodiversity with the planting of native, locally found species.

An appropriate landscaping scheme should be conditioned on the decision notice.

#### SC Ecology (19/11/14)- Comment:

Additional Information required relating to ecology, bats, reptiles and badgers, in the absence of which refusal is recommended since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

#### Ecological Assessment

A planning application on this site must be accompanied by an Ecological Assessment of the land surrounding the proposed development and a discussion of issues relating to protected species which might be present in the area.

The Ecological Assessment should include an extended phase 1 habitat survey of the site, a habitat map and target notes for sensitive ecological features. The Ecological Assessment should also include consideration of any European or UK protected species which might be present in the area and could potentially be negatively impacted by the proposed development. The Ecological Assessment should also include a desk study of historical protected species records and the presence of any designated sites within 1km of the proposed development.

The Ecological Assessment should be carried out by a qualified and experienced ecologist with the relevant protected species licenses. The Ecological Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.

#### Bats

This application site meets the trigger point for requiring a bat survey since it may involve development close to, or felling or lopping of mature trees, or removal of hedgerows. Trees should be assessed in line with The Bat Conservation Trust's *Bat Surveys – Good Practice*

*Guidelines* by a licensed bat ecologist and if deemed necessary activity surveys should be undertaken.

The bat survey should be as follows:

1. Trees to be removed should be assessed for potential bat roost habitat as described in The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012).
2. Transect surveys should be carried out in line with the Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012) particularly focussing effort on any hedgerows to be lost.

All bat surveys should be carried out by an experienced, licensed ecologist and in accordance with The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012). Mitigation should be designed in line with the Natural England *Bat Mitigation Guidelines*. Mitigation should also be proposed for any loss of bird nesting sites, particularly for barn owls.

Any deviation from the methods, level or timing of surveys set out in the Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012) should be accompanied by a reasoned evidence statement from the licensed ecologist carrying out the survey clarifying how the sub-optimal survey is ecologically valid.

#### Reptiles

The site appears to contain suitable features for widespread reptiles. An assessment should be made of the potential for reptiles to be present and in areas of moderate and high potential a reptile survey should be carried out by an experienced ecologist using the methods set out in the Herpetofauna Workers' Manual (JNCC 2003). Where reptiles are confirmed to be present a mitigation strategy and precautionary method statement should be provided in support of the planning application.

#### Badger

There is potential for badger setts to be present on or close to the development site. Works up to 30m from a badger sett may require a Badger Disturbance Licence from Natural England under the Protection of Badgers Act (1992). A badger survey should be carried out and impacts assessed as set out in the Natural England Standing Advice.

#### Trees

If there are trees and/or hedgerows in or adjacent to the proposed planning site a tree survey and an arboricultural impact assessment in accordance with British Standard 5837: 2012 – *Trees in relation to design demolition and construction* will be required to assess the significance of the trees and/or hedgerows and the potential effects of them upon the development and of the development upon them.

4.5 SC Drainage – No Objection:

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

1. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

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

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

2. The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.  
Reason: To minimise the risk of groundwater flooding.

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

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

4. 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.

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

Water Butts

Rainwater harvesting system

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

Greywater recycling system

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

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

#### 4.6 SC Affordable Housing – Comment:

As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The current affordable housing contribution rate for this area is 20% and as such a proposal for 5 new open market dwelling would be liable to make a contribution of one affordable unit (1 x 20%). This dwelling will need to be rented tenure in accordance with the requirements of the SPD Type and Affordability of Housing.

#### 4.7 SC Archaeology – No Objection:

The proposed development site is located within the known extent of a brick and tile works (PRN 07240) thought to have its origins in the 17th century. The proposed development site can therefore be deemed to have some archaeological potential. Previous archaeological evaluation in the immediate adjacent area concluded that due to the extensive and lengthy use of the site and its environs it is possible that remains beneath the present ground level would be fairly extensive. The site also lies within the extent of the inscribed World Heritage Site of Ironbridge. English Heritage has commented on previous applications for this site. The development site may have some archaeological potential.

In line with the National Planning Policy Framework (NPPF), I would recommend that a programme of archaeological work be made a condition of the planning permission for the proposed development. An appropriate condition of any such consent would be:

Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agent or successors in title, 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.

#### 4.8 SC Trees (15-07-15) – No Objection:

I have visited the site and reviewed the information submitted in the Arboricultural Impact Assessment (Eden Arboriculture, 31 May 2015). I can report that I have no objection to the proposed development on arboricultural grounds, providing

appropriate measures are taken to protect retained trees during any approved development and that a comprehensive, high quality scheme of new planting is undertaken as appropriate to compensate for those trees to be lost to any approved development.

The proposals require the loss of a number of established trees, particularly along the road frontage to the site. Whilst en masse these trees are prominent and highly visible, individually they are not good specimens and I consider them to have a limited safe life expectancy; either for reasons of structural defects, and / or because of a drawn-up, unbalanced growth form due to suppression and a lack of previous management. Many of the trees pose, or will pose in the relatively near future, a heightened risk due to their overhang / lean over the road. Whilst the loss of the road front trees will have a high impact visually, in the long-run this could be mitigated by planting better suited trees as part of a landscaping scheme attached to the new development. On balance, therefore, I do not object to the proposed removal of these and other trees on the site.

I would therefore recommend attaching the following tree protection and planting conditions to any permission for this application:

Prior to commencement of development a final Tree Protection Plan shall be provided to the written satisfaction of the LPA, providing details of those trees to be felled and those to be retained and protected during implementation of the approved development. The tree protection measures shall be installed as specified on the plan to the written satisfaction of the LPA, prior to delivery of materials or access of construction vehicles onto the site. Thereafter they shall be maintained in a satisfactory condition throughout duration of the development.

Reason: to avoid causing damage or harm to significant retained trees during implementation of development.

Prior to commencement of development a final Arboricultural Method Statement shall be provided to the written satisfaction of the LPA, addressing the following items:

- i. Site construction access
- ii. The intensity and nature of construction activities.
- iii. Contractors car parking.
- iv. Phasing of on-site operations.
- v. Welfare facilities (requirement and siting)
- vi. Storage and mixing areas.
- vii. Specification of tree works.
- viii. Installation of structures within RPAs.
- ix. Root pruning.
- x. Tree Protection (barriers and ground protection)
- xi. Tree Protection Plan (final version)
- xii. Installation of specialist foundations if required.
- xiii. Removal of materials, facilities, and protective measures for the final phase
- xiv. Post construction tree works.
- xv. Monitoring

The tree works shall be carried out and the development shall be implemented

strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: to avoid causing damage or harm to significant retained trees during implementation of development.

Prior to commencement of development, a planting plan shall be provided to the written satisfaction of the LPA. The plan shall include details of the species, numbers, location, planting specification and means of protection and support of the trees and shrubs to be planted in association with the development.

Reason: to ensure a satisfactory form of landscaping to the development.

Prior to occupation of the first dwelling, the approved planting plan shall be implemented in full, to the written satisfaction of the LPA. Any tree or shrub planted in accordance with the plan, or replacement thereof, which dies or becomes seriously diseased within a period of 5 years from planting, shall be replaced by another of similar specification, unless agreed otherwise with the LPA.

Reason: to ensure a satisfactory form of landscaping to the development.

SC Trees (05-12-14) – Comment:

I have visited the site and reviewed the information submitted with this application and can report that whilst I do not object to the principle of the proposed development, I consider that the proposed layout and design raise a number of arboricultural concerns that should be addressed prior to determination.

The access and parking arrangements and boundary details all have the potential to cause significant damage to retained trees (as shown on drawing Stonelee/01, June 2014). No information has been provided as to allow an evaluation of the impacts of the proposed development on existing trees and hedges, nor how retained / adjacent trees and hedges will be protected during any approved development.

In order to allow a proper assessment a tree survey and arboricultural impact assessment should be provided, in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The survey should plot the location, size (height, canopy spread and stem diameter), condition and suitability for retention of the existing trees and hedges in and adjacent the site. The root protection areas should also be evaluated and shown on a scale plan.

The arboricultural assessment should take into account any trees to be removed as well as those to be retained and any new planting associated with the development.

A Tree Protection Plan will be required, describing and plotting the location and specification of the measures to be taken to protect retained / adjacent trees and hedges during implementation of any approved development.

Finally, an Arboricultural Method Statement will be required for any works proposed within the root protection area of retained / adjacent trees and hedges. The method

statement will show how such works are to be designed and implemented so as to avoid damaging retained trees and hedges and their roots.

4.9 SC Conservation – Comment on original scheme:

It is considered that the design of the proposed dwellings does not relate well to the traditional vernacular detail of the conservation area and the scheme should look to better reflect its local context by picking up on vernacular details and materials.

Whilst dormer windows are a detail that is seen elsewhere in the conservation area the use of triangular dormers as proposed rather than traditional gabled dormers is inappropriate. The window arrangement and proportions could also better reflect the style of traditional properties in the conservation area, simple flush fitting casements are common with windows to the first floor being smaller than those at ground floor mainly and brick cills and lintels are more common in the area. Other details to consider are porches, dentil courses and the use of appropriate brick and tiles to match to local materials.

It is suggested that the scheme be amended to better reflect the local context in terms of design and detail and further justification be provided in the design and access statement.

4.10 Historic England (12-08-15) – Comment on amended scheme:

-We are grateful that our earlier advice on the use of brick for all elevations has been followed.

-Conditions should be imposed requiring the Council's prior approval of all details, materials and finishes.

English Heritage (now Historic England) (03-03-15) – Comment on original plans:  
Urge that the following issues be addressed:-

-It appears to us that the elevations would be more appropriate to the character of the area if they were entirely of local brick, rather than partially rendered.

-Conditions should be imposed requiring the Council's approval of all external details, materials and finishes, both of the buildings and of all external works.

-Public Comments

4.11 5 Objections to original plans:

-Plans do not achieve a semi-rural character.

-Site too small for 5 houses of the size proposed, not allowing for large gardens.

-Not sensitive to World Heritage Site and Conservation Area.

-Site better for two or three houses perhaps including bungalows to offset the higher position the site sits in comparison with the Woodlands, and that are in keeping with the surroundings.

-Maximum of three two storey houses or bungalows would seem more appropriate, to be consistent with adjacent Stone Lee and other properties on Coalport Road without detracting from the concept of The Woodlands.

-Woodlands was designed as a modern simulation of a Victorian industrial complex, with only one property featuring dormer windows and the other conservation roof lights; a development of 5 three storey houses with dormer

windows adjacent will impact on the effectiveness of that heritage concept.

- Overlooking of The Woodlands development from all rear windows..
- Plot 3 would be particularly close to no. 7 The Woodlands, with a cramped layout facing side of plot 2.

- Question adequacy of on-site parking provision and whether site can accommodate 13 spaces.

- Insufficient detail on site access and how it would function safely.

- Private Lane is not in applicant's ownership and access will be required directly onto Calcutts Road.

- Placing of refuse bins could cause an obstruction.

- Very little footpath coverage in area.

- Access statement out of date.

- Must be no connection to private sewer.

- Drawings do not show pedestrian walkways for garden access mentioned in application.

- Design and Access Statement bears no relationship to submitted scheme.

- Discrepancies on drawings.

- Site history indicates that there will be contamination requiring remediation and potential ground instability.

- Full tree and underbrush survey is needed prior to any further work including replacement for the mature trees and hedging removed.

- No details of the removal of trees or the final landscaping scheme.

- Site might merit inspection by SC Archaeology due to possible remains of old factories.

- Culverted watercourse discovered in preparation for Jackfield stabilisation project likely to be within 20m of site.

- Do not need more construction traffic on Calcutts Road at present with stabilisation project.

- Application 10/04658/FUL recommended for approval by South Planning Committee, but not aware it has been approved.

#### 4.12 5 Objections to amended plans consultation 01-07-15:

- Not adverse to land being developed but object to this proposal.

- No response to legal points made in earlier letter; have not been consulted as owners of land required for access.

- Objections set out in original letters still stand.

- Parking inadequate with reliance on end to end parking; highway safety concerns with parked cars on road and access road currently serving three dwellings and a factory.

-No area for recycling bins.

-Design over crowded, denser occupation than 10/04658/FUL; out of keeping with Conservation Area and World Heritage site.

-Severely impacts upon the heritage concept of The Woodlands development as a modern simulation of a Victorian industrial complex with buildings representing a factory, workers terraced housing and a Master's grand house.

-Little space for landscaping; loss of valuable green space in this sensitive area; tree survey report recommends removal of trees from front of site.

-Maximum of three 2 storey houses or bungalows more appropriate for the site.

-Question whether there is space for plots 1 and 2 and the proposed trees between the parking space and Calcutts Road..

-Still discrepancies on drawings.

-No dimensions on drawings.

-Intrusive overlooking from top floor rear elevation windows.

-Plot 3 is particularly close to no.7 The Woodlands.

-No pre-application engagement with the local community to resolve issues at pre-application stage.

-No record of 10/04658/FUL was approved.

-Serious concerns about impact on services – private sewer to which applicant has no right to connect; foul connection cannot be made to their private sewer without consultation and a legal agreement; water supply to their property would have to be maintained at all times

4.13 Group letter in response to further amended plans consultation of 01-09-15 with request that it be treated as a collation of 11 Objections:

-Unnecessary overcrowding with houses designed to accommodate even more people than the original application on a significantly smaller site.

-Third storey windows would encroach on the privacy of existing neighbouring houses and apartments, from a raised site.

-Conflicts with surrounding properties and would damage character of Conservation Area and World Heritage site.

-Incomprehensible errors, inconsistencies and incomplete documents.

-Bin storage area unsightly and post and rail fence bordering Calcutts Road would further damage local character with none elsewhere along the road.

-Design and Access Statement does not deal with the recommendations of the contaminated and ground issues documentation.

-Differences between the tree protection plan of 31/05/15 and the new drawing Stonelee 05 amended August 2015.

- Still no details regarding access to services including sewage.
- Access to site is over a private drive not under the ownership of the applicant.
- Has not been amended to reflect local context in terms of design as requested by Conservation Officer.
- Statements in the Design and Access Statement incorrect and misleading. (Examples listed in letter which can be viewed on the Council's web-site).
- Seek a scheme more appropriate to the neighbourhood.

## **5.0 THE MAIN ISSUES**

Principle of development  
Siting, scale and design of structures  
Landscaping and Ecology  
Residential Amenity  
Highway Safety  
Drainage and Services  
Affordable Housing  
Archaeology  
Contamination

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 The principle of residential development on this site in the current Development Plan context has been accepted with the resolution to grant planning permission for the scheme contained in planning application 10/04658/FUL, subject to the completion of the appropriate legal agreement. The Broseley Town Plan 2013-2026, although not part of the statutory Development Plan, is a material planning consideration which is referenced in the emerging Site Allocations and Management of Development (SAMDev) Plan, and this plan includes the application site within the development boundary for Broseley and Jackfield. The SAMDev Plan has now reached its final stage prior to adoption with the Final Report on the examination into that Plan having been received from The Planning Inspectorate. Considerable weight may now be given to the SAMDev Plan, which is likely to be formally adopted by the Council by the end of 2015. The Inspector's Final Report makes no changes to the Broseley Development boundary within which the application site is situated. Broseley is identified by Core Strategy policy CS3 as a settlement where housing development of an appropriate scale and design which respects the town's character may take place on appropriate sites. It would constitute a 'windfall' site which is allowed for under SAMDev Plan policy S4 for the Broseley area, and would be a re-use of previously developed land which is one of the core planning principles at paragraph 14 of the National Planning Policy Framework (NPPF). Therefore, it is considered that there is no in principle planning policy objection to residential development on the application site in the new Development Plan context. Whether or not the proposed scheme is acceptable

therefore depend upon the assessment of the detailed matters set out below.

## **6.2 Siting, scale and design of structures**

- 6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev policy MD2 (Sustainable Design) and MD12 (The Natural Environment) develop further the matters to be considered in relation to policies CS6 and CS17..
- 6.2.2 There is a requirement under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in the carrying out of statutory functions
- 6.2.3 It is considered that the proposed built form, as amended, would complement the adjacent 'Woodlands' development in the streetscene. The dwellings would incorporate vernacular details with respect to the verge and eaves detailing, the treatment of window heads, proportions of windows, rooflight form, porches and chimneys on two units. The proportions of the proposed dwellings, with 45° pitched roofs facilitating the use of small plain tiles, ridge heights of approximately 9 metres to the tallest elements, reducing to some 7.1 to 8 metres for lower sections of the narrower building elements, and eaves heights of around 5.4 metres, result in gable spans and proportions that would give a traditional, vertical emphasis to the buildings. These features, in combination with the 'L' shaped overall footprint of the linked brick faced dwellings, would create a bespoke development without the suburban appearance that can often be created by detached, standardised house types. The proposed built form would not detract from the character or appearance of the conservation area and world heritage site location. The precise facing materials, door and window joinery details and rooflights would be the subject of conditions requiring their approval by the local planning authority on any planning permission issued.
- 6.2.4 The layout of the parking and turning area would complement the proposed built form, with the dwellings set back from the edge of this access and parking area by small areas of paving and planting. Indicative planting is shown around the turning head and the bin store area, and full details of the planting, surfacing and boundary treatments would require approval through conditions on any approval issued. It is considered however that sufficient information has been supplied to demonstrate that the layout of these areas would not detract from the character or appearance of the conservation area and world heritage site.

### 6.3 Landscaping and Ecology

6.3.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies. The initial comments of the Council's Planning Ecologist resulted in the submission of a phase 1 and phase 2 Environmental Survey and Protected Species Report. An Arboricultural Impact Assessment, dated May 2015 was also subsequently submitted. While the Protected Species report was dated August 2011 this information in conjunction with the present condition of the site, was sufficient for the Council's Ecology Team to conclude that ecological interests could be safeguarded adequately by planning conditions relating to bat bricks/boxes, external lighting, artificial nests and landscaping. Informatives on any consent would relate to bats, nesting birds and badgers.

6.3.2 Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes trees in this locality. The 26 trees on the site are a predominantly birch, goat willow and poplar, with single specimens of ash, hawthorn, pine, sycamore and whitebeam. The County Arboriculturalist had a number of concerns about the initial application submission here and these are set out at section 4.8 of this report above. In response an Arboricultural Impact Assessment has been submitted, which addresses the concerns raised. The County Arboriculturalist acknowledges that the proposals would require the removal of a number of established trees, particularly along the road frontage to the site. He comments:

*"Whilst en masse these trees are prominent and highly visible, individually they are not good specimens and I consider them to have limited safe life expectancy; either for reasons of structural defects, and/or because of a drawn-up, unbalanced growth form due to suppression and a lack of previous management. Many of the trees pose, or will pose in the relatively near future, a heightened risk due to their overhang/lean over the road. Whilst the loss of the road front trees will have a high impact visually, in the long-run this could be mitigated by planting better suited trees as part of a landscaping scheme attached to new development. On balance, therefore, I do not object to the proposed removal of these and other trees on the site."*

The application drawings show the intention to retain birch and goat willow trees close the north eastern site boundary and trees along the road frontage on either side of the proposed vehicular access. It is considered that the above approach to the trees recommended by the County Arboriculturalist can be supported to ensure the long term presence of trees in this location as a positive contribution to the Conservation Area and World Heritage site street scene. Planning conditions on any approval would require the submission of a final tree protection plan for approval, giving details of trees to be felled, those to be retained and protected during implementation. In addition further conditions would relate to the new planting scheme to be approved and implemented, and the approval of an arboricultural method statement.

6.3.3 It is considered therefore, for the reasons explained in Section 6.2 of this report and paragraphs 6.3.1 and 6.3.2 above, that the revised details for this development

would be appropriate in scale, density, pattern and design as required by Core Strategy policy CS6 and would not detract from the quality of the built environment and landscape setting to this part of Jackfield and the Severn Gorge Conservation Area and World Heritage Site, satisfying also Core Strategy policy CS17, SAMDev policies MD2, MD12, MD13 and the design principles and environment policies set out in the Broseley Town Plan.

## **6.4 Residential Amenity**

- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those at 'The Woodlands' to the north east and south east of the application site. The closest of these properties is no.7 The Woodlands, which is a three storey detached with detached garage immediately adjacent to the north eastern site boundary. The north eastern rear corner of the proposed dwelling on plot 3 would be some 7 metres from the south western rear corner of 7 The Woodlands. The depth of the side garden to plot 3 at this point would be some 4 metres, increasing to some 6.5 metres at the rear of the attached garage to number 7. It is acknowledged that the presence of the proposed dwellings on plots 2 and 3 would have an effect on afternoon light to the rear of 7 The Woodlands, but this already occurs to some extent due to trees, and would not be to an extent that would warrant refusal of the application. The alignment of the proposed dwellings on plots 2 and 3 angles away from the boundary with no. 7, with their garden depths increasing in a north westerly direction. The proportions of the proposed buildings, coupled with their alignment, are considered sufficient to ensure no undue adverse overbearing impacts. The privacy of no.7 has been adequately addressed by there being no windows above ground level in the north east elevation of plot 3 and to the same elevation of a bedroom to plot 2 over an integral garage. Permitted development rights would be withdrawn on any planning permission issued, to ensure no new openings/ additions are formed/added to these elevations. While the tandem parking area to plot 3, which includes an integral garage, would include a vehicle space abutting the north eastern site boundary, with would be at a point to the rear of the detached garage to no. 7 The Woodlands and would not impact significantly on the amenity of the latter's garden area.
- 6.4.2 The south east facing rear elevations to plots 3-5 would face onto their rear garden areas, which would be some 5.5 to 8 metres deep, and would have views over the access road, a parking area, and open grassed areas within The Woodlands development. Their juxtaposition with the 2.5 storey apartment block (8-17 The Woodlands) to the south would not result in any significant mutual loss of privacy. The separation distances between the proposed development, existing dwellings to the south west of the site and on the opposite side of Calcutts Road would ensure no adverse impacts upon residential amenity.
- 6.4.3 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself with the revised proposals.
- 6.4.4 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed by a condition on the outline permission restricting hours of working to 07.30 to 18.00 hours Monday to Friday;

08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays to mitigate the temporary impact. A construction management plan would also be a condition on any consent to ensure that there are measures in place to address matters such as noise, dust, deliveries and road cleanliness during the construction period in order to mitigate these potential temporary impacts.

## **6.5 Highway Safety**

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

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

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

6.5.2 With the resolution to grant planning permission 10/04658/FUL for five dwellings on, which includes an access in a similar position to the current proposal, it has previously been accepted that the local highway network is capable of accommodating safely the type and scale of traffic likely to be generated by this number of dwellings. There would be adequate space for vehicles to turn within the site and the amount of parking proposed would comply with the parking standards of the former Bridgnorth District Council which remain in force in south east Shropshire.

6.5.3 The issue of whether the access could be formed in the position proposed without first gaining the consent of another party was put to the agent. He has replied that his client considers that he has a right of access to the existing road to his dwelling at Stonelee which allows him to form the access for the proposed dwellings. For the purposes of the planning application the proposed access would be practical, directly abutting the existing hard surface and the details of its construction and surfacing would be conditioned as part of any grant of planning permission. Any dispute over the rights to form an access at this point would be a private matter between the parties involved and would not be a reason for withholding planning permission.

## **6.6 Drainage and Services**

6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. The Council's Drainage Team have assessed the proposal and are content that the technical drainage matters could be addressed through conditions on any planning permission that is issued.

6.6.2 The manner in which connections would be achieved to the foul sewer and to other services would be a matter for a developer to negotiate with the relevant statutory undertakers and any third parties who may be involved.

## **6.7 Affordable Housing**

6.7.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards the provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. In this particular case the applicants are prepared to deliver affordable housing at the 15% prevailing rate applicable to Broseley.

## **6.8 Archaeology**

6.8.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, which includes areas of archaeological interest. The Council's Archaeological Team are content that, from previous archaeological evaluations in the locality and their knowledge of this site, that archaeological interests can be adequately safeguarded by a condition requiring a programme of archaeological work in this case.

## **6.9 Contamination**

6.9.1 Core Strategy policy CS6 seeks to secure safe developments. The NPPF at paragraph 120 advises that where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner. It continues at paragraph 121 that in making decisions there should be adequate site investigation information presented, prepared by a competent person. The ground investigation/contamination desk study provided with the 2010 application has been re-submitted. The Council's Public Protection Team concur with the conclusions of that study that further investigation of the risk and to appraise any necessary remedial options is required, and this can be achieved by the condition set out at section 4.3 of this report.

## **7.0 CONCLUSION**

7.1 The principle of residential development on land which includes the current application site has previously been accepted by the Council. The site falls within the Development Boundary for Broseley and Jackfield in the soon to be adopted SAMDev Plan, to which substantial weight may be attached at this final stage prior to adoption, and is also within the Development Boundary shown in the Broseley Town Plan 2013-2026. It would be a 'windfall' site contributing to the supply of housing land and the re-use of previously developed land. It is considered that on balance the proposed development, as amended, would not detract from the character or appearance of the Severn Gorge Conservation Area and World Heritage Site. The impact of the proposed development upon the residential amenities of adjacent properties would not be sufficient to warrant a refusal of this application. The proposals would not be detrimental to highway safety. Ecological and archaeological interests can be safeguarded by planning conditions, as can the measures to address on-site contamination and details of the foul and surface

water drainage arrangements. A Section 106 Agreement would secure the affordable housing contribution required under Core Strategy policies CS9 and CS11.

## 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:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:

CS3 The Market Towns and other Key Centres  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
D6 Access and parking

SAMDev Plan:

MD2 Sustainable Design  
MD3 Managing Housing Development  
MD12 The Natural Environment  
MD13 The Historic Environment

Broseley Town Plan 2013-2026

SPD on the Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

10/04658/FUL Erection of five dwellings and construction of new vehicular access. PDE  
BR/APP/FUL/04/0499 Erection of three dwellings and alteration to access REFUSE 22nd July  
2004  
BR/APP/FUL/06/0149 Erection of five dwellings and construction of new vehicular access  
GRANT 25th May 2006  
BR/APP/FUL/05/0464 Erection of two detached dwellings with garages, a two storey block of  
four self-contained flats and construction of new vehicular access WDN 3rd August 2005

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

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

Design and Access Statement

Environmental Survey

Ground Investigation Report

Arboricultural Impact Assessment

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. Prior to the above ground works commencing samples and/or details of the roofing materials, the materials to be used in the construction of the external walls and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of the visual amenities of the area.

4. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings and depths of external reveals. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the character and appearance of the conservation area and world heritage site.

5. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the character and appearance of the conservation area and world heritage site.

6. Before any development commences, details of the following shall be submitted to and approved in writing by the Local Planning Authority: Foundation design and finished floor levels in relation to existing site ground levels. The work shall be carried out in accordance with such details as may be approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding the amenity and privacy of the occupiers of adjacent property.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B or C shall be erected, constructed or carried out.

Reason: To safeguard the residential amenities of adjacent property.

8. Before the dwellings are first occupied details of all boundary fences/walls to the application site and individual curtilages within it, showing their appearance, materials and positioning, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the conservation area and world heritage site and to safeguard neighbour privacy.

9. Before any of the dwellings is first occupied, the access, driveway and parking spaces that would serve that property shall be constructed, surfaced and drained in accordance with details which have first been approved by the Local Planning Authority. The parking spaces and turning head shall thereafter be maintained and kept available for the parking and turning of vehicles.

Reason: In the interest of highway safety and to ensure that adequate parking facilities are available to serve the development.

10. The gradient of the access from the edge of the highway carriageway shall not exceed 1 in 24 for a distance of 5.0 metres and thereafter the gradient shall not exceed 1 in 10.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

11. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety.

12. Prior to commencement of development a final Tree Protection Plan shall be submitted to the Local Planning Authority, providing details of those trees to be felled and those to be retained and protected during implementation of the approved development. The tree protection measures shall be installed as specified on the plan approved in writing by the Local Planning Authority, prior to delivery of materials or access of construction vehicles onto the site. Thereafter they shall be maintained in a satisfactory condition throughout duration of the development.

Reason: These details are required before the commencement of development to avoid causing damage or harm to significant retained trees during implementation of development.

13. Prior to commencement of development a final Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority, addressing the following items:

- i. Site construction access
- ii. The intensity and nature of construction activities.
- iii. Contractors car parking.
- iv. Phasing of on-site operations.
- v. Welfare facilities (requirement and siting)
- vi. Storage and mixing areas.
- vii. Specification of tree works.
- viii. Installation of structures within RPAs.
- ix. Root pruning.
- x. Tree Protection (barriers and ground protection)
- xi. Tree Protection Plan (final version)
- xii. Installation of specialist foundations if required.
- xiii. Removal of materials, facilities, and protective measures for the final phase
- xiv. Post construction tree works.
- xv. Monitoring

The tree works shall be carried out and the development shall be implemented strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: This information is required prior to the commencement of development to avoid causing damage or harm to significant retained trees during implementation of development.

14. Prior to commencement of development, a planting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the species, numbers, location, planting specification and means of protection and support of the trees and shrubs to be planted in association with the development.

Reason: This information is required prior to commencement to ensure a satisfactory form of landscaping to the development.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out the first planting and seeding seasons following the first occupation of a dwelling within the development, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of 5 years from planting shall be replaced by another of similar specification, unless the Local Planning Authority gives written consent to any variation.

Reason; To ensure a satisfactory form of landscaping to the development.

16. Prior to the commencement of development, drainage details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details.

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

17. No development approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation) submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall thereafter be carried on in complete accordance with the approved specification.

Reason: The site is known to hold archaeological interest and as such the information is required prior to commencement to ensure that any archaeology is recorded and taken into account in the development of the site.

18. Contaminated land

a) No development shall take place until a Site Investigation Report assessing the nature and extent of any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. 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'.

b) In the event of the Site Investigation Report finding the site to be contaminated no development shall take place until 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. The works detailed as being necessary to make safe the contamination shall be carried out in complete accordance with the approved Remediation Strategy.

c) 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.

d) 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: This condition is a pre-commencement condition 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.

19. No construction and/or demolition work shall take place outside the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00- 13:00. No works shall take place on Sundays, public and bank holidays.

Reason; To protect the health and wellbeing of residents in the area.

20. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

21. A minimum of 2 integrated bat bricks or boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site in locations which have been approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted. All bat bricks/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

22. 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.

23. A minimum of 2 artificial bird nests suitable for small birds such as swifts, swallow, house martins swallow shall be erected/integrated on the site prior to first occupation of the buildings hereby permitted. The enhancements for nesting birds should be shown on a site plan which has been approved in writing by the Local Planning Authority.

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

### **Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
6. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

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

7. 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.

8. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
9. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

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