

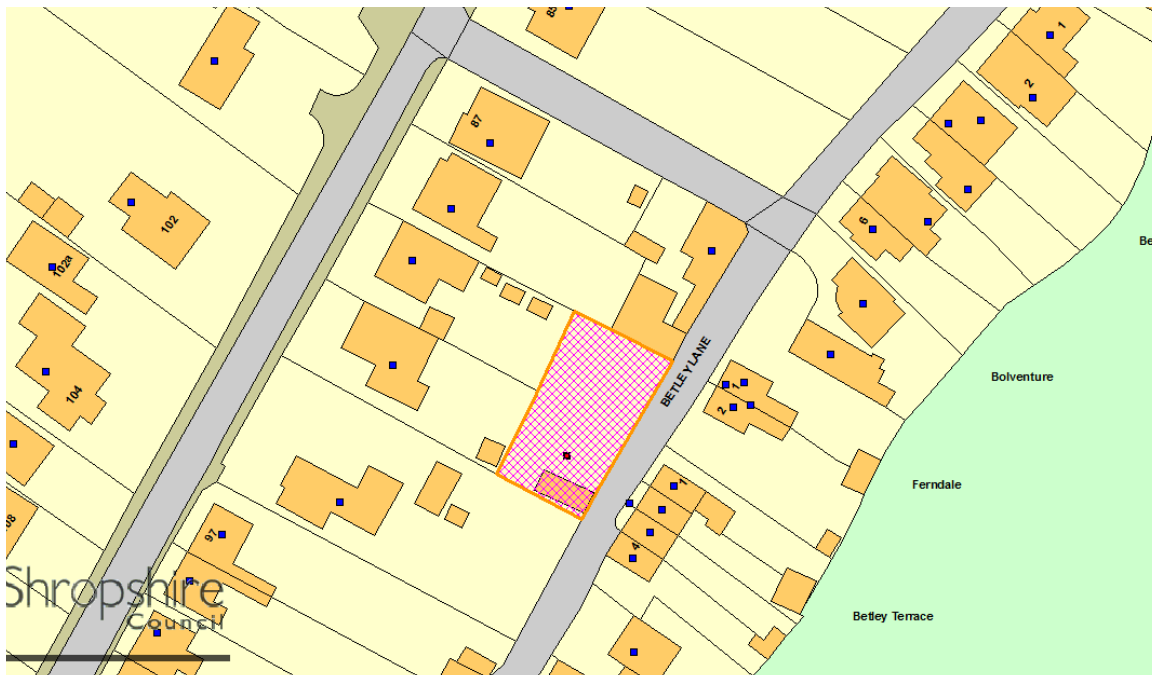
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b><u>Application Number:</u></b> 16/04348/FUL	<b><u>Parish:</u></b>	Bayston Hill
<b><u>Proposal:</u></b> Erection of a detached bungalow following removal of existing dutch barn		
<b><u>Site Address:</u></b> Land West Of Betley Lane Bayston Hill Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Ms Kathleen Gwilliam		
<b><u>Case Officer:</u></b> Mared Rees		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 348281 - 308267



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.  
REPORT**

<b>1.0</b>	<b>THE PROPOSAL</b>
1.1	This application seeks full planning permission for the construction of 1 no. dwelling and associated car parking.
1.2	Access would be direct via Betley Lane, which is unclassified and runs along the eastern boundary of the site.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The application site is located within Bayston Hill Settlement Boundary as identified on Policy Map S16 INSET 4.
2.2	The application site appears to currently be in use as a garden/allotment area. Site boundaries comprise hedgerows with some conifer trees along the south. An existing dilapidated building is currently located on the site.
2.3	Detached bungalows lie to the west of the site, terraced and semi-detached properties lie to the east, rear gardens of the properties along Lyth Hill road lie to the south whilst some storage buildings lie directly to the north.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The proposed development is considered to accord with the requirements of the Councils relevant adopted policies. The Parish Council have objected to the application and it has been agreed between Chair and Head of Development Management that the application is determined at Central Planning Committee, as set out under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>- Consultee Comments</b>
	<b>SC Highway Authority – No objection.</b> No objections are raised subject to conditions to secure adequate turning area for parking, set back of any entrance gates away from the boundary and the submission of a Construction Method Statement.
	<b>SUDS – No objection.</b>

	Conditions recommended to secure submission of a surface water drainage and disposal scheme.
	<b>SC Ecology – No objection.</b> Conditions recommended to secure provision of nesting and roosting boxes and submission of an external lighting plan.
	<b>SC Affordable Housing – No comments received at the time of writing.</b> Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, national policy prevails and an affordable housing contribution would not be sought in this instance.
	<b>Parish Council – No comments received at the time of writing.</b>
<b>4.2</b>	<b>- Public Comments</b>
	13 representations received. 12 no. objecting to the proposal and 1 no. neither objecting to or supporting the proposal.  Concerns raised include:- <ul style="list-style-type: none"> <li>• Highway safety implications in regards to vehicular and pedestrian movements.</li> <li>• Adverse impacts on services.</li> <li>• Increase in drainage problems.</li> <li>• Adverse impact on the character of the area.</li> <li>• Precedent would be set for applications of a similar nature along the lane.</li> <li>• Disturbance during construction period.</li> <li>• Adverse impacts on existing levels of residential amenity. Increase in noise.</li> </ul>
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<b>Principle of development</b> <b>Character and Appearance</b> <b>Residential Amenity</b> <b>Highway Safety</b> <b>Drainage</b> <b>Affordable Housing</b> <b>Ecology</b>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
6.1.1	The application site is situated within Bayston Hill Settlement Boundary as identified on Policy Map S16 INSET 4.
6.1.2	Bayston Hill is identified as a Community Hub where SAMDev Policies MD1 and

	MD3 support sustainable development in Community Hubs, having regard to other relevant policy considerations.
6.1.3	Core Strategy Policy CS4 states that communities will become more sustainable by ensuring that market housing development makes sufficient contribution to improving local sustainability through a suitable mix of housing that caters for local needs and delivers community benefits to meet identified requirements for facilities, services and infrastructure.
6.1.4	The proposal would provide 1 no. single storey 2 bed dwelling within the settlement boundary of Bayston Hill, which would help to contribute towards the mix of local housing in the locality.
6.1.5	The proposal would help to foster some economic growth both during the construction phase of development and throughout the associated supply chain, as well as making a contribution towards the Community Infrastructure Levy (CIL).
6.1.6	In locational terms, the proposal is within 150m of the nearest bus stops which provide direct services Monday to Saturday to Shrewsbury and Meole Brace Sainsburys.
6.1.7	Bayston Hill also has a number of facilities and services including public houses, churches, a primary school, dental practice, surgery and a public library.
6.1.8	The proposal would involve the demolition of an existing outbuilding on the site which is dilapidated in appearance and is considered would be an improvement to the existing situation.
6.1.9	The principle of development is considered to be acceptable subject to compliance with visual and residential amenity policies and other associated matters including highway, drainage and affordable housing.
<b>6.2</b>	<b>Character and Appearance</b>
6.2.1	Shropshire Council's SPD 'Type and Affordability of Housing' states that in considering proposals for building on domestic gardens:- <i>'the Council will give careful consideration to all relevant factors on a case by case basis.'</i>
6.2.2	The plot is considered to be a sufficient size to provide a single storey bungalow and associated amenity space, without appearing overly cramped or incongruous.
6.2.3	The proposal is not considered would appear overly discordant in its location in the context that there are existing single storey storage buildings located directly north of the site and which are also on the western part of Betley Lane.
6.2.4	A proposed bungalow is considered would be appropriate to the locality, in the context of its siting to the rear of existing bungalows which front onto Lyth Hill Road.

6.2.5	Traditional features such as a bay window and pitched roofs would help to ensure the dwelling is sympathetic to the existing locality. A condition to secure details of materials prior to commencement of development would further help to achieve this.
6.2.6	The overall scale of the dwelling is considered to be limited, having an approximate footprint of 72m <sup>2</sup> and a maximum ridge height of 4.8m.
6.2.7	This, as well as the proposed use of gables and the properties set back from Betley Lane, is considered would help to reduce the overall massing of the building when viewed from various points along the street scene.
6.2.8	A condition securing a robust landscaping scheme is considered would help to further integrate the property with the surrounding area.
6.2.12	Having regard to the provisions set out within Core Strategy Policy CS6 and SAMDev Policy MD2, as well as Shropshire Council's SPD 'Type and Affordability of Housing', the proposal is not considered would result in such adverse impacts on existing and proposed levels of visual amenity, sufficient to warrant refusal of the application.
<b>6.3</b>	<b>Residential Amenity</b>
6.3.1	Spacing standards between the rear elevation of the properties at No's 91 and 93 and the west elevation of the proposed dwelling are considered to be appropriate.
6.3.2	The dwelling would be sited so that the vast majority of the building would front the open space between No's 1 and 2 adjacent.
6.3.3	The part of the proposal nearest to No 2 would measure approximately 15.6m to the front elevation.
6.3.4	There would be no principal windows facing the front elevation of No 2 and the dwellings proposed height would be single storey. In this regard, the proposal is not considered would result in any direct overlooking or overshadowing into principal rooms in the proposed dwelling or the existing property at No 2.
6.3.5	The part of the proposal nearest to No 1 would measure approximately 14.4m to the front elevation.
6.3.6	It is not considered that there would be any direct overlooking between existing and proposed principal windows.
6.3.7	The facing windows in the side elevation of the proposed dwelling, although serving principal rooms, are considered would be secondary in their nature, given their limited width and that the main principal windows would be located in the south elevation.

6.3.8	The single storey height of the proposed dwelling would not result in any overbearing impacts to No 1.
6.3.9	Further, given the windows on the south elevation are considered to be significant in their overall scale, it is not considered that the proximity between the property at No 1 and the side elevation of the proposed dwelling would result in adverse overbearing impacts to the proposed development.
6.3.10	Adequate private amenity space is considered could be achieved as part of the proposal.
6.3.11	Boundary treatments would be secured via condition and would assist in providing screening around the perimeter of the property, at ground floor level.
6.3.12	Having regard to the above, the proposal is not considered would raise such adverse impacts on existing and proposed levels of residential amenities, sufficient to warrant refusal of the application.
6.1.13	The proposal would comply with Core Strategy Policy CS6 and SAMDev Policy MD2.
<b>6.4</b>	<b>Highway Safety</b>
6.4.1	Access to the site would be direct off Betley Lane.
6.4.2	The submitted Block Plan has not demonstrated adequate turning area as proposed, therefore a condition would be attached to any grant of consent to ensure this is secured.
6.4.3	A condition is also recommended to secure an appropriate set back of any gate to the boundary of the site.
6.4.4	Highway Authority further recommend that in order to provide the required visibility, boundary treatments running along the carriageway should be maintained maintain no higher than 600mm. A condition to secure this is considered appropriate.
6.4.5	A Construction Method Statement which shall include a Traffic Management Plan would also be conditioned.
6.4.6	Highway Authority raise no objection subject to the above conditions.
6.4.7	The proposal would comply with Core Strategy Policy CS6 and SAMDev Policy MD2.
<b>6.5</b>	<b>Drainage</b>
6.5.1	SC Drainage raises no objection subject to conditions to secure a surface water

	drainage and disposal scheme.
<b>6.6</b>	<b>Affordable Housing</b>
6.6.1	The Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG in regards to affordable housing.
6.6.2	At the time of writing, affordable housing contributions are not sought for developments of less than 10 dwellings.
6.6.3	Therefore, national planning policy prevails in this instance and an affordable housing contribution would not be sought in for this application.
<b>6.7</b>	<b>Ecology</b>
6.7.1	SC Ecology raises no objection, subject to conditions to secure provision of artificial nesting and roosting boxes and an external lighting plan.
<b>7.0</b>	<b>CONCLUSION</b>
7.1	The principle of development for a new dwelling in this location is considered to be acceptable.
7.2	The proposal is considered would respect the form and layout of existing, surrounding development by virtue of the sufficient plot size, and overall design and layout of the dwelling. In this regard the proposal is considered would not result in adverse impacts on existing or proposed levels of visual amenities.
7.3	The proposal is not considered would adversely impact on existing or proposed levels of residential amenities.
7.4	Impacts in regards to highway safety implications, ecology, drainage and affordable housing are considered to be acceptable.
7.5	The proposal is considered would comply with the above mentioned policies contained within the Core Strategy and SAMDev as well as the provisions set out within the Shropshire SPD 'Type and Affordability of Housing' and the NPPF.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>☐ 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, </li></ul>

	<p>hearing or inquiry.</p> <p>☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.</p> <p>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.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.</p>
<b>9.0</b>	<b>Financial Implications</b>
	<p>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.</p>

## 10. Background



**Relevant Planning Policies****Central Government Guidance:  
NPPF****Core Strategy and Saved Policies:  
CS4, CS6, CS9, CS11, CS17****SAMDev:  
MD1, MD2, MD3, MD12, S16****RELEVANT PLANNING HISTORY:**

16/01108/FUL Erection of a detached bungalow with single detached garage to replace existing dutch barn WDN 27th April 2016

16/04348/FUL Erection of a detached bungalow following removal of existing dutch barn PDE

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member
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Cllr Jon Tandy Cllr Ted Clarke
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Cllr Jane Mackenzie
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Appendices APPENDIX 1 - Conditions
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**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 involving the use of any facing or roofing materials shall take place until details or samples of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any variation is agreed with the Local Planning Authority.  
Reason: To ensure that the external appearance of the building is acceptable and to safeguard existing levels of visual amenities.
4. Prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.  
Reason: To ensure appropriate landscaping of the site.
5. Prior to commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and thereafter retained for the lifetime of the development.  
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.
6. Prior to commencement of development, the existing building on the site shall be removed shall not be reinstated or rebuilt.  
Reason: In the interest of safeguarding visual amenities.
7. No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be

laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding 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
- a Traffic Management Plan

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

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

9. Prior to first occupation of the development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to first occupation of the dwelling hereby approved. The boundary treatment shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.  
Reason: To ensure adequate and appropriate treatment to all boundaries in the interests of the visual and residential amenities of the locality.
10. Prior to first occupation of the development hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.  
The following artificial nesting/roosting boxes shall be provided:
1. A total of 1 woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species.
  2. A total of 1 woodcrete artificial nesting cup suitable for swallows.
- Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with Section 11 of the National Planning Policy Framework.
11. Prior to the erection of any external lighting on 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 Trusts Bats and Lighting in the U.K. guidance.

Reason: To minimise disturbance to bats, European Protected Species.

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

12. The approved landscaping plan shall be completed in accordance with the following:-
  - a) All landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
  - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification -for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
  - c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)
  - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.

Reason: To enable the Local Planning Authority to control the development and to safeguard visual and residential amenities of the area in accordance with Shropshire Councils Supplementary Planning Document 'Type and Affordability of Housing' 2012.
14. The bathroom window in the side elevation of the development hereby approved (as shown on approved plan Dwg No 0:500 I ) shall be obscure glazed and thereafter retained as such, for the lifetime of the development.

Reason: In the interest of safeguarding residential amenity.
15. 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: To ensure a satisfactory form of access is provided in the interests of highway safety.
16. Any boundary treatment running along the roadside boundary to Betley Lane shall be no higher than 600mm.

Reason: In the interest of highway safety.

**Informatives**

1. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place within 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

The storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

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.

2. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance % of impermeable area
Less than 25	10
30	8
35	6
45	4
More than 50	2
Flats & apartments	0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

3. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

This planning permission does not authorise the applicant to:  
construct any means of access over the publicly maintained highway (footway or verge) or  
carry out any works within the publicly maintained highway, or  
authorise the laying of private apparatus within the confines of the public  
highway including any a new utility connection, or  
undertaking the disturbance of ground or structures supporting or abutting  
the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details:

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.