

Committee and date

Central Planning Committee

16 July 2015

Development Management Report

ADDENDUM TO PREVIOUS OFFICER REPORTS – Re: Affordable Housing and the SAMDev Plan Main Modifications

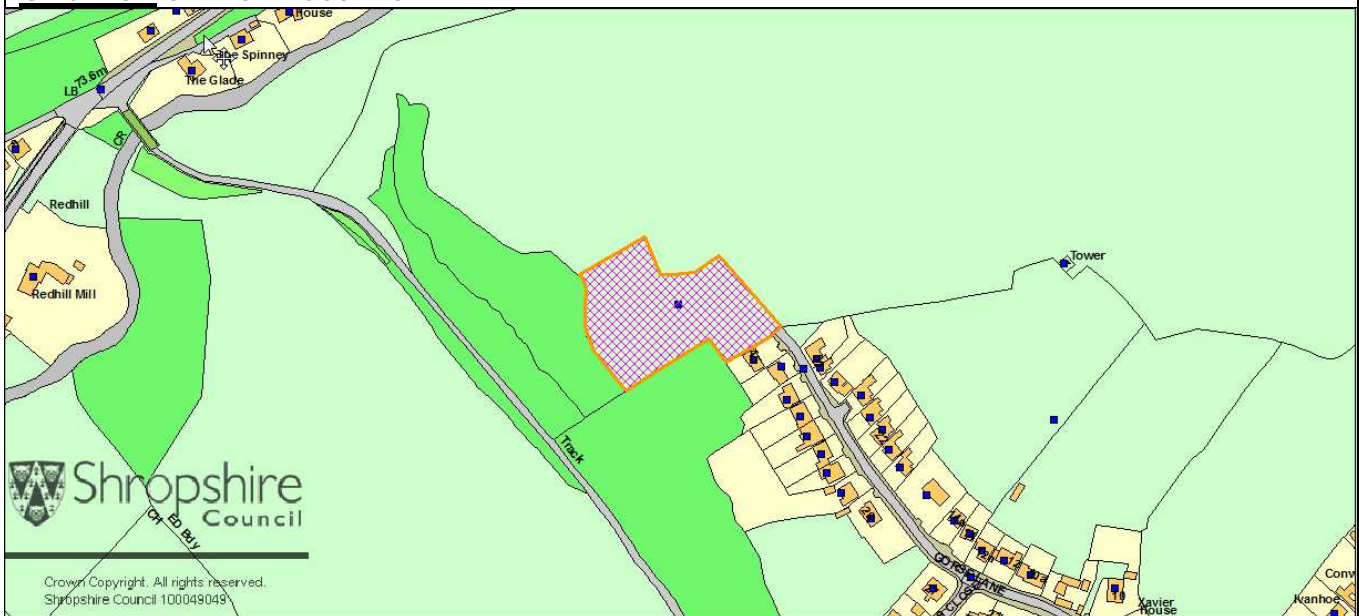
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Summary of Application

Application Number: 14/00989/OUT	Parish: Bayston Hill
Proposal: Outline application (all matters reserved) for the erection of 5 dwellings with garages	
Site Address: Proposed Residential Development Land Off Gorse Lane Bayston Hill Shrewsbury Shropshire	
Applicant: G H Davies Farms Ltd	
Case Officer: Joe Crook	email: planningdmc@shropshire.gov.uk

Grid Ref: 347207 - 309475



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1.0 Background

1.1 The application was presented to Central Planning Committee on the 18th September 2014 receiving a resolution for approval subject to an s106 to secure affordable housing. The s106 was delayed due to the Written Ministerial Statement on the 28th November 2014 which stated that affordable housing contributions should not be sought for sites of 10 dwellings and under 1000m², with lower thresholds for sites in AONBs and designated rural areas. Given the impact this would have on the level of affordable housing contributions in Shropshire the Council considered its position with regard to the WMS. In the meantime the application was effectively on hold. Following on from the Cabinet decision of 21st January 2015, the Council's position on the WMS to continue to give full weight to this Council's policies on affordable housing, was published on 30th January 2015.

1.2 Notwithstanding the WMS, officers maintained the resolution that planning permission be granted only subject to the satisfactory completion of a legal agreement to secure the provision of affordable housing in accordance with the terms of local policy. With the agreement of the applicant, the processing of the S106 was therefore reactivated.

1.3 Since that time there have been further developments with the affordable housing contributions issue, together with advances with the Site Allocations and Management of Development (SAMDev) Plan. The matters are discussed below.

2.0 Affordable Housing

2.1 Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

2.2 Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In respect of S106 agreements and affordable housing contributions officers acknowledge the following as material considerations in determining this planning application:

- a) The Written Ministerial Statement (WMS) issued in November 2014 and amendments to the National Planning Practice Guidance (NPPG) which set out a threshold below which affordable housing contributions should not be sought (ie 10 dwellings or less);
- b) A recent appeal decision (APP/L3245/A/14/2218662 - Vashlyn, Kelsalls Lane, Copthorne, Shrewsbury, Shropshire, which commented on the Councils' affordable housing contribution position. The Inspector was of the opinion that the WMS provides more up to date national policy and effectively supersedes Policy CS11 of the development plan.

2.3 However, in response to a) and following a subsequent decision by the Cabinet of the Council in January, the Council continues to give full weight to Policy CS11 of the

adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites – (please see the public statement attached as appendix A).

- 2.4 In response to b) Shropshire Council published a further statement confirming its' position in May. A copy of that public statement is also attached as appendix B.
- 2.5 A resolution to grant planning permission, subject to the prior completion of a S106 agreement to secure the affordable housing contribution consistent with CS11 and the Housing SPD was originally reached on 18th September 2014. Whilst the applicant was agreeable to proceed with the signing of a S106 to secure planning permission, the processing of the S106 has been held in abeyance pending a review of the Councils' position as outlined in a) and b) above. Since the issue of the Public Statement in May the S106 has now been signed and the application can progress for approval.
- 2.6 Although the applicant has signed the S106 considered necessary by Shropshire Council, for completeness officers set out below changes in material considerations which affect the current application in light of the Vashlyn appeal decision, including the following clarification:
- The Vashlyn decision is a material planning consideration but it was taken without full consideration of arguments and evidence with regard to the impact of the WMS on the provision of affordable housing in Shropshire, and the Council is seeking to make those arguments in another case before an Inspector on 1 July as a test case, the outcome of which will then become material.
 - The Councils' policy is linked to an adopted core strategy policy (CS11) based on evidence presented to an independent Planning Inspector and tested through an examination process.
 - The policy has been applied and in place since 2012 and there is no compelling evidence to suggest that its application is adversely affecting the delivery of smaller sites.
 - The policy was developed in conjunction with a developer panel to determine a dynamic viability rate relevant to Shropshire.
- 2.7 In summary, therefore material considerations have been identified in the form of the WMS, the NPPG and the Vashlyn appeal decision which affect development plan policy and the ability to seek affordable housing contributions in respect of developments involving 10 dwellings and under. However, as is evident from the discussion above, including appendix a) and b), Shropshire Council maintains its stance at this point in time that the greater weight should be given to adopted development plan policy CS11 and the Housing SPD in decision making. The Council is advancing this argument to the Inspectorate as part of an appeal case which is yet to be heard in July. Until the outcome of that appeal is known as a material test case, then the recommendation therefore remains that planning permission be granted only subject to the satisfactory completion of a legal agreement to secure the provision of affordable housing in accordance with the terms of adopted development plan policy.

3.0 The SAMDev Plan Main Modifications

- 3.1 The following is a review of the 'Principle and Policy of Development' previously presented to Committee for re-consideration in light of the publications of the SAMDev Plan main modifications and updates to the 5 year land supply issue.
- 3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused, unless other material considerations indicate otherwise (para 12 of the National Planning Policy Framework (NPPF) refers).
- 3.3 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. At para 14 the NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking. At para. 197 the NPPF reiterates that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.

3.4 The Development Plan

For the purposes of the assessment of this application the development plan presently comprises of the adopted Shropshire Core Strategy 2011, certain saved policies of the Shrewsbury and Atcham Borough Local Plan 2001 and a range of Supplementary Planning Documents.

- 3.5 Following on from the adoption of the Core Strategy the Council has also been progressing the Site Allocations and Management of Development Plan (SAMDev Plan) and that plan is now at an advanced stage. The SAMDev Plan Inspector has recently confirmed the proposed main modifications to the plan following the examination sessions held in November & December 2014. The main modifications were published on 1st June 2015 for a 6 week consultation period. This means that any plan content not included in the schedule of proposed main modifications may be considered to be sound in principle in accordance with NPPF paragraph 216. Therefore significant weight can now be given to SAMDev policies in planning decisions where these are not subject to modifications.
- 3.6 Development plan policies of particular relevance to assessing the acceptability of this housing application in principle are discussed below:
- 3.7 Saved SABC Local Plan Policy HS3 - Within the Shrewsbury and Atcham Borough Plan Bayston Hill is defined as Village with Development Boundaries where planning permission will only be granted for residential development subject to all of the following criteria being met:-

(i) that the development lies wholly within the settlement as identified by the development boundaries on the proposals map;

(ii) that the development does not detract from the character of the settlement and is of an appropriate scale, design and character sympathetic to the immediate environment;

(iii) that the development does not result in the loss of any land in open use that is considered important to the setting and character of the settlement;

(iv) that adequate provision can be made for essential utilities;

(v) that an adequate and safe means of access exists or can be provided.

- 3.8 Under the 'saved' policies of the Local Plan the settlement has a development boundary, where in accordance with policy HS3 and in accordance with Shropshire Core Strategy policies CS6 and CS11, together with the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing, residential development is acceptable – subject to sustainable objectives, general development control criteria and environmental expectations.
- 3.9 However, at the time of writing it is recognised that the saved Local Plan policy HS3 can only be given limited weight. This policy essentially seeks to restrict housing development to within settlement boundaries and so, in essence, applies a more restrictive approach that is not entirely consistent with the NPPF's presumption in favour of sustainable development. This reduces the weight that can be attached to policy HS3 in the assessment of this case.
- 3.10 Shropshire Core Strategy policies CS1 and CS4 - Policies CS1 and CS4 of the Core Strategy set out the strategic approach to housing provision in the rural areas. It is envisaged that rural areas will become more sustainable through a 'rural rebalance' approach to residential development and that locating development predominantly in community hubs and community clusters will contribute to social and economic vitality. Policies CS1 and CS4 are consistent with the objectives of the NPPF to focus new development in sustainable locations.
- 3.11 Although contiguous with the built form of the settlement the site lies outside the development boundary. Therefore, the proposal conflicts with adopted Core Strategy policies CS1 and CS4 and falls to be assessed against adopted Core Strategy policy CS5. Policy CS5 states that new development will be strictly controlled in the countryside and only allows for exceptions in housing needs, including those to meet an essential rural business need or local need, none of which apply to this proposal. The proposal therefore also conflicts with CS5. It is considered that policy CS5 is consistent with the objectives of the NPPF to protect the intrinsic character and beauty of the countryside.
- 3.12 (NB: In view of the forgoing the application was advertised as a departure from the adopted development plan, which would indicate that the proposal should not normally be supported for development).

- 3.13 SAMDev policy S16.2(ii) - In terms of the SAMdev Plan Bayston Hill has been identified as a Community Hub, where policy S8.2 will apply. The housing guideline and development strategy for the village was previously reported to Members, ie *'Bayston Hill is a Community Hub with a housing guideline of around 50-60 additional dwellings over the period to 2026, where development by infilling, groups of houses and conversion of buildings may be acceptable on suitable sites within the development boundary identified on the Policies Map. The retention of the gap of undeveloped land between Bayston Hill and Meole Brace, Shrewsbury remains an important objective of the strategy for the village. The development of the village is also constrained by the presence of the A49 running through the village and the major quarry to the east. The provision of affordable housing has been identified by the Parish Council as a priority requirement.'*
- 3.14 There are no main modifications in relation to Bayston Hill and no modifications proposed to the development boundary in the location of the application site. Officers are therefore of the view that significant weight can now be given to policy S8.2 of the SAMDev Plan in this regard. As a development is outside the development boundary the proposal would conflict with policy S8.2.
- 3.15 The NPPF and emerging SAMDev policies - As previously mentioned the NPPF sets out the presumption in favour of sustainable development as a golden thread running plan-making and decision-taking and is a material consideration to which significant weight should be attributed. As part of the overall planning balance, it is therefore appropriate to assess this site within the context of the 'presumption in favour of sustainable development'.
- 3.16 At para 10 the NPPF states that policies in local plans should follow the approach of the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.
- 3.17 Ultimately the policies contained in the SAMDev Plan will therefore need to comply with the sustainable guidance set out in the Framework in order to proceed to adoption. In this context SAMDev policy MD3 is also of relevance to the assessment of this application. Policy MD3 is concerned with 'Managing Housing Development' and sets out some scope for approving sustainable residential development outside development boundaries, subject to certain criteria and compliance with other policies of the development plan. Policy MD3 has been modified to allow for a more flexible approach in line with the Framework. However, as policy MD3 is subject to modifications then, whilst it can be given some weight it cannot be given full weight. Therefore, the presumption in favour of sustainable development as advanced by the NPPF remains as a material consideration. Under the NPPF sustainable sites for housing where the adverse impacts do not outweigh the benefits of the development will still have a strong presumption in favour of permission when considered against the NPPF as a whole.
- 3.18 As a Community Hub it is accepted in principle that Bayston Hill is a sustainable settlement and capable of accommodating an appropriate level of new housing development. Whilst it remains to be acknowledged that the approach to direct housing within the development boundary reflects the preferences of the Parish Council and the wishes of the community, the site is considered contiguous with the built form of the settlement and does not represent isolated development. On this basis it is considered

that the proposal can continue to be supported as occupying a sustainable location in principle consistent with the objectives of the NPPF.

- 3.19 Furthermore, officers would highlight the advanced stage of the application and the following factors which reinforce the sustainable credentials in favour of the application at this point in time:
- The S106 has been signed. The planning permission can therefore be released without delay with affordable housing contribution secured.
 - The draft planning permission is limited to a 12 month consent to bring the application to early delivery and contribute to the housing supply.
 - Bearing in mind the all the above and until the SAMDev Plan is adopted, officers are of the opinion that the balance of planning considerations still tips in favour of permission.
- 3.20 Housing Land Supply – The National Planning Policy Framework (NPPF) paragraph 47 sets out an aim of boosting significantly the supply of housing, and the measures how local planning authorities will achieve this. One of those measures is a requirement for LPA's to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. NPPF Paragraph 49 then states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 3.21 In August 2014 the Council published an updated Shropshire Five Year Housing Land Supply Statement confirming the ability to demonstrate a 5 years' supply. This means that the Council's housing supply policies are not considered out of date under paragraph 49 of the NPPF.
- 3.22 The issue of the 5 year land supply has been the subject of challenge through the appeal process.
- 3.23 Shropshire Council's position that it has a demonstrable 5 year supply of deliverable housing land has been supported by recent appeal decisions at land adjacent to The Larches, Shawbury Road, Wem (APP/L3245/W/14/3000672) and land south of Brook Cottages, Ford (APP/L3245/A/14/2228348), both of which were determined on the 19th May 2015.
- 3.24 During these Appeals, the inspector undertook a detailed appraisal of the Shropshire Council 5 Year Housing Land Supply, considering extensive submissions from both Shropshire Council and representatives of the relevant appellants. The Inspector concluded that "it appears that from the Council's perspective, they are able to demonstrate a 5 years supply of deliverable housing land. Consequently paragraph 49 of the Framework is not engaged and local plan policies relevant to the supply of housing land are up-to-date, subject to their consistency with the Framework as set out in paragraph 215".
- 3.25 Since these comprehensive reviews of the Shropshire Council 5 year housing land supply, there have been a number of other recent appeal decisions within which the 5 year supply has been assessed without the consideration of the detailed evidence, as provided in support of The Larches and Brook Cottages appeals. For this reason those

other appeal decisions are not considered definitive and Shropshire Council maintains that it has a 5 year supply of housing, as evidenced in The Larches and Brook Cottages appeal decisions and appendices attached to the appeal cases.

- 3.26 Consequently Shropshire Council maintains that it has a demonstrable 5 year supply of deliverable housing land and paragraph 49 of the NPPF is not engaged.

4.0 Conclusion

- 4.1 Officers note the recent Ministerial Statement and amendments to the National Planning Practice Guidance, together with the recent Vashlyn appeal decision as material considerations in determining a planning application. However, the Council continues to give greater weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites for the reasons discussed in this report. The applicant has already signed the necessary S106 agreement to secure the affordable housing contribution.

- 4.2 The site is located outside the current Bayston Hill development boundary and is therefore classed as a departure from the development plan, contrary to Core Strategy policies CS1, CS4 and CS5. Furthermore, the site has not been identified as a site for future residential development within the emerging SAMDev Plan, and will therefore be contrary to policy S8.2 when SAMDev is adopted. However, whilst SAMDev is at a stage where significant weight can be given to policy S8.2, the requirements of this emerging policy and those of adopted policies CS1, CS4 and CS5 must be balanced against the NPPF. The NPPF sets out the presumption in favour of sustainable development as a golden thread running plan-making and decision-taking and is a material consideration to which significant weight should be attributed. Ultimately SAMDev policies will need to comply with the sustainable guidance of the Framework in order to proceed to adoption. In this context SAMDev policy MD3 is also of relevance as it sets out some scope for approving sustainable residential development outside development boundaries and the local criteria that should be applied. However, Policy MD3 is the subject of modification and as such can only be given some weight. The presumption in favour of sustainable development as advanced by the NPPF therefore remains as a material consideration. Taking into consideration the designation of Bayston Hill as a Community Hub and the close relationship of the site with the existing built form of the settlement together with the advanced stage of the application whereby the S106 has been signed and a draft 12 month permission agreed, it is accepted that the site is in a sustainable location and is available now to deliver additional local housing supply in accord with national planning policy priorities relating housing provision and sustainable development.

5.0 Recommendation

- 5.1 The application remains recommended for approval, subject to the prior completion of a Section 106 agreement in relation to the financial contribution for affordable housing and to the conditions set out in Appendix 1 of the original committee report. As the Section 106 agreement has already been signed by the applicant the completion of the Section 106 rests with the Council.

APPENDIX A**Shropshire Council Statement with regard to:****Ministerial Statement of 28th November 2014****Support for small scale developers, custom and self builders**

In a Written Ministerial Statement on 28th November 2014, Brandon Lewis MP, Minister of State for Housing and Planning, announced that the Government was making a number of changes to the national Planning Practice Guidance (PPG) with regard to Section 106 planning obligations. These included the introduction of a threshold beneath which affordable housing contributions should not be sought.

The Ministerial Statement confirms that:

- (a) For sites of 10 units or less and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.
- (b) In designated rural areas (under Section 157 of the Housing Act 1985), authorities may choose to implement a lower threshold of five units or less, beneath which affordable housing and tariff style contributions should not be sought.
- (c) Affordable housing and tariff style contributions should not be sought in relation to residential annexes and extensions.
- (d) A financial credit, equivalent to the existing gross floor space of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes.

Shropshire Council was particularly concerned by proposals a), b) and d) and through the consultation process in April 2014, put forward a comprehensive evidence response on how these changes would fundamentally affect the Council's ability to deliver much needed rural affordable housing directly on site or indirectly through financial support for Registered Providers (RP's) and as a consequence it would undermine its housing and community sustainability aspirations enshrined within its adopted Core Strategy.

This statement has been met with much consternation from Local Authorities, particularly rural authorities and other respected national organisations representing rural communities and rural housing.

Following the Ministerial Statement and update to the National Planning Practice Guidance the Council placed a report before the Council's Cabinet on 21st January 2015. The Council's Cabinet met and considered a report outlining the consequences of applying the Ministerial Statement of 28th November and the Council's current Type and Affordability of Housing SPD which sets out the Council's policy on the provision of affordable housing on open market developments in Shropshire .

The following decision was made:-

- (a) That the Council lobbies the Minister to review his statement to take account of differing conditions nationally and locally.
- (b) That the Council notes the Ministerial statement and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application.

- (c) That the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites.”

Following the decision of the Council’s Cabinet to continue to give full weight to Policy CS11 of the adopted Core Strategy and the Type and Affordability of Housing SPD the Council will continue to seek provision of on-site affordable housing and/or affordable housing contributions for all residential developments of 10 dwellings or less within the Shropshire area and will continue to require developers to enter into s.106 agreements for this purpose.

APPENDIX B**Council Statement – Ministerial statement 28th Nov 2014 and Appeal decision Vashlyn, Kelsalls Lane, Copthorne.**

The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000 m²), or 5 units or less in designated protected rural areas, the aim being to boost housing supply on smaller sites by removing “burdensome obligations”.

This statement and the subsequent adoption into the National Planning Practice Guidance is a material consideration that the Local Planning Authority now has to take into consideration and is clearly at odds with Shropshire’s adopted Core Strategy (Policy CS11) which requires that all new open market residential development makes an appropriate contribution to the provision of affordable housing.

A report was submitted to the Cabinet of the Council on the 21st Jan 2015 and the Council’s unanimous decision was to take into account the WMS as a material planning consideration but to continue to apply the adopted Core Strategy and SPD.

The Council notes that the High Court is currently considering its judgement in the judicial review of the WMS brought by West Berks/Reading Councils, which may further inform Shropshire Council’s position.

A recent appeal decision (APP/L3245/A/14/2218662 - Vashlyn, Kelsalls Lane, Copthorne, Shrewsbury, Shropshire, SY3 8LU, unexpectedly considered and commented on the Councils position which has since been widely propagated as a defining judgement. This is arguable and these are overly simplistic and subjective views on a decision where the Council had not provided detailed narrative, evidence or reasoning as the applicant had agreed to the Affordable Housing Contribution and was not challenging the Council on this particular issue. The Council considers therefore that although this is an important case, it is not a binding precedent and it is a potentially flawed decision against which the Council is considering a formal challenge. As a consequence, the Council’s current position, based upon a robust policy position endorsed by Cabinet, will continue.

The Copthorne planning decision and subsequent public observations from various self interests have added considerable uncertainty and hesitation into the planning approval process that the Council is considering options to address as a matter of urgency.

In the event that after a full examination of the Council’s position, an Appeal or Judicial Review challenge leads to the Council changing its current stance, it is important to note that resolutions to approve that are subject to outstanding s106 agreements at that time, will have to be fully reconsidered afresh by Council in light of current local and national policies.

Report presented to committee on 18th September 2014:**REPORT**

1.0 THE PROPOSAL

- 1.1 The proposal is an outline application for the erection of 5 dwellings with garages, with all matters reserved.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at the bottom of Gorse Lane within an open field, with the plot to the south western corner of the field adjacent to the linear residential development on the western side of Gorse Lane. The site is bordered by mature woodland to the site's western and southern boundaries. The topography of the land in this location is such that the open field falls away to the north where it meets the Reabrook and the A5 beyond this.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Following the objections being received from Bayston Hill Parish Council, the Local Member also raised concerns in line with the Parish objections and requested the application be considered for a committee determination. This was agreed by the Committee Chair and Principal Planning Officer.

4.0 Community Representations

- Consultee Comments

Bayston Hill Parish Council would like to register an **OBJECTION** to the proposed development.

The proposal made on behalf of G H Davies Farms Ltd to erect five new dwellings and garages on land off Gorse Lane, Bayston Hill is objected to for the following reasons:

BAYSTON HILL DEVELOPMENT BOUNDARY

The National Planning Policy Framework clearly states within paragraph 17 that authorities should be 'allocating sufficient land which is suitable for development'. In recent years and during the SAMDEV consultation periods Bayston Hill Parish Council has worked together with residents to identify suitable development sites to accommodate new housing. The proposed site for the above planning application was not included as a suitable site as it sits outside of the recognised development boundary and would involve building on a field that forms part of the gap between Bayston Hill and surrounding settlements, including Shrewsbury.

It is interesting to read in the Planning Statement that 'the boundary for Bayston Hill is now regarded as 'out of date'', by whom exactly? The Bayston Hill Parish Plan quite clearly states that the land in this part of the village should not be developed and although yet to be implemented, the SAMDEV supports protection of this land

and the boundary. There is a very real concern that, if successful, this development will set a precedent for further expansion and will reduce the clear definition between Shrewsbury and Bayston Hill.

Additionally in the Shrewsbury & Atcham Local Plan it was recognised that ‘it is particularly important to protect the area of countryside lying between Bayston Hill and Shrewsbury, even a small amount of development on either side of the bypass in this area would serve to reduce the gap and contribute to the amalgamation of the two settlements.’

HOUSING MIX

Whilst it is acknowledged that large family homes would attract interest due to the popularity of Bayston Hill, there is no local requirement for this type of housing. A high proportion of the properties in Bayston Hill have three bedrooms or more and a need for affordable homes and retirement properties has regularly been identified and is included in the Parish Plan. This has been reiterated at recent consultation events relating to a site which is due to be developed in the near future and which is likely to provide upwards of 35 new homes. Whilst still in the early planning stages it is thought that development of this central village location will put Bayston Hill well above the 60 new houses it has committed to within the SAMDEV.

Utilising the guidance provided by the NPPF, paragraph 17 refers to identifying the housing need which, as mentioned above, a development of five 4 bedroom detached properties quite clearly does not meet.

HOUSING DESIGN

The NPPF clearly states that new dwellings should be of ‘high quality design’ and ‘sensitively done’ to enhance the surrounding area. The Planning Statement for this proposed development has made no reference to the design of the five proposed dwellings, the only information available is that they will all have 4 bedrooms. This is an unsatisfactory basis upon which to make a decision about the proposal. It is impossible to know whether they will fit in with other residential properties in the area and with the local scenery.

With the advent of the Localism Act local communities have been given the right to comment on the design and quality of proposed new developments, this application does not allow Bayston Hill residents this opportunity and as such cannot be deemed a credible application.

The lack of a design statement for the proposed dwellings would suggest that this is another rapidly submitted planning application which is attempting to make use of the current shortfall in the five year housing land supply. In fact the Planning Statement makes several references to it and would appear to be the main argument for the actual proposed development.

SUSTAINABILITY

The Parish Council is fully aware the location of this proposed development makes it an attractive option in view of sustainability and it cannot be denied that it would be fully supported by the village infrastructure. However with the number of new houses due to be built within the village; 33 new affordable dwellings on Pulley Lane and potentially double that on the central village site due to be developed and proposals in for a further 24 large properties, there could be in excess of 100 extra children to be schooled before the additional 5 properties this application proposes. Whilst there are spaces at the Oakmeadow School it is very unlikely that an increase of this number of children would be able to be accommodated.

CONCLUSION

To conclude, Bayston Hill Parish Council is registering an **OBJECTION** to planning application 14/00989/OUT because it is situated outside of the recognised Development Boundary, there is no requirement for this type of housing within Bayston Hill and with it only being an outline application it is impossible to guarantee it will meet the social and environmental needs of Bayston Hill. We are disappointed that this is the third application in quick succession which has obviously been rapidly put together to take advantage of the shortfall in the five year housing land supply. We therefore request that you refuse this planning application in support of Bayston Hill Parish Council and residents.

SC Ecology – Following amended indicative layout plan moving all dwellings and garages over 12 metres from the adjacent wooded area and environmental network, and additional planting no objections were made subject to appropriate conditions and informatives relating to protected species.

SC Drainage – Request drainage details via planning condition in the event the application is approved.

SC Trees – Requested Arboricultural Impact Assessment, which has been considered. Concerns raised regarding trees creating excessive shade of amenity space or otherwise unreasonably interfering with the occupiers enjoyment of the properties leading inevitably to requests for consents to fell. However, no objection in principle and advise condition for full assessment of tree impact, though this may lead to reduced number of properties if remains an issue.

SC Affordable Housing – Currently awaiting proforma.

SC Highways – No objections to the scheme. The proposed scheme would inevitably result in additional vehicle movements along Gorse Lane but it is considered that this residential road has the capacity to accommodate those likely to arise from the occupation of the dwellings proposed.

SC Public Protection – Public Protection hold information which indicates that part of the proposed site is on top of a historical landfill. As a result a condition should be attached relating to site investigation should this application be granted approval.

SC Waste Management – Recommend the developer consult waste management guidance to ensure best practice is used in this regard. Will be attached as an informative.

- Public Comments

The Local Member, Councillor Ted Clarke, commented as follows:

Any new build development on this open site will be detrimental to the character, appearance and landscape of the surrounding area. This proposal for further housing on the upper slope of the steep open field(s) will have considerable visual impact when viewed from the A5 and beyond.

The regrettable encroachment out over the long established Bayston Hill development into the important “green buffer” separating the rural settlement from urban Shrewsbury is quite contrary to both the Bayston Hill Parish Plan and to the unequivocal opinion of previous Local Plan Inspectors.

The proposed open market housing type (four bed detached) also disregards other important information in the painstakingly researched and published BHill PPlan, particularly the community need for additional affordable/social dwellings in this predominantly “owner occupied” area.

The increase in traffic generated by this development will have an adverse impact on the residents of Gorse Lane, particularly at its narrow, very poor visibility junction with Overdale/Pulley/Lansdowne.

Finally, there is also the delicate issue of the recommendations for any future development of Bayston Hill contained in the final draft SAMDEV, which clearly does not support this application . . .

11 objections have been received which made the following comments:

- The site is located outside the Bayston Hill development boundary as shown on the Parish Plan, Shrewsbury and Atcham Local Plan and SAMDev proposals.
- Gorse Lane is unsuitable for the increase in traffic proposed to be utilising the lane to access the development. It is a small, narrow, rural lane with inadequate parking and access.
- The mini-roundabout at the top of Gorse Lane is already unsuitable for the amount of traffic using it.
- There have been issues with the drainage system which have worsened since the new dwellings were built here. There will be more frequent blockages created.
- The proposal does not comply with local planning policies as it is outside the village envelope.
- We fail to see how allowing five houses outside the traditional village boundary will in any way help meet housing needs in Shrewsbury or Shropshire, and if allowed will enable the landowner to come back again and again with plans for more homes there. A precedent will be set.
- The development will adversely affect the adjoining woodland and narrow

valley. These are important as wildlife habitat and have considerable local amenity value.

- What has happened to localism?
- The proposal is contrary to Core Strategy policies CS4 and CS17.
- Under paragraph 17 of the NPPF, environmental sustainability is described as protecting and enhancing our natural, built and historic environment. This is a prominent, elevated site where the houses would stand out like a sore thumb in the countryside when viewed from the Reabrook valley and will be visible for miles around.
- The proposed development fails to satisfy the test of environmental sustainability.
- The proposal is on countryside land outside the Bayston Hill development boundary. This boundary is not out of date as has been confirmed by the latest SAMDev documents.
- The applicant has failed to quote the entire clause within the Shrewsbury and Atcham Local Borough Plan 2001 which states ‘the open countryside surrounding the village is a major attraction for many of the residents. This and a strong desire to maintain a separate identity to Shrewsbury, has led to a widely held belief that the village has grown enough and there should be no more housing.
- There is no current requirement for this type of housing in the village. What is required is one/two bedroom properties/bungalows to free up the large number of privately owned family houses currently under occupied.
- The site notice has not been adequately displayed. The instructions indicate that it should be displayed ‘where it can be seen by the passing public’. The notice has been displayed at the end of Gorse Lane attached to the gate leading into the field and therefore unlikely to be seen by the passing public.
- There remains overwhelming local support for the maintenance of the village development boundary and refusal for development proposals which breach the gap between Bayston Hill and Shrewsbury.
- A dangerous precedent will be set for more building and will see the loss of the amenity area and wildlife forever.
- The access is not suitable for large lorries and trucks.
- The land is still producing crops annually.
- There are mineshafts in the field.
- The application hasn’t been advertised sufficiently.
- The additional traffic from other developments as well as this will amount to unacceptable levels of vehicles using the highway network.
- There will be an adverse impact on properties with traffic passing very close to the existing dwellings.

5.0 THE MAIN ISSUES

Principle of development
Design, scale and visual impact
Impact on neighbouring amenities
Highways and access
Trees
Ecology
Land Contamination
Other issues
ADDENDUM

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that *'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

6.1.3 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.4 The site is outside of the Bayston Hill Development Boundary as defined by Saved SABC Local Plan Policy HS3. Shropshire Council has an adopted Core Strategy and CS4 which outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD.
- 6.1.5 Bayston Hill has been included as a 'Community Hub' and the Pre-Submission Draft includes a development boundary. This site is just outside the development boundary for Bayston Hill and therefore allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within the village and the protection of the remaining green areas located between Bayston Hill and Meole Brace, Shrewsbury. However prior to the adoption of the SAMDev DPD there is still a strong presumption in favour of sustainable sites for housing where any adverse impacts do not significantly or demonstrably outweigh the benefits of the development as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration.
- 6.1.6 The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development, assessing the visual impact on the open character of the site and whether it is an acceptable scale and design appropriate for the village of Bayston Hill.
- 6.1.7 Bayston Hill is a large village that is located to either side of the A49 that runs in a north-southerly direction, with the larger part of the village located to the west of the A49. There are a range of services and facilities within the village, including a primary school, a precinct of local shops and takeaways, post office, playing fields and a public house and the village is serviced by a regular bus service from Shrewsbury. The site is located at the north western end of the village and it is considered that these services are all within an easy walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.
- 6.1.8 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its

health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 6.1.9 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of five additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.1.10 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. As part of the SAMDev consultation process Bayston Hill Parish Council has put the village forward as a Community Hub, with a development boundary drawn around the village and with a housing guideline of around 50-60 additional dwellings to be provided by infilling, groups of houses and conversions of buildings on suitable sites within the boundary over the period up to 2026. No proposed sites are to be allocated. It is considered that the additional 5 dwellings now proposed would not provide any significant additional pressure on services over what is envisaged for Bayston Hill that would render them unable to sustain services for residents.
- 6.1.11 Environmental role – The site has no heritage designation but lies adjacent to an environmental network of trees and wildlife to the west and south. Following consultation with the Planning Ecologist, the scheme has been amended to show that an appropriate buffer can be achieved between the development and the strip of mature trees, and further landscaping will be sought as part of a condition. The open agricultural land itself has little ecological value. The proposal is therefore not considered to adversely impact on wildlife and the ecological value of the site itself could potentially be improved by relevant conditions. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury.

6.2 Design, scale and visual impact

6.2.1 A number of objectors including the Local Member have commented that the site will have a detrimental impact in visual terms given its elevated position which means the scheme will be prominent within its surrounds and visible from some distance given the topography of the land falling away to the north and the proposal projecting into the open field. It is acknowledged that the scheme will not be in keeping with the linear form of the existing development on Gorse Lane, though the site layout plan is only indicative at this stage and the design and layout would be formalised at reserved matters stage. It is also acknowledged that the scheme will project into the existing agricultural fields to the north of Gorse Lane. However, the scheme would be read against the existing development on Gorse Lane and would not therefore appear isolated from Bayston Hill. The positioning of the development would be in the corner of the field and following on from existing modern dwellings at the end of Gorse Lane, and the large trees to the rear would soften the appearance of the proposed dwellings and would help them assimilate within the surroundings, in keeping with the existing properties in this location. On balance it is considered that the scheme would not be overly detrimental to the visual appearance of the site or surrounding area. Whilst the Parish Council have raised concerns regarding a lack of information regarding the dwellings, the design, scale and layout of the development would be formalised at reserved matters stage but detached dwellings in this location are considered to be in keeping with those properties along Gorse Lane, and would not be excessive in this location. As such the proposal is considered to be acceptable in accordance with policy CS6 of the Shropshire Core Strategy.

6.3 Impact on neighbouring amenities

6.3.1 This will be assessed in more detail at reserved matters stage. However, the proposed scheme will be to the north of existing dwellings and will therefore have no adverse impact in terms of sunlight or daylight. The scheme shows that the dwellings can be accommodated on the site well over 21 metres away from existing properties and in this regard there is not considered to be any adverse impact on the existing dwellings in terms of privacy or overbearing impact. As such it is considered that the scheme is achievable without adverse impact on the amenities of neighbouring properties and is acceptable in this regard.

6.4 Highways and access

6.4.1 A number of objectors have raised concerns relating to the access to the dwellings through Gorse Lane and utilising the mini-roundabout at the top of Gorse Lane, stating that the highway network is not capable of accommodating the additional vehicles and that Gorse Lane is too narrow with minimal parking. However, evidently the parking will be accommodated within the site, and following consultation with the Highways Officer there have been no objections raised with the Highways Officer commenting that they consider Gorse Lane appropriate to accommodate the additional traffic from the 5 dwellings proposed, which is not considered to be excessive given the relatively small number of new properties.

6.5 Trees

6.5.1 Following a request from the Trees Officer for an Arboricultural Assessment, this has been considered by the Trees Officer. Whilst there is no objection in principle following this assessment, the Trees Officer has raised concern that, under the current indicative site layout the garden areas of all the plots would be excessively

shaded by the adjacent woodland. The officer has stated that the juxtaposition between trees and dwellings and associated amenity space is an important consideration because incoming occupiers of properties will want trees to be in harmony with their surroundings without casting excessive shade or otherwise unreasonably interfering with their prospects of reasonably enjoying their property leading inevitably to requests for consents to fell.

6.5.2 A condition has therefore been requested for further details with regard to the impact on the trees and the relationship with the proposed development, which is only indicative at this stage. The Trees Officer has commented that some form of development can go ahead on the site however, this would require an alteration to the indicative site layout for the reserved matters submission when this is formalised, and possibly require a reduction in the number and / or type of units proposed, taking account of the tree constraints and factors outlined in BS5837 and making provision to accommodate them into the design.

6.6 Ecology

6.6.1 Following the initial response from the Planning Ecologist it was requested that further consideration of the adjacent Environmental Network was made. Following the indicative plan being amended to ensure that there was a 12 metre buffer between the woodland and the new dwellings, and additional planting would be included, there were no objections to the scheme subject to conditions and informatives with regard to protected species.

6.7 Land Contamination

6.7.1 The comments of the Public Protection Officer are noted with respect to the historical landfill at the site and this will be conditioned accordingly.

6.8 Other issues

6.8.1 Whilst it is noted that the objectors to the scheme have commented that the type of housing is not required in Bayston Hill and smaller units such as 2 bed bungalows are necessary to meet demand in the area, this is not considered to be a reason to refuse the scheme and in any case the type and mix of dwellings would be determined upon submission of the reserved matters application. In addition, financial contribution will be made with regard to affordable housing in the area.

6.8.2 Residents have commented that there have been issues with the drainage system and some blockages. However, this is a matter for the sewerage undertaker.

6.8.3 Concerns have been raised relating to the development setting a precedent for housing on the field. However, the Local Authority can only consider what is submitted and would consider any further applications at the time of submission.

6.8.4 Comments have been made relating to the site notice being sited at the front of the site on a gate fronting onto Gorse Lane, and this is inadequate for the passing public. Furthermore inadequate number of letters have been sent out. However, the advertisement of the application has been in accordance with the Council's approved procedure, and the positioning of the site notice on the gate facing into Gorse Lane at the front of the site has been viewed by the Planning Officer on site and is deemed appropriate for purpose and viewable to passing public.

- 6.8.5 A S106 will secure a financial contribution towards the provision of affordable housing in accordance with the Shropshire Viability Index as set out in the adopted SPD.
- 6.8.6 Officers note the recent Ministerial statement (WMS) and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application. However, following a subsequent decision by the Cabinet of the Council, the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites (see the public statement of the Council 'as published on the website 30/01/15')

7.0 CONCLUSION

It is acknowledged that approving this development would be contrary to the Parish Councils wishes for the village of Bayston Hill and the development would be outside of the development boundary for the village. However a priority of the NPPF is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development, which would be visually read with the existing built environment on Gorse Lane. The proposal is considered to represent a sustainable housing development close to facilities and services, and the existing infrastructure is sufficient to support the proposed development. There is not considered to be an adverse impact with regard to neighbouring amenities, highway safety or access, protected species or trees. As such it is recommended that members support this application and grant planning permission in line with the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure affordable housing in accordance with the Councils adopted policy.

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 1970.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4 - Community Hubs and Community Clusters
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing
CS17 - Environmental Networks
HS3 - Housing in Villages with Development Boundaries

RELEVANT PLANNING HISTORY:

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member(s)

Cllr Jon Tandy
Cllr Ted Clarke
Cllr Jane Mackenzie

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the scale, appearance, layout, landscaping and access shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of one year from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The means of enclosure of the site
The levels of the site
The means of access for disabled people
The drainage of the site
The finished floor levels

Reason: To ensure the development is of an appropriate standard.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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.

6. No part of the development hereby approved shall be commenced until an updated Arboricultural Impact Assessment reflecting the finalised proposed layout and including an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS 5837 (2012) has been submitted and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the recommendations within these reports.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

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

7. 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.

8. A minimum of two 2F Schwegler Bat Boxes, or woodcrete equivalent bat box 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 as 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.

Informatives

1. It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. It is recommended that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed at:
<http://new.shropshire.gov.uk/media/102056/Supplementary-Planning-Guidance-domestic-waste-storage-and-collection.pdf>
2. The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval as part of the reserved matters. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SuDS will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:
 - ' Surface water soakaways (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, or cater for the 1 in 10 year storm event, in which case a flood conveyance drawing for exceedance flows should also be submitted for approval. Flood water should not be affecting other buildings or infrastructure.)
 - ' Swales
 - ' Infiltration basins
 - ' Attenuation ponds
 - ' Water Butts
 - ' Rainwater harvesting system
 - ' Permeable surfacing on any new driveway, parking area/ paved area
 - ' Attenuation
 - ' Greywater recycling system
 - ' Green roofs

Details of the use of SuDS should be indicated on the drainage plan.

3. A contoured plan of the finished road levels should be provided as part of the reserved matter together with confirmation that the design has fulfilled the requirements of Shropshire Council's 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.
4. Part of the land on the western half is on a historic landfill site. A detailed ground investigation should be carried out to determine if there is any contaminant in the landfill site. Evidence is required ensuring that no migration of surface water to the landfill site takes place.
5. Consent is required from the service provider to connect into the foul main sewer.
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 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.