



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Tuesday, 20 August 2019

**Committee:**  
**Central Planning Committee**

**Date:** Thursday, 29 August 2019

**Time:** 2.00 pm

**Venue:** Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Director of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Julian Dean

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Keith Roberts

David Vasmer

Vacancy

Vacancy

**Substitute Members of the Committee**

Peter Adams

Roger Evans

Hannah Fraser

Alan Mosley

Dan Morris

Kevin Pardy

Lezley Picton

Claire Wild

Your Committee Officer is:

**Shelley Davies** Committee Officer

Tel: 01743 257718

Email: [shelley.davies@shropshire.gov.uk](mailto:shelley.davies@shropshire.gov.uk)

# AGENDA

## 1 Apologies for absence

To receive apologies for absence.

## 2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the Central Planning Committee held on 4<sup>th</sup> July 2019.

Contact Shelley Davies on 01743 257718.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on Tuesday, 27<sup>th</sup> August 2019.

## 4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## 5 Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury - 19/01859/OUT (Pages 11 - 30)

Outline application (all matters reserved) for residential development including demolition of existing library building.

## 6 Proposed Vicarage SW Of Christ Church, Glebe Road, Bayston Hill, Shrewsbury - 19/01865/FUL (Pages 31 - 48)

Erection of one residential dwelling with integral community facilities; to include removal of trees and other tree works.

## 7 Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury - 19/01866/OUT (Pages 49 - 62)

Outline application (access for consideration) for the erection of Scout and Guide headquarters building; including demolition of existing building.

## 8 Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury - 19/01873/OUT (Pages 63 - 96)

Hybrid (full and outline) application for residential development (outline) and the erection of community building with car parking (full).

## 9 Land To The Rear Of 239 Wenlock Road, Shrewsbury - 19/02898/FUL (Pages 97 - 106)

Erection of 1No dwelling and formation of vehicular access.

**10 Holiday Lets at Black Lion House, Church Pulverbatch, Shrewsbury - 19/03076/VAR**  
(Pages 107 - 116)

Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan.

**11 Schedule of Appeals and Appeal Decisions (Pages 117 - 118)**

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## Committee and Date

Central Planning Committee

1<sup>st</sup> August 2019

## **CENTRAL PLANNING COMMITTEE**

### **Minutes of the meeting held on 4 July 2019**

**2.00 - 5.13 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

### **Present**

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Julian Dean, Nick Hignett, Pamela Moseley, Tony Parsons and David Vasmer

### **11 Apologies for absence**

Apologies for absence were received from Councillors Alex Phillips and Keith Roberts.

### **12 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 6<sup>th</sup> June 2019 be approved as a correct record and signed by the Chairman.

### **13 Public Question Time**

There were no public questions or petitions received.

### **14 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning applications to be considered at this meeting, Councillors Julian Dean and Nat Green stated that they were members of the Shrewsbury Town Council Planning Committee. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

*The Chairman agreed to alter the order of the agenda to enable planning application 18/00130/EIA - Land North East of Kinton, Shrewsbury, to be the next item to be considered.*

**15 Land North East of Kinton, Shrewsbury - 18/00130/EIA**

The Technical Specialist Planning Officer introduced the application for the erection of four poultry rearing buildings, nine feed bins, an agricultural workers dwelling, landscaping scheme and all associated works and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from the Case Officer explaining that the application had been recommended for refusal due to insufficient information submitted by the applicant to enable the local planning authority to assess the impact of the development. The Technical Specialist Planning Officer went on to note that following the publication of the committee report the applicant's agent had requested that the application be deferred for consideration at a future Planning Committee to allow further opportunity for the information requested to be provided, therefore, the Officer's recommendation had been amended to deferral of the application.

Members unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That consideration of the application be deferred to a future meeting of this Committee at the request of the applicant.

**16 Proposed Crematorium, North of Nesscliffe, Shrewsbury - 18/04965/FUL**

The Technical Specialist Planning Officer introduced the application for the erection of a new crematorium with associated access, car parking and landscaping and explained that at the Central Planning Committee meeting held on 14<sup>th</sup> March 2019, Members resolved to defer consideration of the application to allow for a more independent need assessment and an additional noise assessment. It was confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area on 14<sup>th</sup> March 2019.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from the applicant's agent and noise consultant, the Case Officer, local residents, the Parish Council, Shropshire Council Highways and the applicant's solicitor.

The Technical Specialist Planning Officer referred to an email that had been sent to the Chairman from a local resident raising concern that their representation had been summarised and not included in full, it was noted that it was normal practice to summarise representations to be included in the Schedule of Additional Letters.

A letter from the MOD which had been received this morning was read out by the Technical Specialist Planning Officer, the letter noted that the helicopter activity in

the area was incompatible with the proposed use of the site and it was not possible to amend flight paths to avoid overflying the area.

Shelly Hurdley, local resident spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Alison Mullis, Great Ness and Little Ness Parish Council spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Simon Jones, Chairman of the Helicopter Noise Liaison Group spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ed Potter addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- There had been a large amount of development in Nesscliffe and this has had an adverse impact on the area;
- The site was not a tranquil environment for people to congregate before and after services or for families visiting memorials;
- He considered the additional information provided did not fulfil what the Committee requested; and
- There was no mitigation for the local community in relation to signage and traffic calming measures.

John Adams, National Association of Funeral Directors, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Matt Hubbard, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members raised concern in relation to the site being an inappropriate location for a crematorium due to the helicopter activity in the area, the proximity to the A5 trunk road and nearby poultry farm and considered that the proposed development would have an adverse visual impact on the local landscape.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed their objection to the application, contrary to the Officer's recommendation.

**RESOLVED:**

That planning permission be refused contrary to the Officer's recommendation for the following reasons:

1. Due to the proximity of the poultry rearing farm at Kinton, the A5 trunk road, and the location of the site within an area of established MOD and RAF training activity including low flying helicopters, mourners and other visitors to the proposed crematorium would experience unpleasant odours, noise and disturbance at the site. Notwithstanding the mitigation proposed these activities, cumulatively, would result in unacceptable levels of odour, noise and disturbance at the site for users of the facility and the site therefore constitutes an unsuitable location for a crematorium.
2. The proposed development would result in a change in the character of the landscape from open farmland to built form set within a managed parkland, and this would have adverse impacts on the local landscape. In addition the proposal would have adverse visual effects, and from some locations the development would appear as a notably incongruous element and would have substantial adverse and locally significant visual effects including from the Nesscliffe Hills designated Countryside Heritage Site. Whilst landscape planting is proposed to mitigate this, this would not satisfactorily mitigate for adverse impacts initially and in the longer term would result in adverse impacts on the local landscape.
3. The benefits of the proposal, including meeting a need for additional crematorium capacity in the general area, the economic benefits and biodiversity enhancements are acknowledged. However it is not considered that these are sufficient to outweigh the negative impacts of the proposal. The proposed development is therefore contrary to the Development Plan including Core Strategy policies CS5, CS6, CS16 and CS17; and SAMDev Plan policies MD2, MD12 and MD13, and to policies of the NPPF including Section 15.

#### **17 Land Off Manor Lane, Longden, Shrewsbury - 16/02395/FUL**

The Technical Specialist Planning Officer introduced the application for the erection of 5 bungalows and associated infrastructure (amended description) and explained that at the Central Planning Committee meeting held on 28<sup>th</sup> September 2017, Members resolved to defer consideration of the application to allow the applicant the opportunity to investigate an alternative solution to protect the rooting area of the veteran Oak Tree. It was confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area..

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from a neighbour, an agent for an objector and the agent for the applicant. The Technical Specialist Planning Officer advised that if Members were minded to refuse the application, he was requesting delegated authority for the Head of Planning Services to refuse planning permission subject to further consultation with the Ecology Team in relation to whether the third reason for refusal was required following the submission of an updated ecology report.



Jackie Ingham, on behalf of the Longden Village Action Group spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Paul Carter, Chairman of Longden Parish Council spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Roger Evans addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- The community and Parish Council all support the Officer's recommendation to refuse the application;
- The proposed site was not identified as an acceptable location for development by the Parish Council; and
- The proposal cannot be delivered as access to future residents would be denied.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, Members unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That authority be delegated to the Head of Planning Services to refuse planning permission subject to further consultation with the Ecology Team in relation to whether the third reason for refusal was required following the submission of an updated ecology report.

**18 School House Farm, Sheinton, Shrewsbury - 18/04266/FUL**

The Consultant Planning Officer introduced the application for the change of use of farm yard and buildings to holiday complex to include: some demolition of buildings; siting of four glamping units and one log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description) and explained that at the Central Planning Committee meeting held on 11<sup>th</sup> April 2019, Members resolved to defer consideration of the application to allow the opportunity for the concerns raised by Members in relation to the use of the site 12 months of the year and the lack of on-site supervision to be addressed. It was confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area on 11<sup>th</sup> April 2019.

The Consultant Planning Officer drew Members' attention to an additional representation from a neighbour which had been circulated to the Committee.

Councillor Ian Lawrence, on behalf of Sheinton Parish Council spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Claire Wild addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During her statement, a number of points were raised including the following:

- The applicant had not consulted the Parish Council or local residents in relation to the management plan;
- She referred to a previous appeal decision for another site in Sheinton which was dismissed by the inspector and queried the need for holiday accommodation in this area;
- The proposed development would dwarf the village of Sheinton; and
- The application would not benefit the community and would have an adverse impact on the rural character of the area.

Nick Williams, agent for the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to the speakers, the Area Planning Manager outlined the differences in regards to this application and the site that was the subject of the appeal dismissed by the inspector, he noted that this site was clearly in the village and as there was an existing established business on site there was no requirement for the applicant to demonstrate the need for the development as detailed in Policy CS5.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to the conditions set out in Appendix 2.

**19 Maesbrook Nursing Home, Church Road, Shrewsbury - 19/01132/FUL**

The Area Planning Manager introduced the application for the erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised) and explained that at the Central Planning Committee meeting held on 9<sup>th</sup> May 2019, Members agreed that further information was required in relation to the impact of the development on the Copper Beech tree and therefore resolved to defer consideration of the application to allow for this information to be

provided. It was confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area on 9<sup>th</sup> May 2019.

The Area Planning Manager referred to an email received from the resident of the neighbouring property in relation to there being no visitation to the tree site in relation for the survey to have taken place. The Area Planning Manager assured Members that he had discussed the issue with the tree officer and a visual assessment of the tree from the application site had been carried out appropriately.

Having considered the submitted plans for the proposal, Members unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to the conditions set out in Appendix 1.

**20 Former Congregational Church, Coton Hill, Shrewsbury - 19/01661/FUL**

The Planning and Enforcement Officer introduced the application for the conversion and extension of a former Church into 9 residential apartments with associated car parking and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Nat Green addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- He noted that he was not against the application in principle;
- His primary concern was in relation to the second floor extension to the southern elevation and requested assurance that there would not be any overlooking from the windows; and
- He considered the materials suggested to be harsh and asked that the unlisted heritage asset be treated with respect.

Elle Cass, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Planning and Enforcement Officer responded to the concerns raised by the local ward Councillor, noting that they were valid concerns and although there would be some overlooking, due to the separation distances involved the impact would not be significant enough to warrant the refusal of the application.

Having considered the submitted plans and noted the comments of all the speakers, Members unanimously expressed their support for the Officer's recommendation

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to the conditions set out in Appendix 1.

**21 Goldsmiths of Shrewsbury, 10 The Square, Shrewsbury - 19/02030/ADV**

The Area Planning Manager introduced the application for the erection and display one pole mounted branded flag

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Nat Green addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- His primary reason for objecting to the application was because he did not agree with allowing advertising on a listed building;
- The other flags shown by the Officer did not contain any advertising; and
- He welcomed high quality retailers in the Town but considered that if this application was granted it would set a precedent.

Peter Jones, applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members noted the comments of the Conservation Officer and considered that the proposed advert would have an adverse impact on visual amenity and adversely impact on the character and appearance of the listed building and the conservation area.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed their objection to the application, contrary to the Officer's recommendation.

**RESOLVED:**

That planning permission be refused contrary to the Officer's recommendation for the following reason:

Members gave significant weight to the concerns of the Conservation Officer as set out in the officer report and considered that the proposed advert would have an adverse impact on visual amenity as it would result in harm to the designated heritage assets identified and adversely impact on the character and appearance of the listed building and the conservation area. The proposal is therefore considered to be contrary to Shropshire Council policies MD2, MD13, CS6 and CS17 and paragraph 132 of the NPPF.

## 22 Goldsmiths of Shrewsbury, 10 The Square, Shrewsbury - 19/02038/LBC

The Area Planning Manager introduced the application for the installation of one pole mounted branded flag and associated fixings.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Nat Green addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- His primary reason for objecting to the application was because he did not agree with allowing advertising on a listed building;
- The other flags shown by the Officer did not contain any advertising; and
- He welcomed high quality retailers in the Town but considered that if this application was granted it would set a precedent.

Peter Jones, applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members noted the comments of the Conservation Officer and considered that the proposed advert would have an adverse impact on visual amenity and adversely impact on the character and appearance of the listed building and the conservation area.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed their objection to the application, contrary to the Officer's recommendation.

### **RESOLVED:**

That planning permission be refused contrary to the Officer's recommendation for the following reason:

Members gave significant weight to the concerns of the Conservation Officer as set out in the officer report and considered that the harm to the character and appearance of the designated heritage asset (a grade 2 listed building) outweighed the public benefits of the proposal. The proposal is therefore considered to be contrary to Shropshire Council policies MD2, MD13, CS6 and CS17 and paragraph 194 and 196 of the NPPF.

## 23 Schedule of Appeals and Appeal Decisions

### **RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 4<sup>th</sup> July 2019 be noted.

**24 Exclusion of Public and Press**

**RESOLVED:**

That under Section 100(A)(A4) of the Local Government Act 1972, the public be excluded during the consideration of the following item of business on the grounds that they might involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

**25 Planning Enforcement Quarterly Report**

**RESOLVED:**

That the Planning Enforcement Quarterly Report at 4<sup>th</sup> July 2019 be noted.

**26 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 29<sup>th</sup> August 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....



Committee and date  
 Central Planning Committee  
 29 August 2019

Item  
**5**  
 Public

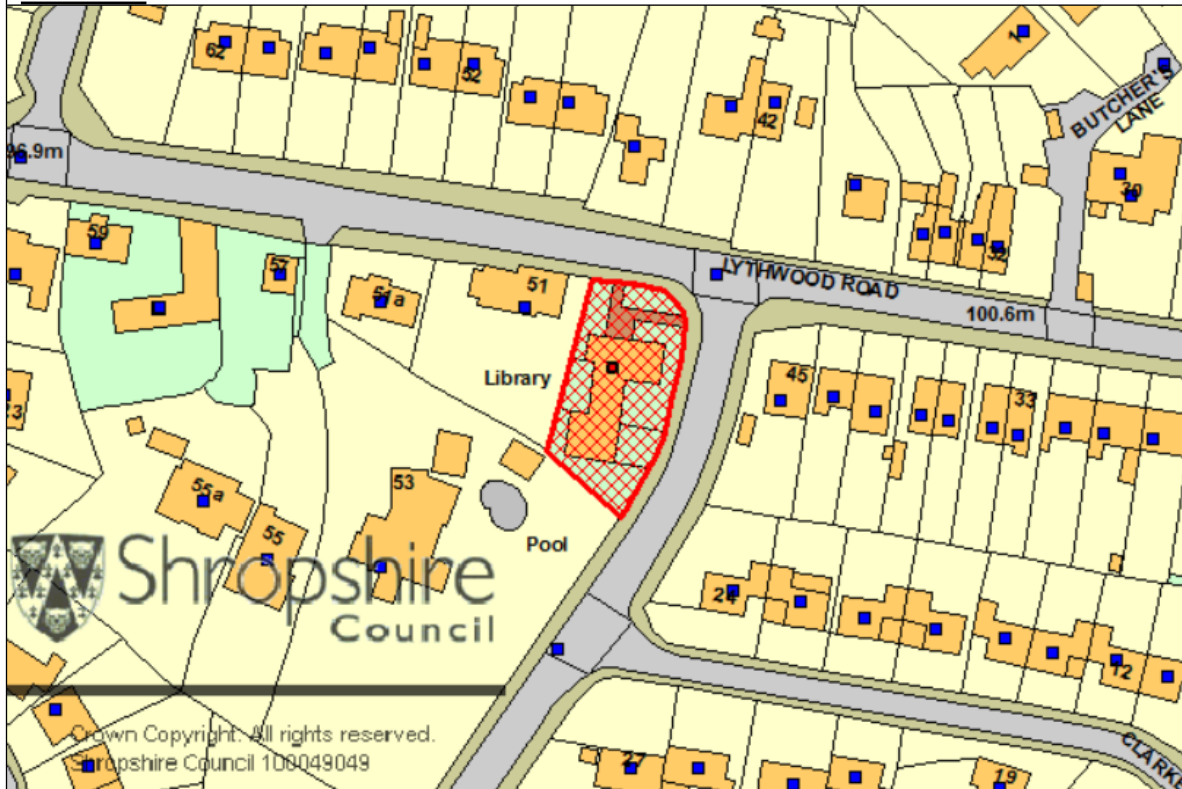
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

|   |  |
|---|--|
| <b>Application Number:</b> 19/01859/OUT   | <b>Parish:</b> Bayston Hill  |
| <b>Proposal:</b> Outline application (all matters reserved) for residential development including demolition of existing library building |  |
| <b>Site Address:</b> Mary Webb Library Lythwood Road Bayston Hill Shrewsbury Shropshire   |  |
| <b>Applicant:</b> Shropshire Council  |  |
| <b>Case Officer:</b> Toby Cowell  | <b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a> |

**Grid Ref:** 348225 - 308765



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

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

- 1.1 Outline planning permission with all matters reserved is sought for the redevelopment of Mary Webb library for residential purposes. The indicative layout plan submitted indicates that 3 dwellings could be provided on site.
- 1.2 The application is submitted concurrently with 3 additional planning applications, which are intrinsically linked to this application and comprise as follows:
- 19/01873/OUT – Hybrid (full and outline) application for residential development (outline) and the erection of community building with car parking (full).
  - 19/01865/FUL – Erection of a vicarage associated with Christ Church on land currently occupied by informal parking to the immediate south of York House. The application includes a proposed access route running through the primary school/Glebe field site which would, realistically, also provide access for the residential development proposed within the wider site.
  - 19/01866/OUT – Redevelopment of existing community hall on Lythwood Road to provide a new scout hut. The purpose of this is to provide replacement facilities that would be lost following the demolition of the existing scout hut within the wider Glebe field site adjacent to Eric Lock Road West.

All applications have been presented together to planning committee as each are, from a planning policy perspective, reliant upon the other for approval.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site comprises Mary Webb library, a single storey flat roofed concrete building in a fairly poor state of repair located on the corner of Glebe Road (east) and Lythwood Road (north). A small grouping of mature trees are located within the northern portion of the site adjacent to the Lythwood Road streetscene, with limited open space surrounding the library.
- 2.2 The site is located within the development boundary of Bayston Hill, a large village located within relative proximity to the County town of Shrewsbury to the north.



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

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning Authority. The application is therefore presented to the Central Planning Committee for determination.

### 4.0 **Community Representations**

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

##### 4.1.1 **Bayston Hill Parish Council**

*Initial comments:* Bayston Hill Parish Council has carefully considered the documents submitted in connection with the proposed redevelopment of the Oakland School site off Glebe Road (Ref 19/01873/OUT) and identified a number of documents that have not been provided. We consider that without these documents a full response cannot be developed at this time. We have accordingly requested an extension of time for public comments to allow for the new information to be provided and reviewed.

As this application relies upon relocation of the existing library to the Oakland School site the Parish Council requests an extension of time to comment once sufficient information on that site is available. The Parish Council is currently funding the ongoing costs of the Mary Webb Library and would be entirely opposed to any redevelopment of this site that did not provide for satisfactory alternative provision for the library.

[Officer note: Bayston Hill PC have now raised no objection to the principle of redeveloping the former primary school/Glebeland site (ref.19/01873/OUT) however no subsequent comments have been received in respect of this particular application.]

##### 4.1.2 **SUDS**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. No objection, subject to conditions and informatives.

##### 4.1.3 **SC Highways**

The land is situated on the corner of Lythwood Road and Glebe Road. The proposal is for residential properties.

The streets that abut the site currently serve residential properties, this type of development of the library area is not expected to have a significant highway

impact locally.

Consideration should be given to ensuring the positioning of any driveways is as far away as is possible from the junction, the setting out on drawing 1512-P-03B is acceptable for the vehicle driveway positions.

Guidance on Parking ratio:

1 bedroom = 1 car park space

2 or 3 bedroomed properties 2= car park space for

4 or more bedrooms = minimum 3 car parking spaces

The site is constrained for space, as such careful planning will be expected to ensure the construction phase does not have an unacceptable detrimental impact on the local residents.

No objection, subject to conditions and informatives.

[Officer Note: Highways have clarified that conditions would be applied as part of a future Reserved Matters permission]

#### 4.1.4 **SC Ecology**

No objection, subject to conditions requiring the submission of details pursuant to birds and bat boxes and external lighting on site.

#### 4.1.5 **SC Trees**

I have reviewed the indicative Proposed Development Site plan (drawing 302-001-70-PSR-01) and the Indicative Site Layout (drawing 1512-P-03-B) and taken into account the original tree survey and report (S Reedy, 28-07-2014) and the updated Arboricultural Impact Assessment (ref: OBH/AIA/08/19). I wish to comment as follows regarding arboricultural aspects of this outline application to demolish the existing library in preparation for future use as residential development.

The indicative access and footprint of the suggested pair of semi-detached dwellings to the northern end of the site and single detached dwelling to the southern end of the site would require the removal of trees T1 and T2 to enable construction. T1 is a dying category 'U' elm tree and T2 is a small purple leaved cherry plum. The loss of both these trees would not unduly affect the arboreal nature of the location and could be compensated by suitable new tree planting as appropriate to enhance the development and its integration into the surrounding area. The most important trees on site are the group of silver birch (G3) that front Lythwood road. These trees have significant amenity value and should be retained and protected during any demolition and redevelopment of the site.

In this regard, I consider that the indicated footprint of the semi-detached units is

located too close to the group of birch, taking account of 'liveability' issues for future residents. (See sections 6.5, 7.7 – 7.9 and 7.11 of the Arboricultural Impact Assessment: OBH/AIA/08/19). I would recommend any future application for development of this site should pay particular attention to the juxtaposition of new dwellings and other structures and the group of birch, G3. The suggested new vehicular access and parking bays off Lythwood Road will also require particular attention and potentially specialist construction techniques, in order to avoid damage to the roots of the group of birch and also those of a neighbouring offsite yew tree, not recorded in the tree reports but shown from aerial GIS and Google Streetview to be located adjacent the suggested parking bays.

On balance, I have no objection to this application on arboricultural grounds, providing suitable measures are taken to prevent damage to be retained on site and adjacent offsite trees and hedges during any approved demolition and redevelopment of the site. In this respect, particular regard should be given to the group of silver birch G3 located next to the proposed new access of Lythwood Road, and any significant neighbouring trees that may affect or be affected by the proposed development.

No objection, condition recommended.

#### 4.1.6 **SC Affordable Houses**

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is currently 15%. The assumed tenure split is 70:30 split in favour of rented tenure, unless otherwise discussed and agreed by the Housing Enabling team. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any Full or Reserved Matters application is submitted. The S106 would need to reflect the broad range of tenures identified in the SPD Type and Affordability of Housing.

#### 4.1.7 **SC Parks and Recreation**

Under Shropshire Councils SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.

The Design and Access plan now acknowledges the need for open space as set out under SAMDev Policy MD2. The development includes 150 bedrooms equating to 150 people. Working on 30 square metres per person it equates to an area of 4500m<sup>2</sup>, as the development appears to offer 6238m<sup>2</sup> Officers are happy

that the development fulfils the planning criteria.

#### 4.1.9 - Public Comments

This application was advertised via notice at the site. Additionally, the occupants of 9 neighbouring properties were individually notified by way of publication. At the time of writing this report, 4 letters of representation had been received in response to this publicity, 3 of which object to the proposed development with a further 1 providing comments, yet raising various concerns. A summary of all comments received is as follows:

- Overdevelopment of the site;
- Insufficient amenity for properties;
- Mature trees on site;
- Existing building should be reused;
- Highways safety issue adjacent to junction.

## 5.0 THE MAIN ISSUES

### 5.1 Principle of Development

**Character and Appearance**

**Neighbouring Amenity**

**Trees, Landscaping and Public Open Space**

**Highways and Access**

**Ecology**

**Drainage**

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of Development

6.1.1 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.

6.1.2 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

6.1.3 Policy CS6 of the Core Strategy seeks to ensure development protects, restores,

conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.

- 6.1.4 The provision of housing within the urban area of Bayston Hill accords with the adopted SAMDev Plan Policy S16.2(ii), with Core Strategy Policy CS2 and MD1 of the SAMDev identifying Bayston Hill as a Community Hub. S16.2(ii) states that Bayston Hill a housing guideline of around 50-60 dwellings for the period 2006-2026, 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.
- 6.1.5 The Council's latest 5 year housing land supply position document indicates that a tot of 66 dwellings have been delivered over 2006-2026 plan period, of which 51 relate to completions with an additional 15 comprising planned commitments where planning permission has been granted.
- 6.1.6 The proposed redevelopment of the site, whilst only made in Outline (with respect to the residential element) indicates that the site could include provision for 3 dwellings which, together with the current level of housing delivered in Bayston Hill, would result in the housing guideline figure for Bayston Hill being exceeded. SAMDev Policy MD3 states that the housing guideline is significant policy consideration, and where development would result in this figure being exceeded, decision must have regard to the following:
- The increase in number of dwellings relative to the guideline; and
  - The likelihood of delivery of the outstanding permissions; and
  - The benefits arising from the development; and
  - The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
  - The presumption in favour of sustainable development.

With respect to the above, the proposed development would result in the redevelopment of what comprises a brownfield site. Section 11 of the NPPF places great importance on planning policies and decisions giving substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 38 of the NPPF also states that decision-makers at every level should seek to approve applications for sustainable development where possible, and it is considered that the proposed development would constitute a sustainable and effective re-use of an existing brownfield site within a settlement boundary where the principle of additional residential development is acceptable.

- 6.1.7 Bayston Hill has been indicated as comprising a highly sustainable settlement in the current local plan which includes a range of local services and facilities with good public transport links connecting the village to Shrewsbury and Church Stretton. The site is also located within relative proximity to Meole Brace Retail

Park, with a sizeable range of shops (Sainsbury's, Marks and Spencer, Next, TK Maxx, Sports Direct, Home Bargains etc.) that also serves a large catchment area. Additional shopping facilities also exist within a 5-8 minute drive of the site, which include a Lidl supermarket and an Aldi (currently under construction).

- 6.1.8 It is therefore considered that the proposals would constitute a highly sustainable form of development, which the NPPF and local planning policy applies significant weight to with respect to planning decisions. It is also noted that the redevelopment of the site providing up to 3 additional dwellings in isolation would only result in a marginal increase in dwellings relation to Bayston Hill's housing guideline, therefore rendering the principle of residential development at the site to be acceptable.
- 6.1.9 Core Strategy Policy CS8 seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors. The proposals would result in the demolition of the existing library facility which, in isolation, would be in conflict with Policy CS8. Notwithstanding this however, library facilities would be incorporated into the new community hub on the adjacent former primary school site, and would therefore satisfactorily offset the loss of the existing library.
- 6.1.10 The principle of the loss of the existing library is therefore considered to be acceptable on this basis, provided the new community hub is developed and operational prior to the closure and demolition of the existing library facilities. Such assurances can be controlled via condition should permission be forthcoming, and also facilitated through a future S106 legal agreement between the developer and Shropshire Council if necessary.

### **6.3 Character and Appearance**

- 6.3.1 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles, which should be responsive to the local character and context of existing development and its wider surroundings. Likewise, SAMDev Policy MD2 requires development to respond positively to local design aspirations, and be reflective of locally characteristic architectural design and details.
- 6.3.2 This application is made in Outline with all matters aside from access to be considered as part of a future Reserved Matters application. Therefore, the current scheme cannot be fully assessed at this time as to the perceived impact of the development with respect to design and the subsequent impact upon the visual amenities of the wider locality. Any future Reserved Matters application would need to ensure that the design, scale, bulk and massing of the dwellings would be reflective of the built form and vernacular of surrounding development. Notwithstanding this however, it is considered likely that an appropriate scheme with respect to design can be achieved at the site, however there are concerns that the 3 dwellings proposed within the site may constitute an overdevelopment

of the site as whole. The Parish Council has also indicated a preference for bungalows on the site, which could be revisited as part of a future Reserved Matters application.

#### **6.4 Neighbouring amenity**

6.4.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development *'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*.

6.4.2 This application is made in Outline with all matters aside from access to be considered as part of a future Reserved Matters application. Therefore, the current scheme cannot be fully assessed at this time as to the perceived impact upon the residential amenities of surrounding properties and the quality of amenity provided for future occupants of the dwellings.

6.4.3 Notwithstanding this however, the indicative site layout submitted with the application is considered such that the amenities of surrounding residential properties, would unlikely be adversely impacted in terms of overlooking, overshadowing or loss of light. Likewise, the indicative site layout demonstrates that each dwelling would be provided with a good standard of associated outdoor amenity space, and it is considered that it would be feasible for each dwelling to comply with the Nationally Described Space Standards with regards to the Gross Internal Floor Area for each dwelling.

#### **6.5 Trees and Landscaping**

6.5.1 In accordance with SAMDev Policy MD2 and Core Strategy Policy CS17, landscaping is expected to form an important part of development schemes with the new planting of trees, woodland and hedges required to be incorporated to reinforce existing landscape features.

6.5.2 The indicative access and footprint of the suggested pair of semi-detached dwellings to the northern end of the site and single detached dwelling to the southern end of the site would require the removal of trees T1 and T2 to enable construction. T1 is a dying category 'U' elm tree and T2 is a small purple leaved cherry plum. In the opening of the Council's Arboricultural Officer, the loss of both these trees would not unduly affect the arboreal nature of the location and could be compensated by suitable new tree planting as appropriate to enhance the development and its integration into the surrounding area. The most important trees on site are the group of silver birch (G3) that front Lythwood road. These trees have significant amenity value and should be retained and protected during any demolition and redevelopment of the site.

6.5.3 In this regard, it is consider that the indicated footprint of the semi-detached units is located too close to the group of birch, taking account of 'liveability' issues for

future residents. It is therefore recommended that any future application for development of this site should pay particular attention to the juxtaposition of new dwellings and other structures and the group of birch, G3. The suggested new vehicular access and parking bays off Lythwood Road would also require particular attention and potentially specialist construction techniques, in order to avoid damage to the roots of the group of birch and also those of a neighbouring offsite yew tree, not recorded in the tree reports but shown from aerial GIS and Google Streetview to be located adjacent the suggested parking bays.

6.5.4 On balance, the Council's Arboricultural Officer raises no objection to this application on arboricultural grounds, providing suitable measures are taken to prevent damage to retained trees on site and adjacent offsite trees and hedges during any approved demolition and redevelopment of the site. In this respect, particular regard should be given to the group of silver birch G3 located next to the proposed new access of Lythwood Road, and any significant neighbouring trees that may affect or be affected by the proposed development.

6.5.5 At this stage, limited information has been provided with respect to landscaping, aside from high level details shown on the indicative site layout plan. Such information includes the retention of existing mature trees within the north of the site, and a detailed landscaping scheme would be required for submission as part of a future Reserved Matters application.

## **6.6 Highways and Access**

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.6.2 No concerns have been raised from the highways authority, who have indicated that such development would not result in a significant impact upon the highway locally given the dominance of residential properties within the locality. The indicative site layout has also been considered acceptable with respect to the location of the proposed parking relation to the Glebe Road/Lythwood Road junction. Additional information in relation to details of access, parking and a Construction Method Statement would be required as part of a future Reserved Matters application.

## **6.7 Ecology**

6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets,



their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

- 6.7.2 An Ecological Assessment has been submitted in support of the application (apT, December 2018), with priority and protected species surveys undertaken at the site demonstrating the probably absence of great crested newts, widespread reptiles, roosting bats and badgers. The site was also seen to support only low levels of bat activity. The Council's Ecologist has raised no objections to the proposed development provided that details pursuant to bird/bat boxes and a lighting plan are submitted via condition, should planning permission be forthcoming.

## **6.8 Drainage**

- 6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The proposal has been assessed by the Council's Drainage Engineer who has not raised any objection, provided that details pursuant to surface and foul water drainage are provide prior to the commencement of development by way of condition and an informative in relation to sustainable drainage principles is attached to any approval notice issued. In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and Policy CS18 of the Core Strategy.

## **7.0 CONCLUSION**

The proposed redevelopment of the existing library for residential purposes is considered to be acceptable in principle, with new library services to be provided within a community hub proposed as part of a separate application at the adjacent primary school/Glebefield site. It is also considered that a scheme which would be acceptable from a visual impact perspective and ensuring that the amenities of surrounding residential properties would not be unduly impacted could be developed at the site, whilst providing a good standard of living for future occupants. No concerns are raised provisionally from a highway safety standpoint, and the proposals have also been found acceptable by the Council's Arboriculturalist and Ecologist.

The application is therefore recommended for approval, subject to conditions outlined within Appendix 1 of this report.

- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach  
 CS4 - Community Hubs and Community Clusters  
 CS6 - Sustainable Design and Development Principles  
 CS8 - Facilities, Services and Infrastructure Provision  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 National Planning Policy Framework  
 Settlement: S16 - Shrewsbury

### RELEVANT PLANNING HISTORY:

19/01859/OUT Outline application (all matters reserved) for residential development including demolition of existing library building 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) |
| Cabinet Member (Portfolio Holder)<br>Councillor Gwilym Butler  |
| Local Member<br>Cllr Ted Clarke  |

Cllr Jane Mackenzie  
Cllr Tony Parsons

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") 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 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years 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 be begun 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 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

**5. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).**

**Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.**

**6. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.**

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

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

7. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

8. The existing library shall not be demolished, and shall remain fully open and operational, until such a time that the community hub (as applied for under ref. 19/01873/OUT) has been constructed, opened and become fully operational.

Reason: To ensure that continuous library facilities are provided within the village.

**Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

4. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in 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 close-fitting 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.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

5. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

6. This planning permission does not authorise the applicant to:

- o construct any means of access over the publicly maintained highway (footway or verge) or
- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- o 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. 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.

7. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 184 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

8. The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. The use of soakaways should be investigated in the first instance for surface water disposal. The betterment requirement will be assumed to have been achieved if all surface water is disposed of via 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 35% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

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



Should soakaways are not feasible, drainage details and calculations to limit the proposed discharge, for the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event as in accordance with the Non- Statutory Technical Standards for Sustainable Drainage Systems dated March 2015 should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

9. Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided to ensure that the drainage system remains in good working order throughout its lifetime.

10. 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                |                       |

11. Highway gully spacing calculations should be provided.

Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Shropshire Councils Surface Water Management: Interim Guidance for Developers, paragraphs

7.10 to 7.12 (Local Standard D of the SUDS Handbook) requires that exceedance flows for events

up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site.

12. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

-



Committee and date  
 Central Planning Committee  
 29 August 2019

Item  
**6**  
 Public

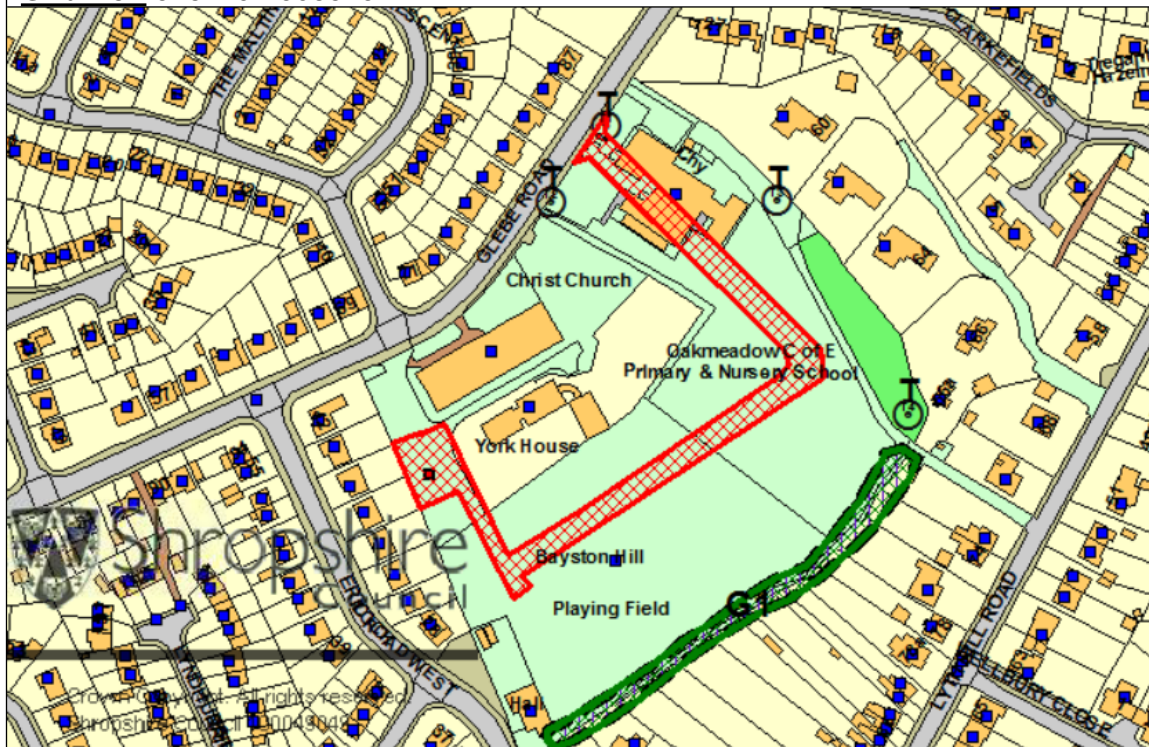
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

|  |  |              |
|--|--|--------------|
| <b>Application Number:</b> 19/01865/FUL  | <b>Parish:</b>   | Bayston Hill |
| <b>Proposal:</b> Erection of one residential dwelling with integral community facilities; to include removal of trees and other tree works |  |              |
| <b>Site Address:</b> Proposed Vicarage SW Of Christ Church Glebe Road Bayston Hill Shrewsbury Shropshire                                   |  |              |
| <b>Applicant:</b> Lichfield Diocesan Board of Finance  |  |              |
| <b>Case Officer:</b> Toby Cowell   | <b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a> |              |

**Grid Ref:** 348119 - 308523



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

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

1.1 Planning permission is sought for the erection of a two-storey 4-bedroom detached dwelling acting as a Vicarage in connection with the adjacent Christ Church. The vicarage would primarily function as an independent dwellinghouse/family residence for the Vicar/Reverend of Christ Church with a private entrance on the front elevation. However, a limited area of the ground floor would act as a congregational area (parsonage) with a separate access from the existing car park to the north-west, and incorporate a study, entrance hall and toilet. The Vicarage would be incorporated into the wider redevelopment of the Glebefield site for residential purposes (being considered separately under ref. 19/01873/OUT), however this application is being considered in 'FULL' in isolation. A new vehicular access is proposed as part of the application crossing the site of the former Oakland County Primary School and the Glebefield, which would also realistically provide access to the wider residential site.

1.2 The application is submitted concurrently with 3 additional planning applications, which are intrinsically linked to this application and comprise as follows:

- 19/01873/OUT – Hybrid (full and outline) application for residential development (outline) and the erection of community building with car parking (full).
- 19/01859/OUT– Outline application (all matters reserved) for residential development including demolition of existing library building.
- 19/01866/OUT – Redevelopment of existing community hall on Lythwood Road to provide a new scout hut. The purpose of this is to provide replacement facilities that would be lost following the demolition of the existing scout hut within the wider Glebefield site adjacent to Eric Lock Road West.

All applications have been presented together to planning committee as each are, from a planning policy perspective, reliant upon the other for approval.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site comprises the former Oakland County Primary School building and associated playing fields access from Glebe Road, together with the open grassed area known as Glebefield and the local scout hut (access from Eric Lock Road West). The site also includes Christ Church and York House adjacent to the primary school, yet such elements are proposed to be retained as part of the site's wider redevelopment. The Glebefield, whilst an open grassed space that is typically used by local residents for recreational purposes, is owned by the

Diocese of Lichfield and therefore not designated as formal public open space.

2.2 The site is located within the development boundary of Bayston Hill, a large village located within relative proximity to the County town of Shrewsbury to the north. A footpath currently runs through the site linking Glebe Road to Lyth Hill Road that crosses over the Glebefield. This also links to a less formal footpath which extends south-westward to the scout hut and Erick Lock Road West. Veteran trees are present along the site's southern boundary, the majority of which are located outside of the application site and within the rear gardens of properties in Lyth Hill Road. Additional mature trees and dense scrub/vegetation is present along the western edge of the site to the rear of nos. 28 – 36 Eric Lock Road West.

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

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning Authority. The application is therefore presented to the Central Planning Committee for determination.

### 4.0 **Community Representations**

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

##### 4.1.1 **Bayston Hill Parish Council**

No objection

##### 4.1.2 **SUDS**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. No objection, subject to conditions and informatives.

##### 4.1.3 **SC Highways**

The proposal is for the construction of a new vicarage with access via the proposed new residential estate road which is to serve the whole residential development, although the residential aspect is being dealt with as part of a separate outline planning condition 19/01873/OUT.

Given the above it is implicit that the access road needs to be constructed in order to provide access to the Vicarage. This not considered an issue in itself and condition(s) can be imposed to ensure that the access road is constructed to base course level prior to the dwelling (Vicarage) being first occupied.

No objection, subject to conditions.

##### 4.1.4 **SC Ecology**

No objection, subject to conditions requiring the submission of a landscaping plan, details pursuant to birds and bat boxes and external lighting on site.

#### 4.1.5 **SC Trees**

I have reviewed the amended Proposed Vicarage Site Layout (drawing 1512-P-02-3) and the Indicative Site Layout (drawing 1512-P-03-B) and taken into account the original tree survey and report (S Reedy, 28-07-2014) and the updated arboricultural impact assessment (ref: OBH/AIA/08/19). I wish to comment as follows regarding arboricultural aspects of this full application to erect a new vicarage.

Construction of the dwelling itself will not require the removal of any trees, but creation of the new access off Glebe Road and new internal road through the site to serve the new dwelling will result in the loss of two trees (T4 and T14) and one group of trees (G23). T4 is a small category 'C' maple, T14 is a diseased category 'U' red horse chestnut and G23 is a category 'C' group of young trees of no particular arboricultural merit. The loss of these trees would not affect the arboreal nature of the site and could readily be compensated by suitable new tree planting as appropriate to enhance the development and its integration into the surrounding area.

I therefore have no objection to this application on arboricultural grounds, providing suitable measures are taken to prevent damage to retained trees and hedges during any approved development. In this respect, particular regard should be given to tree T5 (London Plane) which is the subject of a Tree Preservation Order and located next to the proposed new access of Glebe Road, and group of willow trees G51, which are located next to the proposed driveway at the front of the new vicarage.

Should permission for this application be granted, I would recommend applying the following tree protection and landscape (tree planting) conditions:

- In this condition retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge planted as a replacement for any retained tree.

a) During implementation of the development no retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority (LPA). Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) Prior to commencement of development a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012, or its current equivalent, shall be submitted to and approved in writing by the LPA. All tree works and protection measures detailed in the approved TPP and AMS must be fully implemented to the written satisfaction of the LPA before any equipment, machinery or

materials are brought onto the site for the purposes of the development.

c) The development shall be implemented in accordance with the approved AMS and TPP. Approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the LPA.

d) All services will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing.

e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The LPA will be informed of the identity of said person.

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.

- No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:
  - a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance;
  - b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

- The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the dwelling. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in

replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

#### 4.1.6 **SC Affordable Houses**

No objection. There are no affordable housing obligations associated with this proposal.

#### 4.1.9 - **Public Comments**

This application was advertised via notice at the site. Additionally, the occupants of 20 neighbouring properties were individually notified by way of publication. At the time of writing this report, 3 letters of objection had been received in response to this publicity. A summary of all comments received is as follows:

- Current vicarage could be altered as opposed to erecting a new one result in removal of existing trees;
- Lack of identified need for new vicarage.

## 5.0 **THE MAIN ISSUES**

### 5.1 **Principle of Development Character and Appearance Neighbouring Amenity Trees and Landscaping Highways and Access Ecology Drainage**

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Principle of Development**

6.1.1 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.

6.1.2 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high



environmental value.

- 6.1.3 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.1.4 The provision of housing within the urban area of Bayston Hill accords with the adopted SAMDev Plan Policy S16.2(ii), with Core Strategy Policy CS2 and MD1 of the SAMDev identifying Bayston Hill as a Community Hub. S16.2(ii) states that Bayston Hill a housing guideline of around 50-60 dwellings for the period 2006-2026, 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.
- 6.1.5 The Council's latest 5 year housing land supply position document indicates that a tot of 66 dwellings have been delivered over 2006-2026 plan period, of which 51 relate to completions with an additional 15 comprising planned commitments where planning permission has been granted.
- 6.1.6 The proposed erection of a Vicarage would amount to the construction of a single dwelling which, in isolation, only results in a marginal further increase above the housing guideline for Bayston Hill as outlined in the SAMDev. The new Vicarage, whilst providing the erection of a further dwelling, also allows for a purpose built facility to cater for the local parishioners of Bayston Hill that fully meets the Church Of England's requirements as set out in its Parsonage Design Guide, also known as the "Green Guide".
- 6.1.7 The submitted planning statement accompanying this application provides the following justification for the erection of a replacement Vicarage:
- "Bayston Hill is a thriving parish within the Diocese of Lichfield. As such the demands on the Vicar in practicing his Ministry are many and varied. Parishioners currently visiting the Vicar cannot do so without being on general view to their neighbours. Whilst the existing vicarage has a study, it is not of sufficient size to cater for these requirements, nor does it sufficiently enable the Vicar to separate the needs of their Ministry to their entitlement to a private family life. The proposed replacement vicarage enables the Diocese to design a purpose built Vicarage fit for both the present and future requirements of the Vicar in this demanding role.*
- This is the primary need for the replacement. Secondary to this is the ongoing need to provide better accommodation for the current & future clergy occupants, to improve the energy and operational efficiency of the Diocese vicarages and provide a Vicarage fit for the future."*
- 6.1.8 Such justification as provided is considered to be reasonable, and the enhancement/replacing of existing services or facilities that contribute to the

quality of life for residents is supported by Core Strategy Policy CS8. The principle of development is therefore considered to be acceptable.

### **6.3 Character and Appearance**

6.3.1 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles, which should be responsive to the local character and context of existing development and its wider surroundings. Likewise, SAMDev Policy MD2 requires development to respond positively to local design aspirations, and be reflective of locally characteristic architectural design and details.

6.3.2 The design, scale and built vernacular of the proposed Vicarage is considered to be acceptable employing a traditional and uncomplicated design. The Vicarage would not be readily visible within the context of the wider Glebe Road/Eric Lock Road West streetscene's and therefore have a limited impact upon the character of the same. The construction of the Vicarage would be incorporated into the wider redevelopment of the site for residential purposes, and therefore would appear from the indicative/concept site layout for the wider site to be well integrated into the rest of the residential development proposed at the site.

### **6.4 Neighbouring amenity**

6.4.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development *'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*.

6.4.2 The rear elevation of the vicarage would be set in excess of 20m from the rear of elevation of the closest residential properties on Eric Lock Road West to the west, and therefore have a negligible impact upon the amenities of nearby residential properties with respect to overlooking, loss of light, overshadowing or general overdominance. It is also considered that the level of private amenity proposed for the Vicarage is acceptable, with clear demarcations between the private and public (parsonage) sections of the Vicarage.

### **6.5 Trees and Landscaping**

6.5.1 In accordance with SAMDev Policy MD2 and Core Strategy Policy CS17, landscaping is expected to form an important part of development schemes with the new planting of trees, woodland and hedges required to be incorporated to reinforce existing landscape features.

6.5.2 Construction of the dwelling itself would not require the removal of any trees, however the proposed creation of the new access off Glebe Road and internal road through the site to serve the new dwelling will result in the loss of two trees (T4 and T14) and one group of trees (G23). T4 is a small category 'C' maple, T14 is a diseased category 'U' red horse chestnut and G23 is a category 'C' group of young trees of no particular arboricultural merit. The loss of these trees would not affect the arboreal nature of the site and could readily be compensated by suitable new tree planting as appropriate to enhance the development and its

integration into the surrounding area.

- 6.5.3 The Council's Tree Officer therefore raised no objection to this application on arboricultural grounds, providing suitable measures are taken to prevent damage to retained trees and hedges during any approved development. In this respect, particular regard should be given to tree T5 (London Plane) which is the subject of a Tree Preservation Order and located next to the proposed new access of Glebe Road, and group of willow trees G51, which are located next to the proposed driveway at the front of the new vicarage.
- 6.5.4 On balance, the Council's Arboricultural Officer raises no objection to this application on arboricultural grounds, providing suitable measures are taken to prevent damage to retained trees on site and adjacent offsite trees and hedges during any approved demolition and redevelopment of the site. In this respect, particular regard should be given to the group of silver birch G3 located next to the proposed new access of Lythwood Road, and any significant neighbouring trees that may affect or be affected by the proposed development.
- 6.5.5 At this stage, limited information has been provided with respect to landscaping, aside from high level details shown on the indicative site layout plan. More detailed landscaping, likely to be incorporated into the landscaping scheme for the wider site's redevelopment, will be required for submission and approval via condition should planning permission be forthcoming.

## **6.6 Highways and Access**

- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.6.2 No objection has been raised to the principle of the access road running through the wider site, and therefore in reality serving the wider residential estate as proposed under a separate planning application, provided the access is constructed to base course level prior to the occupation of the Vicarage. The level of parking (3 spaces) and turning area proposed as part of this submission is also considered to be acceptable.

## **6.7 Ecology**

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local

environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.7.2 An Ecological Assessment has been submitted in support of the application (apT, December 2018), with priority and protected species surveys undertaken at the site demonstrating the probably absence of great crested newts, widespread reptiles, roosting bats and badgers. The site was also seen to support only low levels of bat activity. The assessment has however outlined a number of mitigation and enhancement recommendations, which the Council's Ecologist is in agreement with. Compliance with the proposed recommendations, particularly in relation to an Ecological Clerk of Works (ECW) providing reports to the Local Planning Authority with respect to the identified RAMMS, would be secured through the imposition of a condition to the separate planning application for the site's wider redevelopment. In the case of this application, details pursuant to bird and bat boxes will need to be supplied via condition and implemented prior to occupation of the Vicarage. Details of any external lighting to be used on site will also be required for submission and approval prior to their erection.

## **6.8 Drainage**

6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The proposal has been assessed by the Council's Drainage Engineer who has not raised any objection, provided that details pursuant to surface and foul water drainage are provide prior to the commencement of development by way of condition and an informative in relation to sustainable drainage principles is attached to any approval notice issued. In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and Policy CS18 of the Core Strategy.

## **7.0 CONCLUSION**

The principle of development, namely the erection of a new dwelling acting as a Vicarage in connection with Christ Church and incorporating a parsonage, is considered to be acceptable, without detriment to the visual amenities of the wider locality or the amenities of surrounding residential properties. No objections have been raised on arboricultural and ecological grounds in principle, with the proposed access and parking provision also found acceptable.

The application is therefore recommended for approval, subject to conditions outlined within Appendix 1 of this report.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be

awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach  
 CS4 - Community Hubs and Community Clusters  
 CS6 - Sustainable Design and Development Principles  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 National Planning Policy Framework  
 Settlement: S16 - Shrewsbury

### RELEVANT PLANNING HISTORY:

PREAPP/11/00192 Installation of a solar Pv array on roof PRRQD 1st February 2011  
 11/00833/FUL Installation of 126 PV solar modules on south facing roof (Amended Description)  
 GRANT 3rd May 2011  
 19/01865/FUL Erection of one residential dwelling with integral community facilities; to include removal of trees and other tree works PDE  
 SA/83/0181 Formation of a car park for new church. PERCON 3rd May 1983  
 SA/83/0696 To site a demountable building to be used in connection with the Church.  
 PERCON 27th September 1983  
 SA/83/0998 To station a temporary caravan to use for church youth work. (a retrospective application). PERCON 17th January 1984  
 SA/83/0203 Erection of a temporary building for use as a Sunday School. PERCON 3rd May 1983  
 SA/84/0198 Erection of a building to use as a home for long term care of mentally handicapped adults. PERCON 21st June 1984  
 SA/75/0282 To use land as allotments. PERCON 16th December 1975  
 SA/79/1255 Continue use of land for allotments. PERCON 15th January 1980  
 SA/92/0937 Formation of a new vehicular access. For Christ Church. PERCON 27th October 1992  
 SA/82/0229 Erection of a new church building with formation of new vehicular and pedestrian accesses. PERCON 25th May 1982  
 SA/81/0080 Erection of a new church with alterations to existing vehicular and pedestrian accesses. PERCON 24th March 1981  
 SA/90/0594 Erection of single storey extensions to increase worship area and provide area for young church worship and teaching together with multi-purpose room for work amongst the local community. PERCON 1st August 1990  
 SA/08/1319/F Erection of a single storey flat roof extension to rear PERCON 17th December 2008

19/01865/FUL Erection of one residential dwelling with integral community facilities; to include removal of trees and other tree works PDE

11. Additional Information

[View details online:](#)

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| 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)<br>Councillor Gwilym Butler |
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| Local Member<br>Cllr Ted Clarke<br>Cllr Jane Mackenzie<br>Cllr Tony Parsons |
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| Appendices<br>APPENDIX 1 - Conditions |
|---------------------------------------|

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

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

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

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

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

Reason: To ensure that the external appearance of the development is satisfactory.

4. **In this condition retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge planted as a replacement for any retained tree.**

a) **During implementation of the development no retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority (LPA). Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.**

b) **Prior to commencement of development a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012, or its current equivalent, shall be submitted to and approved in writing by the LPA. All tree works and protection measures detailed in the approved TPP and AMS must be fully implemented to the written satisfaction of the LPA before any equipment, machinery or materials are brought onto the site for the purposes of the development.**

c) **The development shall be implemented in accordance with the approved AMS and TPP. Approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the LPA.**



**d) All services will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing.**

**e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The LPA will be informed of the identity of said person.**

**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.**

**5. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:**

- a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance;**
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.**

**Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.**

**6. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).**

**Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.**

**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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.**

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

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

8. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

9. The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the dwelling. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

**Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The use of soakaways should be investigated in the first instance for surface water disposal.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the

proposed soakaways should be submitted for approval.

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

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

3. 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.

4. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

5. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

6. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

7. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in 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 close-fitting 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.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).



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| <u>Committee and date</u>  |
| Central Planning Committee |
| 29 August 2019             |

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| Public      |

## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

|  |  |
|--|--|
| <b>Application Number:</b> 19/01866/OUT  | <b>Parish:</b> Bayston Hill  |
| <b>Proposal:</b> Outline application (access for consideration) for the erection of Scout and Guide headquarters building; including demolition of existing building |  |
| <b>Site Address:</b> Bayston Hill Youth Club Lythwood Road Bayston Hill Shrewsbury Shropshire  |  |
| <b>Applicant:</b> 1st Bayston Hill Scout & Guides  |  |
| <b>Case Officer:</b> Toby Cowell   | <b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a> |

**Grid Ref:** 347362 - 308473



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

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

1.1 Outline planning permission with all matters aside from access reserved is sought for the redevelopment of Bayston Hill Youth Club to provide replacement scout hut/scouting facilities.

1.2 The application is submitted concurrently with 3 additional planning applications, which are intrinsically linked to this application and comprise as follows:

- 19/01873/OUT – Hybrid (full and outline) application for residential development (outline) and the erection of community building with car parking (full).
- 19/01865/FUL – Erection of a vicarage associated with Christ Church on land currently occupied by informal parking to the immediate south of York House. The application includes a proposed access route running through the primary school/Glebefield site which would, realistically, also provide access for the residential development proposed within the wider site.
- 19/01859/OUT– Outline application (all matters reserved) for residential development including demolition of existing library building.

All applications have been presented together to planning committee as each are, from a planning policy perspective, reliant upon the other for approval.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site comprises Bayston Hill Youth Club, a single storey building and associated parking/hardstanding located on the southern side of Lythwood Road, and sited adjacent to Lythwood Sports complex to the immediate north. A linear row of mature trees bound the site to the south, with additional shrubbery/vegetation to the west with allotments sited further west.

2.2 The site is located within the development boundary of Bayston Hill, a large village located within relative proximity to the County town of Shrewsbury to the north.

**3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning

Authority. The application is therefore presented to the Central Planning Committee for determination.

#### 4.0 **Community Representations**

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

###### 4.1.1 **Bayston Hill Parish Council**

Bayston Hill Parish Council supports the relocation of the Scout and Guide hut to the site of the Youth and Community Building at Lythwood, subject to negotiation of a suitable lease and agreement about appropriate shared community use of the new building when not required for regular meetings.

Disposal of any land held by the Parish Council is subject to a formal consultation process which would have to be satisfied before any lease is agreed.

###### 4.1.2 **SUDS**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. No objection, informatives recommended.

###### 4.1.3 **SC Highways**

The proposal seeks to demolish an existing youth club building and erect a new larger building to be used as a Scout and Guide Headquarters on land off Lythwood Road, Bayston Hill. The site is served by an existing access off a private road which also serves Lythwood Sports Facilities, allotments/open space and a number of dwellings. The junction of the private road with Lythwood Road is considered adequate and the proposal is considered acceptable from a highways perspective subject to the parking and turning provision being commensurate with the size and proposed use of the new building.

No objection, subject to conditions and informatives.

[Officer Note: Highways have clarified that conditions would be applied as part of a future Reserved Matters permission]

###### 4.1.4 **SC Ecology**

No objection, subject to conditions requiring the submission of details pursuant to birds and bat boxes and external lighting on site.

###### 4.1.9 **- Public Comments**

This application was advertised via notice at the site. Additionally, the occupants of 14 neighbouring properties were individually notified by way of publication. At the time of writing this report, 4 letters of support had been received in response to this publicity. A summary of all comments received is as follows:

- Existing HQ no longer available when current 4 year lease expires;
- Only site available to Scouts;
- Site benefits from easy access without detriment to neighbouring

- residents;
- Very important that scouting organisations continue to have a presence in the village.

## **5.0 THE MAIN ISSUES**

### **5.1 Principle of Development Character and Appearance Neighbouring Amenity Highways and Access Ecology Drainage**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of Development**

6.1.1 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

6.1.2 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.

6.1.3 Core Strategy Policy CS8 seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors. The proposals would result in the redevelopment of the existing Youth and Community Building with a scout hut that would act as a replacement facility for the existing scout hut within the Glebeland site, whilst also providing a facility that can be utilised by the wider community if and when required.

6.1.10 The principle of development in this case is considered to be acceptable given they would result in the 'like-for-like- replacement of an existing community facility, in accordance with Policy CS8.

### **6.3 Character and Appearance**

6.3.1 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles, which should be responsive to the local character and context of existing development and its wider surroundings. Likewise, SAMDev Policy MD2 requires development to respond positively to local design aspirations, and be reflective of locally characteristic architectural design and details.



6.3.2 This application is made in Outline with all matters aside from access to be considered as part of a future Reserved Matters application. Therefore, the current scheme cannot be fully assessed at this time as to the perceived impact of the development with respect to design and the subsequent impact upon the visual amenities of the wider locality. Any future Reserved Matters application would need to ensure that the design, scale, bulk and massing of the building would be reflective of the built form and vernacular of surrounding development.

#### **6.4 Neighbouring amenity**

6.4.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development *'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*.

6.4.2 This application is made in Outline with all matters aside from access to be considered as part of a future Reserved Matters application. Therefore, the current scheme cannot be fully assessed at this time as to the perceived impact upon the residential amenities of surrounding properties and the quality of amenity provided for future occupants of the dwellings.

6.4.3 Notwithstanding this however, the indicative site layout submitted with the application is considered such that the amenities of surrounding residential properties, would unlikely be adversely impacted in terms of overlooking, overshadowing or loss of light.

#### **6.6 Highways and Access**

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.6.2 No concerns have been raised from the highways authority, who consider that the junction of the private road with Lythwood Road is adequate, therefore resulting in the proposals being considered acceptable from a highways perspective subject to the parking and turning provision being commensurate with the size and proposed use of the new building.

#### **6.7 Ecology**

6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets,

their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.7.2 An Ecological Assessment has been submitted in support of the application (apT, December 2018), with the following observations/conclusions made:

- The site falls within Natural England's SSSI Impact Risk Zones (IRZs)<sub>1</sub> for Bowmere, Shomere and Betton Pools (also part of the Midlands Meres and Mosses Phase One Ramsar Site). These features can be identified as being of 'National' and 'International' value.
- Several areas identified as priority habitat are within 1km of the site. These features can be identified as being of 'Local' value.
- The habitats present within the site are comprised predominantly of hard standing with small areas of species poor grassland verge and hedgerow. These features are of 'Site' value.
- A single water-body present within 250m of the site, this water body is of 'Local' value.
- The site was assessed as being of low nature conservation value with limited ability to support priority or protected species. A rapid risk assessment of the nearby waterbody identified that, even should the area of hard standing proposed for development support great crested newts in their terrestrial phase, given the distance between the water-body and the development site an offence would be highly unlikely.
- Mitigation and enhancement measures recommended include:
  - Precautionary methods of working in relation to great crested newts, breeding birds and bats
  - The protection of all retained vegetation during the construction phase
  - The provision of sympathetic lighting schemes for nocturnal wildlife.

The Council's Ecologist is content with the level of survey work undertaken and concurs with the recommendations outlined in section 7 of the assessment. Conditions requiring the submission, approval and erection of bird/bat boxes together with the approval of external lighting prior to their erection have been recommended.

## 6.8 Drainage

6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The proposal has been assessed by the Council's Drainage Engineer who has not raised any objection, whilst offering an informative in relation to sustainable drainage principles to be attached to any approval notice issued. In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and Policy CS18 of the Core Strategy.

## 7.0 CONCLUSION

The proposed redevelopment of the existing youth and community building for a scout hut is considered to be acceptable in principle. It is also considered that a scheme which would be acceptable from a visual impact perspective and ensuring that the amenities of surrounding residential properties would not be unduly impacted could be developed at the site. No concerns are raised provisionally from a highway safety standpoint, and the proposals have also been found acceptable by the Council's Ecologist.

The application is therefore recommended for approval, subject to conditions outlined within Appendix 1 of this report.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach  
 CS4 - Community Hubs and Community Clusters  
 CS6 - Sustainable Design and Development Principles  
 CS8 - Facilities, Services and Infrastructure Provision  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD12 - Natural Environment  
 National Planning Policy Framework  
 Settlement: S16 - Shrewsbury

### RELEVANT PLANNING HISTORY:

19/01866/OUT Outline application (access for consideration) for the erection of Scout and Guide headquarters building; including demolition of existing building PDE

SA/97/0529 Reserved Matters (pursuant to outline consent reference 96/942/OUT/275/96 dated 12/3/97) for design, external appearance and landscaping of building to be used for medical and health services Use Class D1(a). PERCON 13th October 1997

SA/96/0942 Use of land for medical and health services Use Class D1(a) to include siting and means of access. PERCON 12th March 1997

19/01866/OUT Outline application (access for consideration) for the erection of Scout and Guide headquarters building; including demolition of existing building PDE

SA/74/0686 To site two mobile changing rooms (16' x 8'). PERCON 18th February 1975

SA/78/0079 To continue to site two 16' x 8' mobile changing rooms. PERCON 21st March 1978

SA/80/1022 To resite 2 (16' x 8'3") mobile changing rooms. PERCON 18th November 1980

SA/80/1021 To continue to site 2 (16' x 8'3") mobile changing rooms. PERCON 18th November 1980

SA/82/0843 Continue to resite 2 no. mobile changing rooms. PERCON 2nd November 1982

SA/92/0649 Widening of existing access road, re-aligning of junction, provision of a footway, erection of 3 footway standard street lights and regrading and resurfacing of car parks. PERCON 29th July 1992

SA/83/0573 Erection of a changing room pavilion and a youth centre. PERCON 27th September 1983

SA/89/0010 Erection of a pre-fabricated building for use as youth centre. PERCON 25th October 1989

SA/78/0029 Use of land, including the erection of buildings and layout of facilities to provide public recreation ground, construction of car parking areas and alterations to existing vehicular and pedestrian accesses. PERCON 21st February 1978

## 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) |
| Cabinet Member (Portfolio Holder)<br>Councillor Gwilym Butler  |
| Local Member<br>Cllr Ted Clarke<br>Cllr Jane Mackenzie<br>Cllr Tony Parsons  |
| Appendices<br>APPENDIX 1 - Conditions  |

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") 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 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years 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 be begun 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 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

**5. 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.**

**6. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.**

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

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

7. Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

**Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

3. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway
- 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 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.

4. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

5. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

6. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).



It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

7. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

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| <u>Committee and date</u>  |
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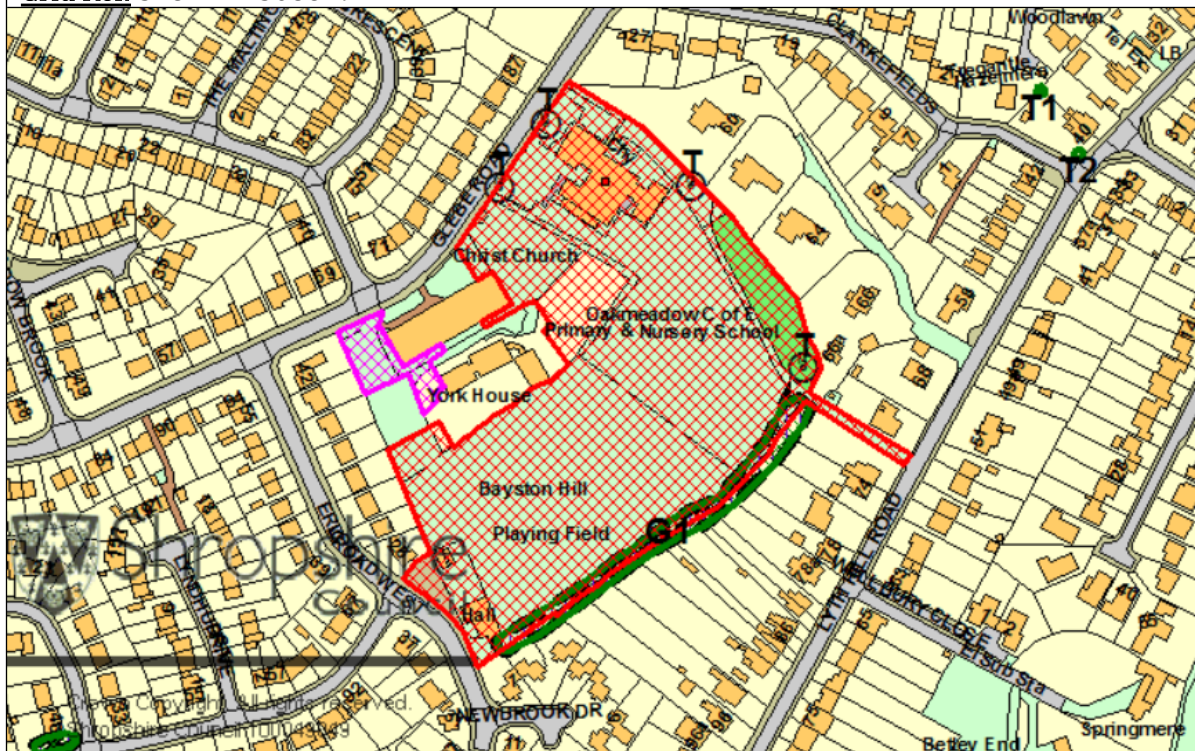
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

|   |  |
|---|--|
| <b>Application Number:</b> 19/01873/OUT   | <b>Parish:</b> Bayston Hill  |
| <b>Proposal:</b> Hybrid (full and outline) application for residential development (outline) and the erection of community building with car parking (full) |  |
| <b>Site Address:</b> Former Oakland County Primary School Glebe Road Bayston Hill Shrewsbury Shropshire   |  |
| <b>Applicant:</b> Shropshire Council And Lichfield Diocesan Board Of Finance  |  |
| <b>Case Officer:</b> Toby Cowell  | <b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a> |

**Grid Ref:** 348214 - 308629



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

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

- 1.1 A hybrid planning application has been submitted for the redevelopment of the former Oakland County Primary School site and adjacent Glebefield open grassed area. The application is made both in Full and Outline, with the Full element comprising the erection of a community hub to the north of Christ Church adjacent to the Glebe Road streetscene, which would incorporate a public library, an office for Bayston Hill Parish Council, children's play area and staff offices/facilities. A new car park comprising a total of 29 spaces is also proposed between Christ Church and the community hub, with an existing access point to be used in this respect.
- 1.2 The Outline element of the proposals, with all matters reserved aside from access, incorporate the redevelopment of the primary school site, together with the southern and western portions of the Glebefield, for residential purposes. The indicative site layout submitted as part of this application indicates that the site could be developed for 47 dwellings, the majority of which would be served from Glebe Road but with a small proportion (5 dwellings) served from a new access off Eric Lock Road West to the west. Notwithstanding this however, the number of dwellings shown together with the proposed layout has been submitted for indicative purposes only and would not in itself be granted planning permission at this stage. The purpose of this planning application is to establish the principle of residential redevelopment at the site, not the finite detail.
- 1.3 In addition, the application proposes a substantial degree of public open space (POS) encompassing much of the existing Glebefield and portions of the land/playing fields associated with the former primary school, which would amount to a total of 6283sqm of POS. Such proposals also incorporate a children's play area directly behind the proposed community hub, with the existing footpath running through the site connecting Glebe Road to Lyth Hill Road rerouted.
- 1.4 The application has been submitted jointly by Shropshire Council and the Diocese of Lichfield as joint landowners, with Shropshire Council having ownership over the land associated with the former primary school and the Diocese having ownership of the Glebefield, and the scout hut in the western section of the site. The existing Christ Church and York House would remain unaltered and retained as part of the wider redevelopment, however part of the existing parking area to the immediate south of York House would be removed in order to facilitate the site's redevelopment.
- 1.5 The application is submitted concurrently with 3 additional planning applications,

which are intrinsically linked to this application and comprise as follows:

- ② 19/01859/OUT – Redevelopment of Mary Webb library on Glebe Road for residential purposes. The existing library facilities would be incorporated into the proposed community hub.
- ② 19/01865/FUL – Erection of a vicarage associated with Christ Church on land currently occupied by informal parking to the immediate south of York House. The application includes a proposed access route running through the primary school/Glebefield site which would, realistically, also provide access for the residential development proposed within the wider site.
- ② 19/01866/OUT – Redevelopment of existing community hall on Lythwood Road to provide a new scout hut. The purpose of this is to provide replacement facilities that would be lost following the demolition of the existing scout hut within the wider Glebefield site adjacent to Eric Lock Road West.

All applications have been presented together to planning committee as each are, from a planning policy perspective, reliant upon the other for approval.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the former Oakland County Primary School building and associated playing fields accessed from Glebe Road, together with the open grassed area known as Glebefield and the local scout hut (access from Eric Lock Road West). The site also includes Christ Church and York House adjacent to the primary school, yet such elements are proposed to be retained as part of the site's wider redevelopment. The Glebefield, whilst an open grassed space that is typically used by local residents for recreational purposes, is owned by the Diocese of Lichfield and therefore not designated as formal public open space.
- 2.2 The site is located within the development boundary of Bayston Hill, a large village located within relative proximity to the County town of Shrewsbury to the north. A footpath currently runs through the site linking Glebe Road to Lyth Hill Road that crosses over the Glebefield. This also links to an informal footpath which extends south-westward to the scout hut and Erick Lock Road West. Veteran trees are present along the site's southern boundary (covered by Tree Preservation Orders), the majority of which are located outside of the application site and within the rear gardens of properties in Lyth Hill Road. Additional mature trees and dense scrub/vegetation is present along the western edge of the site to the rear of nos. 28 – 36 Eric Lock Road West.

## 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF

## **APPLICATION**

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning Authority. The application is therefore presented to the Central Planning Committee for determination.

### **4.0 Community Representations**

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

##### **4.1.1 Bayston Hill Parish Council**

###### Principle of development

Bayston Hill Parish Council supports the general principle of redevelopment of the Oakland School site and neighbouring Glebefield for mixed residential and community use and with the principle of maintaining a significant area of public open space for use by residents of both the new housing and the existing properties.

The Council recognises that the layout, number and mix of housing may be subject to change. It has a number of reservations relating to drainage; wildlife protection; privacy for existing properties; access for pedestrians and the mix of housing proposed but since these matters are outside the scope of this application it would request the comments be noted and drawn to the attention of any future developer. If the application is approved the Parish Council strongly urges the developer to enter into early liaison with the Parish Council to address these concerns.

The Parish Council suggests that it be made a condition that the developer discusses their detailed plans with the Parish Council at an early stage before submitting a final reserved matters application.

The Council recognises the Glebefield as an important village amenity, so greatly values the enhanced open space provision, which should be as accessible and welcoming to existing residents as to the occupants of the proposed new housing. The Parish Council would request that conditions be imposed to ensure the amount of open space cannot be reduced at the reserved matters stage.

###### Community Hub

There is strong support for the provision of a multi-functional community building on the site to include space for the Parish Office and library.

The plans for the Community Hub include detailed layouts for the internal

accommodation of the building. Whilst these layouts are satisfactory as a general guide for planning purposes it is considered highly likely that the internal layout of the community building will be subject to some amendment before it is occupied. It is understood that changes to the internal layout would not require a planning variation and as such the proposals are acceptable to the Parish Council.

The Parish Council would like to encourage easy access to the building to and from the children's play area with some provision for outside seating in between. It is understood this could be incorporated into a landscaping scheme without materially affecting the external building proposals.

It has been suggested by the landowners that the community building and open space would be transferred to the Parish Council to manage and maintain however no financial or legal arrangements have been included in the proposals. These are of course matters that would require detailed discussions and due diligence between the parties; however it should be explicitly conditioned that a satisfactory arrangement for the maintenance of both the community building and the open space be in place before approval of reserved matters.

#### Open Space Provision

The loss of public open space is an emotive issue which is not widely supported by residents or the Council. It is however recognised that the quality of open space is as important as its quantity. The provision of a children's play area would improve the quality of the site but the proposed layout and distribution of trees would mean it would no longer be possible to lay out a full size football pitch.

The football pitches provided at Lythwood currently satisfy the local demand for football and as such the Glebefield has not been marked out for football matches for a number of years. There are no changing facilities and limited parking at the Glebefield however the pitch could currently be reinstated if required.

Shropshire Council has stated its intention to undertake a Playing Pitch Strategy to assess demand for pitches in and around Shrewsbury and recognises the provision at Bayston Hill as key to meeting local demand and that of the wider Shrewsbury area. There is no date set for publication of that strategy but it would be helpful for this study to be progressed urgently so that the current and future demand for football pitches can be properly assessed. There is space at Lythwood for an additional playing pitch which could mitigate the loss of the Glebefield but this would require investment in the changing facilities.

The outline plan presents the open space as a continuous L shaped area overlooked by the proposed new housing. This has advantages in that the area becomes a safe place for all ages but the Council is concerned that the open space will be seen by new residents as a private recreation area when it should be welcoming to all. It therefore urges that all the existing pedestrian access points including the access from Eric Lock Road, be wide and allow views of the

green space beyond. There is no requirement for a vehicular access but it should be open enough to encourage existing users of the Glebefield to visit the new space.

#### Additional Information

Bayston Hill Parish Council has compared the submitted documents with Section 6 of the Landowners Development Brief approved by Shropshire Council Cabinet on 27 September 2017 and identified a number of documents that have not been provided. We understand that some of these documents will not be provided until reserved matters stage but should any become available before determination we would reserve the option to make additional comments as appropriate.

#### Housing mix

Bayston Hill has a higher than average age profile and the Parish Council has identified a need for additional single storey housing to meet the needs of later living. A recent survey revealed that there are in excess of 100 unoccupied bedrooms within the village which is dominated by family housing. Many houses are occupied by older couples whose families have grown up and moved out.

The provision of new bungalows would enable residents to downsize to smaller properties without leaving the village and release these larger properties for younger families to use. The master plan suggests that no bungalows are proposed and this is seen as a lost opportunity to redress the local need.

#### Privacy

The Council notes that the proposed housing mix includes for some 2.5 storey housing but does not indicate where these will be located or how many might be built. This type of housing is largely absent in Bayston Hill and it is recommended that any properties of this type be located away from existing properties to prevent overlooking of what are currently private gardens. This is of particular concern for the properties on Eric Lock Road West which have shorter gardens than those on Lyth Hill Road. It is recommended that to protect the privacy of those gardens, a wildlife corridor be retained or single storey properties be located to the rear of Eric Lock Road West.

#### Drainage

The Council's concerns relating to drainage relate to both sewage and surface water. The site is periodically affected by localised flooding as a consequence of natural springs which are widespread in Bayston Hill. The master plan provided indicates that an existing sewer pipe would need to be diverted. It is not clear whether the diverted sewer would collect sewage from some or all of the proposed new housing or whether capacity has been confirmed for this pipe. Anecdotal reports from residents indicate that the pipe may be close to capacity or have some localised deficiencies.



#### 4.1.2 **SUDS**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. Flood Risk Assessment (FRA) required for submission due to the site area exceeding 1 hectare.

Conditions and informatives recommended.

[Officer note: FRA currently being prepared at the time of writing the report and will be provided prior to planning committee by way of an update]

#### 4.1.3 **SC Highways**

No objection.

[Officer note: verbal discussions with the Highways Authority confirmed that the submission of a Transport Statement would be required at the Reserved Matters stage given only the principle of development is being established as part of this submission]

#### 4.1.4 **SC Ecology**

No objection, subject to conditions requiring the submission of a landscaping plan, details pursuant to birds and bat boxes and external lighting on site.

#### 4.1.5 **Sport England**

It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

However, as the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement. Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:

'Sport England's will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- ❑ all or any part of a playing field, or
- ❑ land which has been used as a playing field and remains undeveloped, or
- ❑ land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.

### **The Proposal and Impact on Playing Field**

The application is a hybrid application seeking outline planning consent for the development of the site for residential use and a full application for the erection of a community hub and associated car park. The site comprises the land of the former Oakland School, York House, Christ Church and Glebe Field. The former Oakland school site incorporates its associated playing field to the rear, which measures approximately 0.8 hectares, and is capable of accommodating a youth football pitch. There is evidence from google earth that the site has previously been marked out for football. There is no information provided to explain how the playing field was previously used, whether this was solely by the school for their own needs, or whether there was any community use in the past? As it stands, the disused playing field whilst not being used currently, could be brought back into use if there was an identified need.

### **Assessment against Sport England Policy**

Sport England have consulted Shropshire FA and Football Foundation on this application who have commented as follows:

- ② Shropshire County FA have no records of any previous or current usage of the site for community football usage.
- ② The Stanley Parker Playing Fields (Lythwood) provide the majority of football pitches in that area of Shrewsbury. They are located less than a mile away from this site. These Playing Fields are also included in the Shropshire Local Football Facility Plan for changing room refurbishment works, as a multi-pitch and key site for football.

The Council are currently embarking on preparing a new Playing Pitch and Outdoor Sports Assessment & Strategy (PPS), which will assess the demand and supply of playing pitches to meet needs for football, cricket, rugby union, hockey, tennis, netball and crown green bowls across Shropshire. This assessment will be prepared in line with Sport England's guidance. At the present time, there is no evidence to demonstrate that the playing field is surplus for football (or any other pitch sports), however, depending on the assessment conclusions, it may be that the issue of whether the playing field can be demonstrated to be surplus could be re-visited next year, once the PPS has been completed.

In the meantime, in the absence of an up to date PPS, there is no evidence presented to demonstrate that the playing field is surplus in accordance with the first bullet of para 97 of the NPPF, and Exception E1 of Sport England's Playing Field Policy. As the proposal does not relate to the provision of outdoor sports

facilities exception E5 does not apply. Exceptions E2, that are not capable of accommodating a playing pitch are also not relevant. Therefore, this application needs to be considered in regard to Exception E4 which states:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- ② of equivalent or better quality, and
- ② of equivalent or greater quantity, and
- ② in a suitable location, and
- ② subject to equivalent or better accessibility and management arrangements.

Whilst the illustrative layout for the development includes provision of an area of public open space, to include a play area, a footpath and landscaping, this will not mitigate for the loss of the playing field as it will not be capable of being laid out with a playing pitch. As there is also no information provided regarding any potential off-site mitigation for the loss of playing field, in this case Exception E4 will not be met.

Sport England is aware that the site has been put forward for inclusion as an allocated site for housing in the Shropshire Local Plan Review under allocation BAY050. Sport England has made representations that in the absence of an up to date PPS to identify that its surplus, mitigation should be required in accordance with para 97 of the NPPF, and if replacement provision is proposed this should be allocated in the plan.

In order to address the loss of playing field, a section 106 contribution is required for investment in replacement playing field provision/playing field improvements in the local area. The financial sum and the location of spend would require further discussion with Council Officers (potentially at Lythwood). I have attached a link below to Sport England's cost guidance, and you will see that the cost of providing a youth football pitch is currently circa £75k, so this amount is considered to be a reasonable sum in this case. I would be happy to discuss this further if this was considered to provide an acceptable way forward.

<https://www.sportengland.org/media/13346/facility-costs-q2-18.pdf>

The full application for the community hub does not affect any existing playing fields, and is not a new sports facility, although the use of the flexible community space may benefit physical activity and recreational activities. Sport England therefore has no objection to this element of the scheme.

## Conclusion

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. However, if the applicant were able to

confirm that a section 106 contribution of £75,000 was secured for investment in playing field provision/improvements as set out above, Sport England would be willing to remove this objection.

#### 4.1.6 **SC Trees**

This is a hybrid application involving a full application to erect a community hub with car parking (following demolition of the former school) and an outline application for residential development on the remainder of the site. I have reviewed the submitted plans and documents and taken into account the original tree survey and report (S Reedy, 28-07-2014) and the updated Arboricultural Impact Assessment (ref: OBH/AIA/08/19). Four individual trees on the site are protected under the Shropshire Council (land at former Oak Meadow Primary School...) TPO, 2013. The protected trees are identified in the tree reports as T5 (plane), T12 (oak), T19 (sycamore) and T26 (lime). The linear group of mature hedgerow trees along the south-eastern site boundary are also protected under the Shropshire Council (Land on southern boundary of glebe land...) TPO, 2016.

I wish to comment on arboricultural aspects of this hybrid application, dealing with the full and outline parts in turn:

i) Full application: community hub and car parking

The proposed development will require the loss of part of the roadside linear group of alder (G43, which incidentally has been mis-identified on submitted plans as 'G3'), and part of G44 – a young group of mixed plantation that will occupy open space within the future development. Some of the better trees within this group could be retained within future landscaping of the open space. Both groups have been assigned category 'B', as having moderate landscape value. However, I consider that the partial loss of G43 and G44 would not have a significant detrimental impact on the amenity and arboreal cover of the area. The losses could be compensated by suitable new tree planting as appropriate to enhance the development and its integration into the surrounding area.

I therefore have no objection to this application on arboricultural grounds, providing suitable measures are taken to prevent damage to retained trees during any approved development. In this respect, particular regard should be given to demolition and construction activities near protected tree T26 (lime) and special construction techniques may be required for those parts of the new car park that impinge within the root protection area of retained trees and tree groups (including G43 and retained elements of G44).

Should permission for this hybrid application be granted, I would recommend applying the following tree protection and landscape (tree planting) conditions to the full part of the permission (as relates to the community hub and associated car parking):

- ☐ In this condition retained tree means an existing tree, large shrub or

hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge planted as a replacement for any retained tree.

a) During implementation of the development no retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority (LPA). Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) Prior to commencement of development (including demolition, site clearance and levelling) a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012, or its current equivalent, shall be submitted to and approved in writing by the LPA. All tree works and protection measures detailed in the approved TPP and AMS must be fully implemented to the written satisfaction of the LPA before any equipment, machinery or materials are brought onto the site for the purposes of the development.

c) The development shall be implemented in accordance with the approved AMS and TPP. Approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the LPA.

d) All services will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing.

e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The LPA will be informed of the identity of said person.

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.

☐ No works associated with the development will commence and no

equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:

a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance;

b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

- ☐ The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the dwelling. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

ii) Outline Application: Residential Development

Construction of the new site access, internal access road and residential development as suggested by the Indicative Site Layout (drawing 1512-P-03B) would result in the loss of 11 trees (1 category 'B' [T10] and 10 category 'C' [T4, 6, 9, 13-15, 17, 18, 27 and 35]) and 2 groups of young trees G23 and G49 (both category 'C'); although some of the better trees within G49 could be retained within future landscaping of the open space of the development.

I consider that the level and type of tree loss indicated would not have a significant detrimental impact on the overall arboreal cover and amenity value of the area, given suitable new tree planting as appropriate to enhance the development and its integration into the surrounding area.

However, as s6.5 of the updated Arboricultural Impact Assessment (ref:

OBH/AIA/08/19) makes clear, it is important to consider not just the impacts of a proposed development upon existing trees, but also the effects retained trees may have upon the development. For example, in order to achieve a successful (sustainable) juxtaposition of trees, dwellings and other structures, potential issues such as structural damage, excessive shading, leaf fall and other tree detritus, overbearing presence and concerns as to tree safety should be taken into account. I therefore endorse the comments made in s7.7 – 7.9 of the AIA regarding such 'liveability' issues and would urge that any future scheme for the site takes them into account and acts upon them as a factor in deciding the layout and design of the development.

Subject to the foregoing, I have no objection to this application on arboricultural grounds, providing suitable measures are taken to prevent damage to retained trees during any approved development. In this respect, particular regard should be given to demolition and construction activities near protected trees and special construction techniques may be required for any development that impinges within the root protection area of retained trees and tree groups.

Should permission for this hybrid application be granted, I would recommend applying the following tree protection and landscape (tree planting) conditions to the outline part of the permission (as relates to the residential development):

- ② No part of the development hereby approved (including demolition, site clearance and levelling) shall commence until a site specific tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations, or its current version, have been submitted to and approved in writing by the LPA. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and 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.

- ② In this condition 'retained tree' means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any 'retained tree'. This condition shall have effect until a Reserved Matters application is submitted and approved:

No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Any approved tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations, or its current

version.

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.

- ② The plans and particulars submitted in support of a reserved matters application shall include a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:
- a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance;
  - b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

[Officer note: Conditions can be reasonably combined]

#### 4.1.7 **SC Affordable Houses**

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is currently 15%. The assumed tenure split is 70:30 split in favour of rented tenure, unless otherwise discussed and agreed by the Housing Enabling team. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any Full or Reserved Matters application is submitted. The S106 would need to reflect the broad range of tenures identified in the SPD Type and Affordability of Housing.

#### 4.1.8 **SC Parks and Recreation**

Under Shropshire Councils SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population).



For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.

The Design and Access plan now acknowledges the need for open space as set out under SAMDev Policy MD2. The development includes 150 bedrooms equating to 150 people. Working on 30 square metres per person it equates to an area of 4500m<sup>2</sup>, as the development appears to offer 6238m<sup>2</sup> Officers are happy that the development fulfils the planning criteria.

#### 4.1.9 - Public Comments

This application was advertised via notice at the site. Additionally, the occupants of 68 neighbouring properties were individually notified by way of publication. At the time of writing this report, 28 letters of representation had been received in response to this publicity, 25 of which object to the proposed development with a further 3 neither objecting to or supporting the proposals, yet raising various concerns. A summary of all comments received is as follows:

- Clarification sought over access from Lyth Hill Road and assurance it would not be used for construction traffic or vehicular access;
- Access to community hub does not appear to accommodate people with mobility issues;
- Lack of housing provision for the elderly or single person households including single storey dwellings;
- Ecological survey superficial, need for clarity over location and number of bird/bat boxes;
- Lack of submitted documentation as agreed in the landowners development brief for the site, which include a transport statement, drainage details, statement of community involvement, planning brief, details of off-site proposals and CIL/affordable housing calculations;
- Loss of green space; i.e. Glebefield (*raised by local residents on a number of occasions and of significant concern locally*);
- Disturbance to local wildlife and negative ecological impact within the site;
- Loss of privacy to dwellings on Eric Lock Road West;
- Density of proposed development too great;
- Increased volume of traffic and impact upon junction with A49;
- Loss of scout hut;
- Lack of net environmental gain;
- Increase in traffic flows and lack of local infrastructure to support additional housing/vehicles;
- Threat to veteran trees along southern boundary with definitive site boundary unclear;
- Local schools currently oversubscribed;
- Local doctors surgery overstretched;
- House guidance for Bayston Hill already met;
- Increase of noise and pollution to local area;
- 2.5 storey dwellings not in keeping with surrounding properties;
- School should be replaced as a community building not housing;

- Potential impact on sewerage/foul drainage system;
- Need for pedestrian access from Eric Lock Road West to the green space and Lyth Hill Road.

## **5.0 THE MAIN ISSUES**

### **5.1 Principle of Development**

#### **Character and Appearance**

#### **Neighbouring Amenity**

#### **Trees, Landscaping and Public Open Space**

#### **Highways and Access**

#### **Ecology**

#### **Drainage**

#### **Other Matters**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of Development**

6.1.1 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.

6.1.2 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

6.1.3 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.

6.1.4 The provision of housing within the urban area of Bayston Hill accords with the adopted SAMDev Plan Policy S16.2(ii), with Core Strategy Policy CS2 and MD1 of the SAMDev identifying Bayston Hill as a Community Hub. S16.2(ii) states that Bayston Hill a housing guideline of around 50-60 dwellings for the period 2006-2026, 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.

- 6.1.5 The Council's latest 5 year housing land supply position document indicates that a total of 66 dwellings have been delivered over 2006-2026 plan period, of which 51 relate to completions with an additional 15 comprising planned commitments where planning permission has been granted.
- 6.1.6 The proposed redevelopment of the site, whilst only made in Outline (with respect to the residential element) indicates that the site could include provision for 47 dwellings which, together with the current level of housing delivered in Bayston Hill, would result in the housing guideline figure for Bayston Hill being significantly exceeded. SAMDev Policy MD3 states that the housing guideline is significant policy consideration, and where development would result in this figure being exceeded, decision must have regard to the following:
- ☐ The increase in number of dwellings relative to the guideline; and
  - ☐ The likelihood of delivery of the outstanding permissions; and
  - ☐ The benefits arising from the development; and
  - ☐ The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
  - ☐ The presumption in favour of sustainable development.

With respect to the above, the proposed development would result in the redevelopment of what partially comprises a brownfield site. Section 11 of the NPPF places great importance on planning policies and decisions giving substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 38 of the NPPF also states that decision-makers at every level should seek to approve applications for sustainable development where possible, and it is considered that the proposed development would constitute a sustainable and effective re-use of an existing brownfield site within a settlement boundary where the principle of additional residential development is acceptable.

- 6.1.7 Bayston Hill has been indicated as comprising a highly sustainable settlement in the current local plan which includes a range of local services and facilities with good public transport links connecting the village to Shrewsbury and Church Stretton. The site is also located within relative proximity to Meole Brace Retail Park, with a sizeable range of shops (Sainsbury's, Marks and Spencer, Next, TK Maxx, Sports Direct, Home Bargains etc.) that also serves a large catchment area. Additional shopping facilities also exist within a 5-8 minute drive of the site, which include a Lidl supermarket and an Aldi (currently under construction).
- 6.1.8 It is therefore considered that the proposals would constitute a highly sustainable form of development, which the NPPF and local planning policy applies significant weight to with respect to planning decisions.
- 6.1.9 Such development would also allow for a significant proportion of affordable housing within the site, which SAMDev Policy 16.2(ii) states the Parish Council

have identified as a high priority within the village. The finite level of detail with respect to the affordable housing to be provided across the site would be finalised as part of a future Reserved Matters application which would require discussions being the applicant/developer and Housing Enabling Team.

- 6.1.10 Notwithstanding this however, the principle of on-site affordable housing provision amounting to 15% reflecting the broad range of tenures identified within the Type and Affordability of Housing SPD (and Annex 2 of the NPPF) would need to form part of a S106 legal agreement to be signed by a future developer and Shropshire Council prior to the commencement of development on site.
- 6.1.11 The provision of affordable housing within the locality is considered to weigh heavily in favour of the scheme with respect to constituting a benefit arising from the development in accordance with SAMDev Policy MD3. Furthermore, such development as a whole would also include the provision of a community hub (incorporating a library, children's play area and Parish Council office), which is also considered to comprise a substantial public benefit that weighs in favour of the proposed development.
- 6.1.12 Core Strategy Policy CS8 seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors. The provision of a community hub (made in full as opposed to Outline), would fully accord with Policy CS8 and result in a replacement facility to the existing library which is currently in a poor state of repair. The residential elements of the site's redevelopment would, from a financial standpoint, assist in the construction of a community hub, thereby in itself resulting in a public benefit.
- 6.1.13 Likewise, such redevelopment proposals would result in the loss of the existing scout hut on site which, whilst in conflict with Policy CS8, would be mitigated through the erection of new scout hut facilities being considered under a separate application (ref. 19/01866/OUT) on Lythwood Road. The principle of its demolition is therefore considered to be acceptable, provided the new scout hut facilities are completed and operational prior to the closure and demolition of the existing scout hut. Such assurances can be secured via a condition, either as part of an Outline consent or future Reserved Matters consent, should planning permission be forthcoming in either case.
- 6.1.14 The wider redevelopment of the site, whilst resulting in the reconfiguration of the existing incidental open space (the Glebefield), would include the creation of a defined area of public open space for local residents that makes efficient use of the playing fields associated with the former primary school that are not currently accessible to the public. Such open space would also include the creation of a formal children's play area, which does not currently exist at the site. This further weighs in favour of the proposed development by way of comprising a public benefit to local residents.
- 6.1.15 Significant concerns have been raised locally over the loss/alterations to the

Glebefield, which is in practice used by local residents for recreational purposes. Whilst the concern is noted and appreciated, it should be emphasised that the Glebefield is not afforded protection from a planning policy perspective as comprising formal public open space. The land in question is owned by the Diocese of Lichfield and could, at any time, be closed to be public with respect to access. The proposed development would utilise part of the Glebefield to provide a formal area of open space that would be afforded planning policy protection moving forward. Such a scenario would therefore constitute a betterment in this respect, whilst also providing a children's play area as described above. It should be noted however that the final layout of the public open space is not up for consideration at this point in time given the application has been submitted in Outline. The indicative layout as presented will however be commented upon in a subsequent section of this report.

- 6.1.16 To summarise, the principle of the redevelopment of this partial brownfield site for both a community hub and residential purposes, which includes the loss of a vacant school which has been disused for a number of years, is considered to be acceptable. Such development would bolster the local housing stock whilst providing much needed affordable housing for the village, whilst also delivering a community hub to include modernised library facilities, a children's play area and new offices for the Parish Council.

### **6.3 Character and Appearance**

- 6.3.1 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles, which should be responsive to the local character and context of existing development and its wider surroundings. Likewise, SAMDev Policy MD2 requires development to respond positively to local design aspirations, and be reflective of locally characteristic architectural design and details.
- 6.3.2 The proposed community hub incorporates the 'full' element of this planning application and therefore due consideration must be had to its design, built form and location within the site. The community hub would be sited adjacent to Glebe Road and on the corner of the proposed access serving the residential element of the wider site. The building would therefore be relatively prominent within the wider streetscene and act as a landmark structure relative to the wider site.
- 6.3.3 The community hub would incorporate a pitched roof with the ridge of the front pitch set below that of the rear pitch, with glazing along the front elevation bridging the gap between the two ridges. Such a design technique provides a degree of articulation and interest to the resultant building, which in itself is modern and, in officer's opinion, highly innovative that positively contributes to the visual amenities of the streetscene. This is aided by the indicative use of white render, metal cladding and brickwork with significant elements of full height glazing to the rear. The final specification of materials can suitably be controlled via condition should planning permission be forthcoming.
- 6.3.4 Consequently, the overall design, scale and built form of the community hub as

proposed is considered to be acceptable from a visual impact perspective and thus compliant with SAMDev Policy MD2 and Core Strategy Policy CS6.

- 6.3.5 With respect to the residential element of the site, it should again be emphasised that such proposals have been made in 'Outline' and therefore the number of dwellings, housing mix and overall layout of dwellings within the site as shown on the site layout plan has been submitted for indicative purposes only. Therefore, only the principle of residential development at the site is being sought which has already been addressed and found acceptable in the preceding section of this report.
- 6.3.6 Notwithstanding this however, it is important and necessary to address the level of information which has been submitted and provide commentary on the indicative site layout accompanying this submission.
- 6.3.7 The indicative site layout has shown that a total of 47 dwellings (50 including the library site) could be accommodated within the site, comprising a mix of 11 x 2-bed, 28 x 3-bed and 11 x 4-bed properties (also including the 3 at the library site). Such a housing mix as proposed is considered to be acceptable in principle, comprising a good range of house types with an emphasis placed upon 3-bed properties. It is also noted that different house types have been evenly spread throughout the site, which would in the future ensure affordable housing would not be located within a single area and therefore effectively segregated.
- 6.3.8 The general layout of the dwellings within the site appears to be largely acceptable, with the majority of properties fronting onto the new area of POS, thereby assuring an active frontage facing outward onto the green space. The children's play area would also be overlooked by a number of properties which is considered appropriate from a child safety standpoint. The general density proposed of 27.3 dph is also fairly consistent with modern residential development within the locality and, whilst of a generally high density that surrounding residential development, would not appear incongruous in this respect given the fairly enclosed/self-contained nature of the site.
- 6.3.9 The site provides a good degree of legibility with an uncomplicated spine road through the site, with cul-de-sac's utilising what would appear to comprise partly 'shared space' in terms of hard surfacing emanating off the main access road. The current footpath traversing through the site would also be rerouted and incorporated into one of the cul-de-sac's that connects to the remainder of the footpath outside of the site. The rerouting as proposed is generally considered to be positive as it would provide a more straightforward access across the site as opposed to the somewhat meandering route currently present.
- 6.3.10 The only moderate concern with the general site layout is the effective segregation of the 5 properties served off a separate access from Eric Lock Road West. The preferred option would be for the 5 properties to be fully integrated with the remainder of the site and, whilst it is not suggested that such a

design/layout solution is wholly unacceptable, this particular aspect should ideally be revisited as part of a future Reserved Matters submission.

6.3.11 Concerns have been raised locally over the number of dwellings proposed, the reference to their scale extending to 2.5 stories and the lack of bungalows within the site to serve the older generation within the village. In this regard, the site plan submitted is for indicative purposes only and in the absence of detailed elevation/floor plans being submitted, the general design, scale and built vernacular of the properties cannot be commented upon at this stage. With regards to the inclusion of bungalows within the site, this is an aspect which could potentially be reviewed and revisited as part of a future Reserved Matters application.

6.3.12 In general, the indicative layout of the proposed residential element of the scheme is considered to be largely acceptable, and integrates well with the proposed community hub and existing church building. Notwithstanding this however, such a layout would be further appraised, together with detailed elevation and floor plans as part of a future Reserved Matters application.

#### **6.4 Neighbouring amenity**

6.4.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development '*creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.

6.4.2 Based on the indicative site layout plan, the back to back separation distances shown between dwellings proposed within the applications site and neighbouring residential properties to the west, south and east would be in of 20m, which is the generally accepted minimum distance required to safeguard neighbouring amenity. Likewise, the relationship proposed between dwellings within the site and the level of private amenity shown for each dwelling appear to be generally acceptable. However, it should again be emphasised that the layout of dwellings within the site is for indicative purposes only and would be more formally assessed as part of a future Reserved Matters application.

#### **6.5 Trees, Landscaping and Public Open Space**

6.5.1 In accordance with SAMDev Policy MD2 and Core Strategy Policy CS17, landscaping is expected to form an important part of development schemes with the new planting of trees, woodland and hedges required to be incorporated to reinforce existing landscape features. MD2 requires 30sqm of open space per person, and for the proposed development showing an indicative housing mix of 11 no. 2-bed, 28 no. 3-bed and 11 no. 4-bed properties (a total of 150 bedrooms), this would necessitate a total open space requirement of 4500sqm.

6.5.2 The indicative site layout indicates that a total of 6283sqm of public open space

would be provided as part of the development, which is well in excess of the minimum policy required based on the indicative number of dwellings and housing mix shown. Whilst the exact layout or form that the public open space would take as shown in the site layout plan is for indicative purposes only, the degree of POS to be provided in terms of size would need to be secured through a S106 legal agreement between the future developer and Shropshire Council.

- 6.5.3 At this stage, limited information has been provided with respect to landscaping, aside from high level details shown on the indicative site layout plan. Such information includes the retention of existing trees to the west and south of York House, together with various groupings of mature trees to the south of the proposed location for the community hub. Additional trees planting is proposed around the perimeter of the POS, along with the front gardens of some of the dwellings fronting on to the POS. A detailed landscaping scheme would be required for submission as part of a future Reserved Matters application, which should incorporate both the residential/POS elements in addition to the land immediately surrounding the community hub which constitutes the 'full' element of this application.
- 6.5.4 The submitted arboricultural information has been appraised by the Council's Tree Officer, noting that the erection of the proposed community hub would necessitate the partial loss of the roadside linear group of Alder adjacent to Glebe Road (G43), together with a young group of mixed plantation that will occupy open space within the future development (G44). Both groups have been assigned category 'B', as having moderate landscape value. The Tree Officer considers that some of the better trees within this group could be retained within future landscaping of the open space. However, it is not considered that the partial loss of such trees would not have a significant detrimental impact on the amenity and arboreal cover of the area. The losses could be compensated by suitable new tree planting as appropriate to enhance the development and its integration into the surrounding area. No objections have therefore been raised over this aspect of the development, providing suitable measures are taken to prevent damage to retained trees during any approved development. In this respect, particular regard should be given to demolition and construction activities near protected tree T26 (lime) and special construction techniques may be required for those parts of the new car park that impinge within the root protection area of retained trees and tree groups (including G43 and retained elements of G44).
- 6.5.5 Construction of the new site access, internal access road and residential development as suggested by the Indicative Site Layout (drawing 1512-P-03B) would result in the loss of 11 trees (1 category 'B' [T10] and 10 category 'C' [T4, 6, 9, 13-15, 17, 18, 27 and 35]) and 2 groups of young trees G23 and G49 (both category 'C'); although some of the better trees within G49 could be retained within future landscaping of the open space of the development.
- 6.5.6 It is considered that the level and type of tree loss indicated would not have a significant detrimental impact on the overall arboreal cover and amenity value of



the area, given suitable new tree planting as appropriate to enhance the development and its integration into the surrounding area.

6.5.7 However, as s6.5 of the updated Arboricultural Impact Assessment (ref: OBH/AIA/08/19) makes clear, it is important to consider not just the impacts of a proposed development upon existing trees, but also the effects retained trees may have upon the development. For example, in order to achieve a successful (sustainable) juxtaposition of trees, dwellings and other structures, potential issues such as structural damage, excessive shading, leaf fall and other tree detritus, overbearing presence and concerns as to tree safety should be taken into account. The Tree Officer therefore endorses the comments made in s7.7 – 7.9 of the AIA regarding such ‘liveability’ issues and urges that any future scheme for the site takes them into account and acts upon them as a factor in deciding the layout and design of the development.

6.5.8 Subject to the foregoing, no objections have been raised over the ‘Outline’ element of this application on arboricultural grounds, providing suitable measures are taken to prevent damage to retained trees during any approved development. In this respect, particular regard should be given to demolition and construction activities near protected trees and special construction techniques may be required for any development that impinges within the root protection area of retained trees and tree groups.

## **6.6 Highways and Access**

6.6.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.6.2 No objections have been raised from the Highways Authority with respect to the proposed access onto Glebe Road, with the internal access road being covered by a separate application (ref. 19/01865/FUL) in relation to the proposed new vicarage. Whilst concerns have been raised locally with respect to the traffic generation associated with the new development and the subsequent impact upon the Lyth Hill Road/A49 junction, it is considered that such impacts could be more appropriately assessed as part of a future Reserved Matters application. At this stage, the number of dwellings proposed within the site is indicative only, and it is therefore not considered necessary for a Transport Statement to be submitted or further consultation undertaken with Highways England at this time. Once a definitive figure for residential development is applied for at the Reserved Matters stage, this would then necessitate a more detailed assessment of the traffic implications associated with the development.

6.6.3 No concerns have been raised over the utilisation of the existing access onto Glebe Road serving the new parking area between Christ Church and the proposed community hub, with the level of parking proposed considered

sufficient for serving all non-residential elements within the site in tandem with existing parking provision.

## **6.7 Ecology**

6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.7.2 An Ecological Assessment has been submitted in support of the application (apT, December 2018), with priority and protected species surveys undertaken at the site demonstrating the probably absence of great crested newts, widespread reptiles, roosting bats and badgers. The site was also seen to support only low levels of bat activity. The assessment has however outlined a number of mitigation and enhancement recommendations, which the Council's Ecologist is in agreement with. Compliance with the proposed recommendations, particularly in relation to an Ecological Clerk of Works (ECW) providing reports to the Local Planning Authority with respect to the identified RAMMS, would be secured through the imposition of a condition should planning permission be forthcoming.

## **6.8 Drainage**

6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The proposal has been assessed by the Council's Drainage Engineer who has not raised any objection, provided that details pursuant to surface and foul water drainage are provide prior to the commencement of development by way of condition and an informative in relation to sustainable drainage principles is attached to any approval notice issued. In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and Policy CS18 of the Core Strategy.

6.8.2 In accordance with para. 163 of the NPPF, a Site Specific Flood Risk Assessment (FRA) would be required to accompany this application due to the overall site area exceeding 1 hectare. Such a FRA should demonstrate the following:

a) within the site, the most vulnerable development is located in areas of lowest

- flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

At the time of writing this report, a FRA has not been produced and submitted in support of the application, however it is understood that a FRA is currently being undertaken which will be provided by way of an update to planning committee. On the understanding that a FRA is produced and deemed acceptable by the Council's drainage team, no objection is raised to the proposed development in this respect. Further clarity on this will be provided to planning committee by way of an update as advised.

## **6.9 Other Matters**

6.9.1 It is noted that Sport England have comments on the proposed development and state that, based on their assessment, a previously used youth football/sports pitch was present/likely present within the site of the former Oaklands County Primary School, and this would subsequently be lost with no replacement facilities to be provided as part of the scheme. In the absence of replacement facilities, and with the Council having not published its latest Playing Pitch and Outdoor Sports Assessment & Strategy (PPS) demonstrating that the youth pitched is surplus to requirements in terms of provision, Sport England have objected to the proposed development. They have stated however that, if the applicant was willing to provide a financial contribution of £75,000 to be secured through a S106 legal agreement for investment in playing field provision/improvements, Sport England would be willing to remove their objection.

6.9.2 In this respect, officers do not consider that the financial contribution of £75,000 as suggested by Sport England would be reasonable in this case, especially when considering that the school and associated playing fields in question have been vacant for in excess of 10 years. The Council does not consider that active youth playing fields would be lost as a result of the proposed development, with Sport England acknowledging they have not been in use for at least the last 5 years. Whilst the objection from Sport England is noted, it is considered that only limited weight can be applied to their objection, and the suggested financial contribution is not considered to be reasonable, viable or justified in this case.

## **7.0 CONCLUSION**

The proposed development, namely the construction of a new community hub and the redevelopment of the remainder of the site for residential purposes, is

considered to be acceptable in principle that would constitute a highly sustainable form of development and reuse of a partial brownfield site. With respect to the community hub, such development is considered to be acceptable from a design perspective that would have a positive impact upon the visual amenities of the streetscene. In addition, with regards to the residential element of the scheme made in 'Outline', such development would appear largely acceptable in terms of layout and subsequent impact upon the amenities of surrounding residential properties, with a substantial degree of public open space proposed that would exceed the minimum requirements based on the indicative level of housing shown. Furthermore, the development is considered to be acceptable with respect to highways and access considerations, and would, based on the indicative layout, provide an appropriate level of parking to serve the proposed dwellings.

It should be noted that, due to the applicant being Shropshire Council, a S106 legal agreement cannot be signed at this stage. Therefore, a Memorandum of Understanding has been signed confirming that a S106 agreement would be signed between Shropshire Council in its capacity as the Local Planning Authority and the future developer/purchaser of the site prior to the commencement of development.

The application is therefore recommended for approval, subject to conditions outlined within Appendix 1 of this report, the receipt and approval of a Flood Risk Assessment and on the understanding that a S106 legal agreement would be signed between the future purchaser/developer of the site and Shropshire Council. The signing of such a legal agreement should therefore comprise a condition of the site's purchase.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

② 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.

② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than

six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

## West Midlands Regional Spatial Strategy Policies:

## Core Strategy and Saved Policies:

CS1 - Strategic Approach  
 CS4 - Community Hubs and Community Clusters  
 CS6 - Sustainable Design and Development Principles  
 CS8 - Facilities, Services and Infrastructure Provision  
 CS11 - Type and Affordability of housing  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD12 - Natural Environment  
 National Planning Policy Framework  
 Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

PREAPP/10/00160 Temporary staff car park for the provision of 4/5 spaces. PREUDV 2nd February 2010

PREAPP/10/00593 Extension to School REC

19/01873/OUT Hybrid (full and outline) application for residential development (outline) and the erection of community building with car parking (full) PDE

SC/CC2006/0025 Erection of 2.3, 2.4 and 3 metre high dark green steel mesh security fencing PERMIT 13th November 2006

SC/CC2003/0019 Construction of a single-storey front extension to provide a reception office, entrance lobby and access ramp. PERMIT 12th June 2003

SC/CC2003/0010 Erection of 2.4 metre high dark green steel palisade security fence PERMIT 29th April 2003

## 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) |
| Cabinet Member (Portfolio Holder)<br>Councillor Gwilym Butler  |
| Local Member<br>Cllr Ted Clarke<br>Cllr Jane Mackenzie<br>Cllr Tony Parsons  |
| Appendices<br>APPENDIX 1 - Conditions  |

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. Approval of the details of the design and external appearance of the development, layout, scale and the landscaping of the development (hereinafter called "the reserved matters") (C3 residential use), shall be submitted to and approved in writing by the local planning authority before any development in relation to the C3 class use on site begins and the development shall be carried out as approved.

Reason: In respect of the C3 residential use, the application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars aside from access have been submitted with respect to the matters reserved in this permission.

3. Application(s) for approval of the reserved matters (C3 residential use), shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall be implemented within 2 years 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 Reserved Matters for the C3 residential use area of the development shall be in conformity with parameters for the development shown on site plan drawing number 1512-P-03B.

Reason: To avoid doubt and in the interests of the surrounding amenity.

5. 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

**6. With respect to the community hub comprising the FULL element (community hub) of the application hereby approved, prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.**

**Reason: To ensure that the external appearance of the development is satisfactory.**

**7. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).**

**Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.**

**8. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:**

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);**
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);**
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;**
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);**
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;**
- f) Implementation timetables.**

**The plan shall be carried out as approved.**

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

**9. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.**

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

**10. In this condition retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge planted as a replacement for any retained tree.**

**a) During implementation of the development no retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority (LPA). Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.**



**b) Prior to commencement of development (including demolition, site clearance and levelling) a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012, or its current equivalent, shall be submitted to and approved in writing by the LPA. All tree works and protection measures detailed in the approved TPP and AMS must be fully implemented to the written satisfaction of the LPA before any equipment, machinery or materials are brought onto the site for the purposes of the development.**

**c) The development shall be implemented in accordance with the approved AMS and TPP. Approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the LPA.**

**d) All services will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing.**

**e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The LPA will be informed of the identity of said person.**

**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.**

**11. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:**

**a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance;**

**b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.**

**Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.**

**12. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the**

**Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.**

**Reason: To ensure a satisfactory means of access to the highway.**

**13. 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:**

- o the parking of vehicles of site operatives and visitors**
- o loading and unloading of plant and materials o storage of plant and materials used in constructing the development**
- o wheel cleaning facilities**
- o measures to control the emission of dust and dirt during construction**
- o a scheme for recycling/disposing of waste resulting from demolition and construction works**
- o a traffic management and HGV routing 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**

14. Prior to first occupation / use of the building [or each phase of the buildings], an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the bat, bird and herptile RAMMS, as set out in sections 7.1.2, 7.1.3 and 7.3-7.6 of the Ecological Assessment (apT, December 2018).

Reason: To demonstrate compliance with the bat, bird and herptile RAMMS, which are protected species.

15. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

16. The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the building. If within a period of five years from the date of planting, any tree or

shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

3. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage

system should be designed so that storm events of up to 1 in 100 year + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

4. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

5. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

6. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

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| <u>Committee and date</u>  |
| Central Planning Committee |
| 29 August 2019             |

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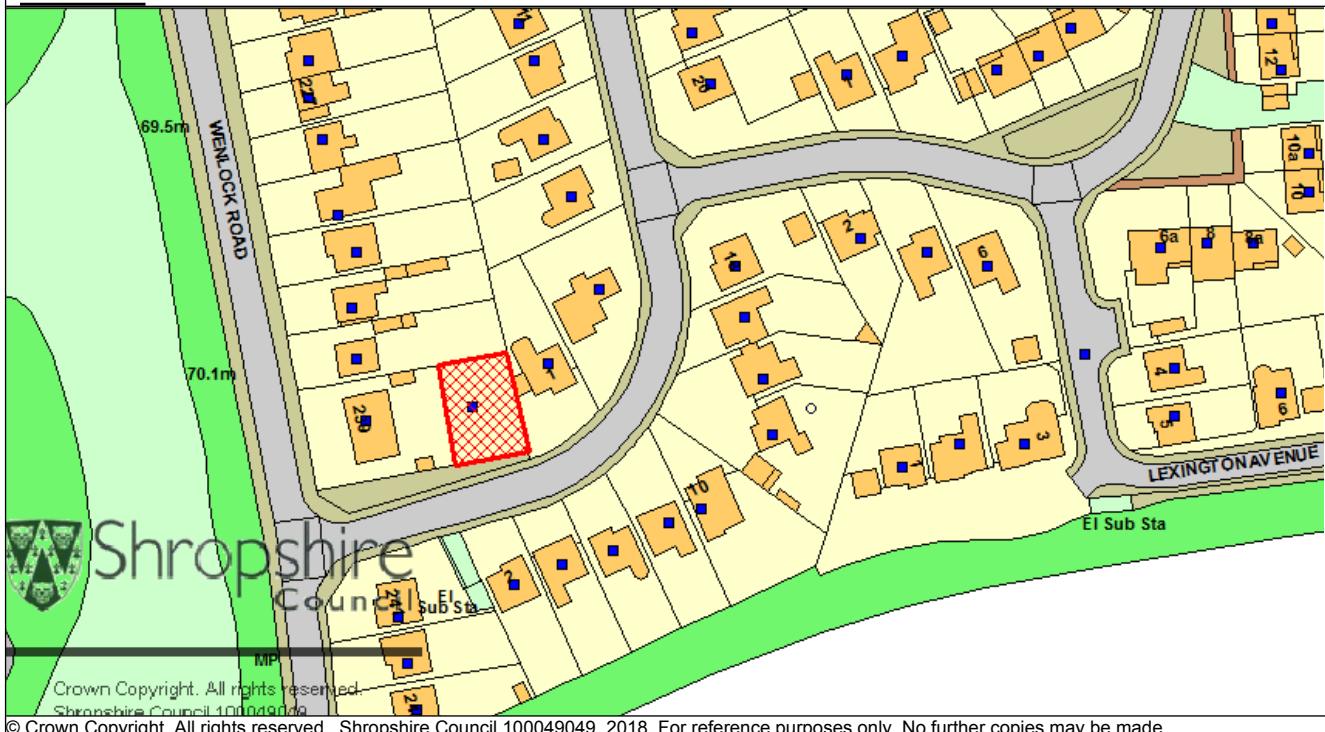
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

|  |   |
|--|---|
| <b><u>Application Number:</u></b> 19/02898/FUL   | <b><u>Parish:</u></b> Shrewsbury Town Council   |
| <b><u>Proposal:</u></b> Erection of 1No dwelling and formation of vehicular access     |   |
| <b><u>Site Address:</u></b> Land To The Rear Of 239 Wenlock Road Shrewsbury Shropshire |   |
| <b><u>Applicant:</u></b> Margaret Reynolds   |   |
| <b><u>Case Officer:</u></b> Jane Raymond   | <b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a> |

**Grid Ref:** 351249 - 310709



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to the erection of a detached dwelling and formation of vehicular access.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a vacant piece of land that was once part of the rear garden of 239 Wenlock Road but has been fenced off for several years and is now in separate ownership

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

- 4.1.1 WSP on behalf of SC Drainage: Suggests conditions and informative notes.
- 4.1.2 WSP on behalf of SC Highways: Access to the proposed new dwelling will be taken off Kingston Drive an urban estate road. Several previous applications for similar development on the site have been submitted and the highway authority offered no objection to the proposals.

It is considered that visibility will need to be improved by the cutting back of the bushes along the site road frontage and eastern boundary to allow the driver of an emerging vehicle to have clear sight of approaching pedestrians and traffic. An open frontage, in keeping with other properties along Kingston Way, would be appropriate.

#### 4.2 - Public Comments

- 4.2.1 Shrewsbury Town Council: Objects to this application for the following reasons: Policy CS6 (Core Strategy) promotes good development which protects, restores, conserves and enhances the area. This application does not accord with such policy for the following reasons:

1) Whilst fronting the highway, members feel this constitutes back land development which harms the setting and context of both the existing property and the proposed dwelling, compromising the amenity value of both properties;

2) The development will have a detrimental impact on the character, street scene

and appearance of the locality;

3) This development will impact on the neighbouring properties in terms of their rights to privacy, particularly given the layout so close to neighbouring boundaries;

4) This development will impact on the visibility splays of the highway, accessibility of the site and parking in the locality.

#### 4.2.2 Two letters of objection summarised as follows:

The site is the former rear orchard garden of 239 Wenlock Road and when the house was sold 5/6 years ago the orchard part of the garden remained in the ownership of the late owner's family.

The front boundary hedge has been removed to expose the site.

The proposal has no garage whereas all properties in Kingston Drive have a garage.

Would not be in keeping with the current properties or open plan nature of the estate.

Will impact on neighbours' privacy as the layout is very close to neighbouring properties.

Impact on the highway due to parking in Kingston Drive since the introduction of the business park.

The application should be refused as the previous four applications have all been refused.

Applications for a 3 bed dwelling, a 5 bed dwelling and a 2 bed bungalow have previously been refused and this should be refused for the same reason.

The previous reports and decisions emphasise the following and are still relevant:

- any proposal would be cramped and somewhat shoe-horned into the plot
- would stand out as different from the rest of Kingston Drive
- would appear to be an afterthought squeezed into a small plot at the back of a larger house
- any screening would not make it invisible
- changes to national policy were intended to prevent harmful forms of development on garden sites
- would appear overly prominent within the street scene and not in keeping with the appearance of nearby properties
- would fail to protect the amenities of nearby residents
- contrary to CS6

## 5.0 THE MAIN ISSUES

- Principle of development
- Access and parking
- Layout, scale, design and appearance
- Impact on residential amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The site is within the development boundary for Shrewsbury on the proposals map of the adopted SAMDev DPD. Development of this site would therefore be acceptable in principle as it would also accord with Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development.

### 6.2 Access and parking

6.2.1 The proposal indicates a driveway to the front of the house with space to park 2 cars and would require cars to either reverse on or off the driveway. This is the same situation as for the majority of other driveways within Kingston Drive.

6.2.2 Highways have no objection to the proposal subject to the cutting back of the bushes along the site road frontage and eastern boundary and maintaining an open frontage.

6.2.3 Concern has been raised by the Town Council and a few local residents regarding parking in the road close to the junction with Wenlock Road by people at the business park. As this proposal includes the formation of a private driveway and a dropped kerb this will deter people from parking in this part of Kingston Drive.

### 6.3 Layout, scale, design and appearance

6.3.1 Policy CS6 requires new development to be designed to be appropriate in scale, density, pattern and design taking into account the local context and character of the area and make effective use of land whilst protecting the natural and built environment. SAMDev policy MD2 amongst other things requires proposals to:

*Contribute to and respect locally distinctive or valued character and existing amenity value by:*

- Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and*
- Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion;*

6.3.2 The site is separated from the properties in Wenlock Road by a fence that has been erected for several years. Although the site was once part of the rear garden



of 239 Wenlock Road it is now more closely associated with the properties in Kingston Drive. In addition now that the front boundary hedge has been removed (and a condition can be imposed to ensure that the frontage remains open) it is considered that the proposal would be in keeping with the local pattern of development including the open plan nature of the locality.

- 6.3.3 The plot size is commensurate with plots sizes of surrounding properties and it is considered that the proposed house will fit comfortably within the plot providing adequate parking and garden space. The separation distance between the proposed house and the side of 1 Kingston Drive is the same as (or slightly greater than) the separation distances between the existing houses in Kingston Drive. Similarly the distance from the side of the proposed house and the rear of 239 Wenlock Road is the same distance as that between the side of the house opposite in Kingston Drive and the rear of 241 Wenlock Road. The relationship of the proposal with neighbouring properties is therefore consistent with the relationship of surrounding properties with their neighbours and it is therefore considered that the proposed house would not appear cramped or 'shoe horned' into the site.
- 6.3.4 Previous proposals that have been refused at this site were for either smaller or larger houses, or bungalows and this is why in these earlier decisions it was considered that the proposals would look out of place. The house as now proposed has been designed to be in keeping with the scale and design of the nearby properties in Kingston Drive and it is considered that the proposal would not have an adverse impact on the character and appearance of the locality or the scene.

#### 6.4 **Impact on residential amenity**

- 6.4.1 Due to the separation distance from nearby properties it is considered that the proposal would not appear overbearing or intrusive and would not result in overshadowing or a loss of light. The house has also been carefully designed so that there are no first floor windows in the side or rear elevations that could result in overlooking and a loss of privacy.
- 6.4.2 The occupiers of the nearest properties to either side and to the rear have not commented on the application and it is considered that the proposal would not have any impact on their enjoyment of their properties or on residential amenity. It is also considered that the proposal would not have any adverse impact on the outlook from properties opposite the site.

#### 7.0 **CONCLUSION**

- 7.1 The development of this site to provide a single dwelling is acceptable in principle as it is located within the Shrewsbury Urban development boundary and accords with CS2. The proposed house has been designed to match the existing houses in Kingston Drive and combined with the open frontage it is considered that the development would have no adverse impact on the character and appearance of the locality. The plot size is commensurate with plots sizes of surrounding properties and it is considered that the proposal will fit comfortably within the plot

providing adequate parking and garden space. The separation distance from surrounding houses will ensure that the dwelling will not appear overbearing or intrusive and would not result in overshadowing or a loss of light. In addition there are no first floor windows in the side or rear elevations that could result in overlooking. The proposal is considered to make effective use of land and is appropriate in scale and design taking into account the local context and character of the area and would have no adverse impact on visual or residential amenity. It is therefore considered to accord with CS6 and MD2.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

**Central Government Guidance:**  
National Planning Policy Framework

**Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:**  
CS2, CS6 and MD2

### RELEVANT PLANNING HISTORY:

10/04139/FUL: Erection of a detached 5 bedroom dwelling REFUSED 05.11.2010  
APPEAL DISMISSED April 2011.

11/01115/FUL: Erection of a detached 2 bedroom bungalow REFUSED 08.06.2011  
APPEAL DISMISSED Feb 2012.

14/02407/FUL: Erection of a 3 bed dwelling REFUSED 12.01.2015

15/02483/OUT Application for outline planning permission with some matters reserved for the erection of a 3 bedroomed detached dwelling. REFUSED 25.11.2015  
APPEAL DISMISSED November 2016

## 11. Additional Information

### List of Background Papers

19/02898/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PTRRDETDFRJ00>

Cabinet Member (Portfolio Holder): Councillor Gwilym Butler

Local Member: Cllr Ted Clarke, Cllr Jane Mackenzie and Cllr Tony Parsons

Appendices

## **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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

3. No above ground works shall take place until full details of the means of access, including the layout, construction and sightlines have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the development hereby approved is first occupied.

Reason: To ensure a satisfactory means of access to the highway.

4. No above ground works shall take place until full details for the parking of two vehicles have been submitted to and approved in writing by the Local Planning Authority. 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.

5. The access apron shall be constructed in accordance with the Council's specification currently in force for a residential access and shall be fully implemented prior to the development being brought into use.

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

6. No above ground works shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

7. The external materials shall match in colour, form and texture those of the existing dwellings in Kingston Drive.

Reason: To ensure that the works harmonise with the existing surrounding development.

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

8. There shall be no wall or fence erected or hedge planted at the front of the site.

Reason: To retain an open frontage in keeping with existing properties in Kingston Drive and to ensure adequate visibility splays are maintained.

9. No first floor windows or other openings shall be formed in the side or rear elevations.

Reason: To preserve the amenity and privacy of adjoining properties.

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| <u>Committee and date</u>  |
| Central Planning Committee |
| 29 August 2019             |

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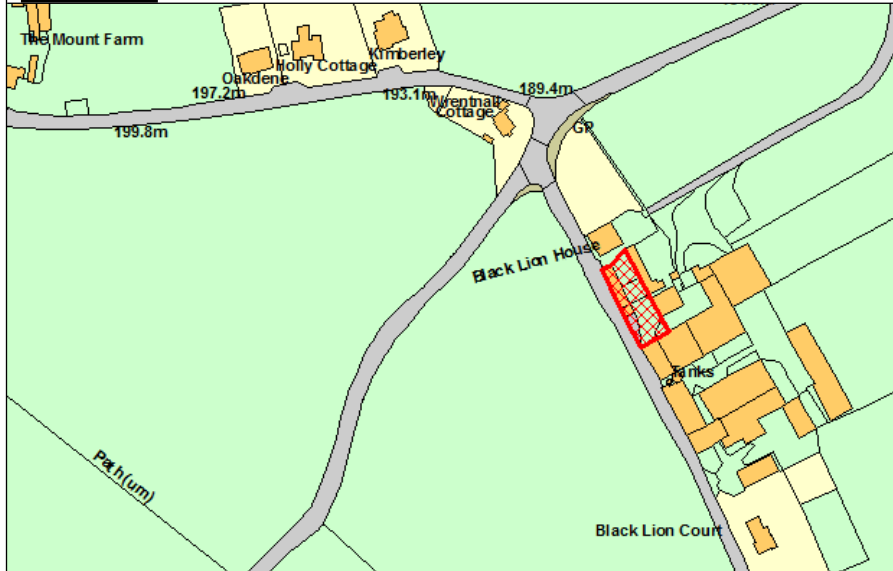
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

|   |  |
|---|--|
| <b>Application Number:</b> 19/03076/VAR   | <b>Parish:</b> Church Pulverbatch  |
| <b>Proposal:</b> Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan |  |
| <b>Site Address:</b> Holiday Lets at Black Lion House Church Pulverbatch Shrewsbury Shropshire  |  |
| <b>Applicant:</b> Mr & Mrs Dan Morris   |  |
| <b>Case Officer:</b> Sonia Kizito   | <b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a> |

**Grid Ref:** 342909 - 303520



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**Recommendation:- approve subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located to the north of the settlement of Church Pulverbatch. The building to which the application relates is located within the curtilage of Black Lion House. It is located to the South of the farmhouse, with farmyard to the East and highway 'Harolds Bank' running immediately along the West side of the building.

The surrounding area is agricultural in character. The yard is surrounded by fields and the nearest neighbouring property, Corner Cottage, is located approximately 300 metres. The farmstead has been identified and classified by the Councils Historic Farmsteads Characterisation Project.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the applicant is an elected member of the Council and therefore the application must be determined by Planning Committee.

### 4.0 Community Representations

#### 4.1 Consultee Comments

##### 4.1.1 Drainage:

"We have no comment from the drainage and flood risk perspective, regarding the Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan."

##### 4.1.2 SC Affordable Houses

"No objection. There are no implications for affordable housing associated with this proposal."

##### 4.1.3 SC Conservation:

"I'm relatively happy with the revisions to the fenestration/rooflights now. The



original planning application in 2011 had an external materials condition which should also be applied here – this should include making sure the windows and doors are flush fitting painted timber (as originally indicated on the approved drawings), rainwater goods should be metal and the flue should be finished in a matte black metal”

#### 4.1.4 Shropshire Fire and Rescue Service

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link: <https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

#### 4.1.5 SC Ecology: No objection

“A European Protected Species licence was granted in 2012. Conversion works were carried out under the ecological supervision of Churton Ecology and mitigation measures have been put in place. I am satisfied that no further information is required to support the VAR application.”

## 5.0 THE MAIN ISSUES

Background

Principle of development

Design, Scale and Character

Impact on Amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Background

6.1.1 This VAR application proposes further alterations beyond those approved under planning application 11/05008/FUL affecting a linear roadside barn on the Black Lion Farm farmstead. The variation seeks to regularise the internal construction and configuration of this property.

### 6.2 Principle of development

6.2.1 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 Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.2.2 The principle of development has already been established by the granting of the existing planning permission reference 11/05008/FUL. The current application seeks to vary condition 2 (approved plans) of planning permission reference 11/05008/FUL in order to allow for internal construction and configuration.
- 6.2.3 The principle of the alterations to the dwelling has been established through the extant planning permission 11/05008/FUL.
- 6.3 Design, Scale and Character
- 6.3.1 There is a general presumption in favour within the development plan policy for alterations to dwellings, provided they comply with the relevant criteria of Core Strategy Policy CS6 and SAMDev Policy MD2 which seeks to ensure development is sympathetic to the size, mass, character and appearance of the original property and surrounding area. In addition, Part 12 'Achieving well-designed places' of the revised NPPF (2019) emphasises good design as being a core aspect of sustainable development.
- 6.3.3 The site is located in the countryside and Policy CS5 is therefore relevant. CS5 advises that proposals for the conversion of rural buildings will be supported where they take into account and make a positive contribution to the character of the buildings and the countryside.
- 6.3.4 Officers have consulted the Council's Conservation officer who has assessed the amended plans and has no objection provided original conditions are attached to the decision notice. In addition, the Ecology Officer has been consulted and is satisfied with the supporting information submitted with this application.
- 6.3.5 Officers therefore consider that the proposal meets the relevant criteria within the NPPF, CS5, CS6 and MD2 and is therefore acceptable in principle.
- 6.3.6 In addition, the conditions included in the original permission will still be applied to this variation of conditions application if planning permission is granted.
- 6.4 Impact on Amenity
- 6.4.1 Core Strategy CS6 indicates that development should safeguard the residential and local amenity.
- 6.4.3 Officers consider that the proposed scale, design and appearance of the proposal will respect the existing character of the farmstead and will not result in any adverse visual impact in or on the locality. It is felt that the proposal will be sympathetic to the existing character of the barn, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum. It is considered that the proposal will not result in the significant loss of amenity area to the farmstead and locality.

## 7.0 CONCLUSION

Officers consider that the proposed scale, design and appearance of the proposal will respect the existing character of the barn and farmstead and will not result in a detrimental visual impact or cause any detrimental impact in or on the locality. Recommend that planning permission is granted.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

Core Strategy and SAMDev

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

### RELEVANT PLANNING HISTORY:

11/05008/FUL Conversion of barns to two holiday lets GRANT 18th January 2012

19/03076/VAR Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan PCO

10/00248/FUL Application to erect a calf rearing unit in a different position and orientation to that approved under planning permission 07/1291/F (retrospective) (amended description) GRANT 22nd March 2010

10/00532/FUL Application under section 73a of the Town and Country Planning Act 1990 for erection of double garage for agricultural workers dwelling (amendment to previously approved Ref. 09/0046/F) (Retrospective)

WDN 9th April 2010

10/00654/AMP Proposed Non Material Amendment to Planning Permission SA/08/1156/F to include insertion of 2 rooflights, a solar panel and the repositioning of 2 rooflights (amended description). REFUSE 9th March 2010

10/02246/FUL Erection of an agricultural workers dwelling to include glazed link and garage (amended description) GRANT 9th May 2011  
 10/03863/FUL Erection of an agricultural building for use as a calf nursery unit GRANT 30th November 2010  
 11/00511/FUL Installation of 54 photo voltaic panels to south facing roof of the northern calf rearing building GRANT 18th March 2011  
 PREAPP/11/01288 Conversion of redundant farm buildings NOOBJC 23rd August 2011  
 11/05008/FUL Conversion of barns to two holiday lets GRANT 18th January 2012  
 14/01599/AGR To erect a solid roof over existing manure store PPREQN 24th April 2014  
 17/01785/FUL Erection of building to house a two bay garage and two stable complexes ancillary to the use of the domestic dwelling. WDN 8th June 2017  
 17/03658/AGR Erection of an agricultural building for the storage of machinery and fodder (amended description) PNR 1st September 2017  
 19/03076/VAR Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan PCO  
 SA/75/0954 Alterations and additions to existing dwelling to provide garage, toilet and shower room and formation of a vehicular access. PERCON 16th December 1975  
 SA/97/0233 Erection of a lean-to to existing agricultural building. PERCON 22nd April 1997  
 SA/01/0308 Removal of condition no.10 from permission no. 99/796/OUT/742/75 dated 15/12/1999, to remove the agricultural occupancy restriction. REFUSE 13th June 2001  
 SA/09/0046/F Erection of a detached double garage to serve dwelling approved under planning permission ref: 08/1156/F dated 12th November 2008 PERCON 25th March 2009

## 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) |
| Cabinet Member (Portfolio Holder)<br>Councillor Gwilym Butler  |
| Local Member<br>Cllr Dan Morris  |
| Appendices<br>APPENDIX 1 - Conditions  |

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development shall be carried out strictly in accordance with the approved plans and drawings pertaining to 11/05008/FUL and as hereby varied.

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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

2. Prior to their installation to the development hereby approved, details and samples of all new external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

3. Prior to first occupation of the development hereby approved, a total of 3 artificial nests, such as Schwegler 1FB bird box, 2H robin box, Schwegler bird houses or sparrow terraces (or direct woodcrete equivalents of the above) shall be erected on the site, in locations first to be agreed with the Local Planning Authority, and thereafter retained for the lifetime of the development.

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

4. Prior to the first occupation of the dwelling/building, provision of nesting opportunities for swallows shall be provided on the site to which this consent relates in accordance with details to have first been submitted to and approved in writing by the local planning authority. The agreed works shall be retained for the lifetime of the development.

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

5. Prior to the first occupation of the holiday lets hereby approved, the vehicular access shall be constructed in accordance with the details indicated in Drawing No. P.05 Rev A received 4th January 2011 and shall thereafter permanently be retained as shown.

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

6. No joinery works shall commence until precise details of all external windows and doors to be provided in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. The development shall be carried out strictly in accordance with the agreed details.

Reason: In order to provide a development with a satisfactory appearance.

7. Prior to first occupation of the holiday lets hereby approved, the landscaping of the site shall be carried out in accordance with the details indicated on Drawing No. P.05 Revision A.

Reason: In the interests of visual amenity.

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

8. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron, cast aluminium or style to replicate these materials.

Reason: In order to provide a development with a satisfactory appearance.

9. Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no development shall take place under Classes A, B, C, D, E, or G, within the curtilage of the building hereby approved without the prior consent in writing of the Local Planning Authority.

Reason: To maintain the appearance and character of the development.

10. a) The holiday home shall be occupied for holiday purposes only;  
b) The holiday home shall not be occupied as a person's sole or main place of residence;  
c) The holiday home owner shall maintain an up-to-date register of the names of individuals, groups or families that stay at the holiday home, and their duration of stay, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that approved holiday accommodation is not used for permanent residential accommodation.

11. The building shall be used for holiday accommodation only and shall not be used as the sole, primary or permanent residence of any occupier.

Reason: To prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted, which would be contrary to Policy CS5 of the Shropshire Core Strategy, and to avoid any adverse impact upon the residential amenities of the existing dwelling.

12. No one individual or family/group shall occupy the proposed unit of accommodation for more than 4 consecutive weeks in any calendar year.

Reason: Unrestricted residential use of the building would be contrary to Policy CS5 of the Core Strategy.

13. Roof flue venting pipes shall be coloured and maintained matt black for the lifetime of the development hereby approved.

Reason: To maintain the character and visual appearance of the development.

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| <u>Committee and date</u>  |
| Central Planning Committee |
| 29 August 2019             |

|             |
|-------------|
| <u>Item</u> |
| <b>11</b>   |
| Public      |

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

|                                       |  |
|---------------------------------------|--|
| <b>LPA reference</b>                  | 16/04559/OUT   |
| <b>Appeal against</b>                 | Appeal Against Refusal   |
| <b>Appellant</b>                      | Caterpillar Defence  |
| <b>Proposal</b>                       | Outline application (access for consideration) for residential development (up to 140 dwellings) including demolition of building 1; formation of access roads and associated highways, engineering and accommodation works (REVISED SCHEME) |
| <b>Location</b>                       | Caterpillar Defence<br>Perkins Engines<br>Lancaster Road<br>Shrewsbury   |
| <b>Date of application</b>            | 05.10.2016   |
| <b>Officer recommendation</b>         | Grant Permission   |
| <b>Committee decision (delegated)</b> | Committee Decision   |
| <b>Date of decision</b>               | 01.11.2018   |
| <b>Date of appeal</b>                 | 18.01.2019   |
| <b>Appeal method</b>                  | Written Representations  |
| <b>Date site visit</b>                |  |
| <b>Date of appeal decision</b>        |  |
| <b>Determination time (weeks)</b>     |  |
| <b>Appeal decision</b>                |  |
| <b>Details</b>                        |  |

|   |   |
|---|---|
| <b>LPA reference</b>                      | 19/01878/FUL                                  |
| <b>Appeal against</b>                     | Appeal Against Refusal                        |
| <b>Appellant</b>                          | Mr John Swain                                 |
| <b>Proposal</b>                           | Erection of a detached two storey dwelling    |
| <b>Location</b>                           | Honeysuckle Cottage<br>Cruckton<br>Shrewsbury |
| <b>Date of application</b>                | 25.04.2019                                    |
| <b>Officer recommendation</b>             | Refusal                                       |
| <b>Committee decision<br/>(delegated)</b> | Delegated                                     |
| <b>Date of decision</b>                   | 20.06.2019                                    |
| <b>Date of appeal</b>                     | 04.07.2019                                    |
| <b>Appeal method</b>                      | Written Representations                       |
| <b>Date site visit</b>                    |   |
| <b>Date of appeal decision</b>            |   |
| <b>Determination time (weeks)</b>         |   |
| <b>Appeal decision</b>                    |   |
| <b>Details</b>                            |   |