

## Development Management Report

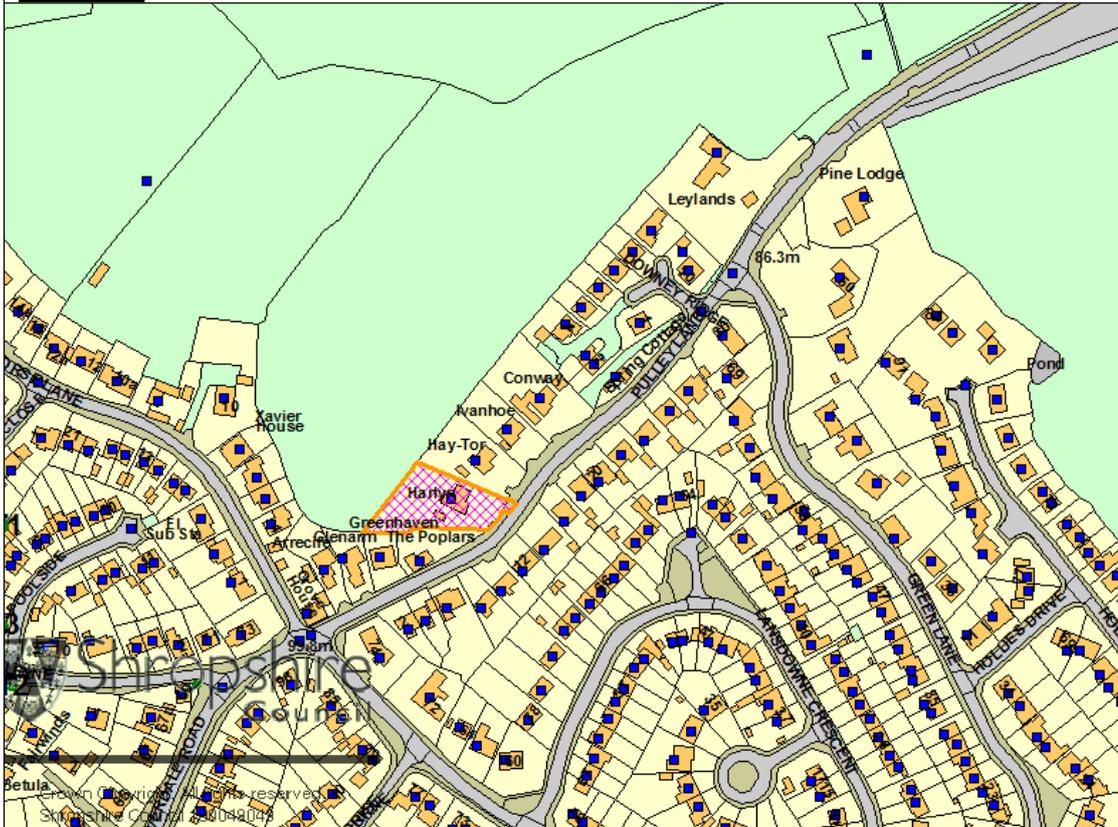
Responsible Officer: Tim Rogers

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> 17/04769/OUT	<b>Parish:</b>	Bayston Hill
<b>Proposal:</b> Outline application (all matters reserved) for the erection of 2No. dwellings		
<b>Site Address:</b> Harlyn Pulley Lane Bayston Hill Shrewsbury SY3 0JH		
<b>Applicant:</b> Mr & Mrs M Jones		
<b>Case Officer:</b> Nanette Brown	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347572 - 309258



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of two dwellings, with all matters reserved. The site currently comprises of a detached bungalow with detached garage and outbuilding.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application is located to the west of Pulley Lane with open fields to the rear. Pulley Lane runs downhill in a northerly direction leading out of Bayston Hill. To the north of the site lies Hay-Tor a detached bungalow, and to the south are located two storey dwellings (The Poplars and Greenhaven).

- 2.2 The application site is located within the identified development boundary for Bayston Hill. A mixture of house types and designs are found along Pulley Lane.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 Objections have been raised by Bayston Hill Parish Council in relation to loss of existing bungalow housing stock, potential overshadowing and dominance of neighbours, concerns regarding highways safety with regards to any new access arrangements and an objection to use of garden land to provide new housing. The Local Member has also requested that the application be determined by the Planning Committee. This request has been discussed by the Vice Chair of the Planning Committee and the Principal Planning Officer/Service Manager with responsibility for Development Management who has determined that the application should be determined by the Central Planning Committee.

**4.0 Community Representations****4.1 - Consultee Comments****SUDS – No objections**

The proposed drainage details, plan and calculations should be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

**SC Affordable Houses – No objection**

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal

and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

SC Highways DC – No objections

SC Ecology – No objections

No objections – suggested conditions and informative.

SC Trees – Comments

To properly assess any impacts and implications to trees on and adjacent to the site and the consequences for the landscape and public amenity of the area and the wider environment an Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be provided with the application. The AIA should include all trees that could be affected by the proposed development. The Assessment should also accurately describe and plot the relevant trees and assess their suitability for retention in light of the proposed development. As this is an outline application the information should demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained trees.

If this information is not forthcoming it must be considered that the proposed development will

have a substantial negative impact on significant trees and the wider amenity and it would be

recommended that the application be refused as it would be contrary to the principals of the

Shropshire Local Development Framework; adopted core strategy policies CS6 and policies MD2

& MD12 of the adopted SAMDev.Plan.

Bayston Hill Parish Council – Objection

Bayston Hill Parish Council OBJECTS to the proposed development of 2 No. two storey dwellings on the site of the existing bungalow 'Harlyn'. Bungalows are in high demand in Bayston Hill, which is reflected in the relatively high costs for such properties in the village. The Parish Council would wish to see the existing stock retained and improved where possible and notes that considerable improvements to sustainability have been undertaken to a similar property immediately next door to the proposed development site.

The neighbouring property Hay Tor is a bungalow which has been carefully insulated to reduce heating costs. The property benefits from solar roof panels which are likely to be overshadowed by the development of two storey buildings to the south west, significantly reducing their performance.

Overshadowing is also likely to have a detrimental impact on the amenity of the garden of Hay Tor if the nearest house is built in the position shown. The applicant should be encouraged to provide shading analysis at outline stage to demonstrate that this issue may be adequately addressed.

The predominant housing type on Pulley Lane is well spaced single storey or dormer bungalows in large gardens. The proposal to insert two closely set two-storey houses into the plot would represent overdevelopment and adversely affect the street scene. They would tend to dominate the neighbouring properties and as such would fail to meet the requirements of Shropshire Council's Core Strategy CS6, Sustainable Design and Development Principles, which seeks to ensure that all 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..."

Furthermore, the Parish Council has recently adopted a planning policy which opposes the development of additional houses in domestic gardens as they tend to conflict with environmental corridors. Whilst the plot is large enough to provide amenity space for two properties, their proposed close spacing would restrict wildlife movements across the site.

The relocation of the shared access has been reserved at this stage and as such it is impossible to make a valid assessment of the adequacy of the new access, however the comments relating to traffic flows on Pulley Lane are supported by the parish council which has concerns about the safety of additional vehicle movements at the position indicated. It would seem that without adequate details of visibility splays the application should be rejected on highways safety grounds.

#### 4.2 - Public Comments

19 objections have been received and are summarised as follows:

##### Principal of development

Existing bungalow should be updated and retained; new dwellings should not be built within gardens of existing dwellings; proposed overdevelopment of the site; removal of an existing bungalow is not an identified priority for Bayston Hill Parish; against Parish Council Policies; does not meet identified housing needs in Bayston Hill; the scheme goes against the SAMDev Policy S16.2(ii) as it is not a suitable site within the development boundary of Bayston Hill; Shropshire has an identified 5 year land supply of housing in place; this development is not required – there is no housing need in Bayston Hill for any new housing; garden areas should not be utilised for building new dwellings.

##### Highway Safety

Pulley lane is an extremely busy road, close to the busiest junction in the village and with only one side having pedestrian access; any pedestrians especially children from two new houses will have to cross this busy road to access the school, shops, surgery and other local facilities; an estimated average of over 5000

cars use pulley lane every day, and with existing access to homes difficult, an extra 5 cars pulling out of and turning into the site as shown on the planning application will be a dramatic increase and potentially cause several traffic issues; there is no clear line of sight when leaving the proposed properties with a blind spot and narrowing of the road when looking right from the proposed site entrance onto pulley lane; required visibility splays cannot be met for this scheme; this part of Pulley Lane has been subject of several accidents already

#### Visual Impact

The proposed development would have a negative impact on the character of this part of Bayston Hill; proposed dwellings out of scale and character with adjacent properties in particular the adjacent bungalows;

#### Residential Amenity

Potential detrimental impact on neighbours, through loss of light and privacy; impact greatest on adjacent bungalow (Hay Tor) that has solar panels mounted on a roof close to the application site;

## 5.0 THE MAIN ISSUES

Principle of development

Access

Layout, appearance and scale

Landscaping & Ecology

Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Applications for planning permission must be determined in accordance with the adopted development plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6.1.2 The adopted development plans for Shropshire are the Local Development Framework (LDF) Core Strategy, the Site Allocations and Management of Development Plan (SAMDev) and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.

6.1.3 The application site is located just inside of the development boundary that surrounds the village of Bayston Hill, the boundary running along the rear (west)

garden boundary of the site.

- 6.1.4 As set out in the SAMDev documents (Policy S16.2 (ii)) Bayston Hill is identified as a community hub. The village has a guideline figure for new housing of 50-60 additional dwellings where development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundary. Policy S16.2 (ii) notes that the provision of affordable housing has been identified by the Parish Council as a priority requirement.
- 6.1.5 Figures identified in the Shropshire Council 5 year Housing Land Supply Statement dated 11 September 2017 note that there have been 42 completions in and around the Bayston Hill settlement between 2011 and 2017. A further 19 sites have either planning permission or prior approval as at 31 March 2017. Whilst the total of 50-60 dwellings is therefore likely to be reached within the plan period it is considered that this application seeking planning permission for the replacement of one dwelling and a single additional dwelling will not have any significant cumulative impact on the settlement.
- 6.1.6 Affordable Housing - The Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG in regards to affordable housing. At the time of writing, affordable housing contributions are not sought for developments of less than 10 dwellings. Therefore, national planning policy prevails in this instance and an affordable housing contribution would not be sought for this application.
- 6.2 Access
- 6.2.1 This application is for outline planning permission with all matters to be reserved, including access arrangements. SC Highways Officers have raised no objections to the proposed development, subject to suggested recommended conditions and informatives.
- 6.2.2 Officers have noted that Pulley Lane is a busy unclassified urban road and that the site is fronted by a wide grass verge. Highways Officers consider that the potential repositioning of the access to accommodate development of the site for two dwellings would lead to a betterment to the current situation in terms of visibility.
- 6.2.3 SC Highways Officers have also requested that any future reserved matters application should provide all details necessary to assist with the appropriate determination from a Highways and Transport perspective, including visibility splays, parking and turning facilities.
- 6.3 Layout, appearance and scale
- 6.3.1 An illustrative site layout has been submitted with this application to show how the site could accommodate two detached dwellings, but all details of layout, appearance and scale are reserved for later consideration.

- 6.3.2 Concerns regarding the potential for two detached dwellings to appear as out of scale and character with the existing plot size and adjacent properties, in particular the adjacent bungalows have been raised. Concerns have also been expressed relating to the potential impact on residential amenity of immediate neighbours to the site through over-dominance and loss of light and privacy.
- 6.3.3 Officers note that the submitted layout plan indicates that two dwellings could be accommodated within the site, providing adequate amenity space and off street parking/turning space to serve both dwellings. Pulley Lane is a street that contains a variety of both house types and designs including a mix of bungalows, chalet bungalows and two storey dwellings and the proposed development of this plot would not be likely to significantly harm the mixed appearance and character of Pulley Lane.
- 6.3.4 Officers also consider that a detailed scheme could be designed that would be able to limit any impact on neighbours in terms of overlooking, over-dominance and loss of sunlight. The closest part of the neighbour's property to the sites northern boundary (Hay-Tor) is a detached garage and the bungalow is set further to the north beyond this. Officer note that the application site is set at a slightly higher land level than Hay-Tor as Pulley Lane falls downhill in a northwards direction but officers are satisfied that a scheme could be designed to address this and minimise the potential impact on this and the other immediate neighbours.
- 6.4 Landscaping & Ecology
- 6.4.1 SC Ecology have raised no objections to the application, suggesting conditions and informatives relating to the provision of bird and bat boxes, external lighting and wildlife protection whilst works are carried out.
- 6.4.2 Landscaping is also intended to be a reserved matter and will be considered in detail as part of any subsequent reserved matters application. The illustrative site plan does however show the line of a root protection area that could be provided around a mature tree located at the front of the site during any construction works. SC Tree Officers have requested that the tree and site be subject of an Arboricultural Impact Assessment for consideration as part of this application to demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around any retained trees. The applicant's agent has agreed to submit this information and it is expected to be received prior to the committee date and the consideration of this application.
- 6.5 Drainage
- 6.5.1 The proposed scheme would include the use of a sustainable drainage system and soakaway for surface water. SC Suds have not objected to the application and proposed development but have requested that further details of the proposed drainage should be submitted as part of the first reserved matters application in order that these can be determined at that stage.

## 7.0 CONCLUSION

7.1 The application site is located inside of the development boundary that surrounds the village of Bayston Hill that is a community hub under the provisions of the adopted SAMDev Plan and adopted Core Strategy Policy CS4. Whilst the guidance figures for new housing as identified in SAMDev for Bayston Hill are close to being achieved it is considered that this application seeking outline planning permission will not have any significant cumulative impact on the settlement.

7.2 Whilst matters of the proposed access, appearance, scale and layout of the development are reserved matters Officers consider that two dwellings would be able to be accommodated successfully on the site, providing a safe means of access and with no significant adverse impact on the residential amenities of neighbouring properties. The existing mature tree at the front of the site could be protected and retained during the development. It is considered that the proposal meets with the requirements of adopted policies CS4, CS6, CS11, CS17, MD2 and S.16.

## 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:  
NPPF

Core Strategy and Saved Policies:  
CS4 - Community Hubs and Community Clusters  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
Settlement: S16 - Shrewsbury

### RELEVANT PLANNING HISTORY:

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## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Ted Clarke Cllr Jane Mackenzie Cllr Tony Parsons
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Appendices APPENDIX 1 - Conditions
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**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 following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

Details of the proposed foul and surface drainage, including details and sizing of any percolation tests carried out and proposed soakaways

Details of the means of access to the site including the layout of parking and turning areas, construction and sightlines

Reason: To ensure the drainage and access provisions of the development are of a safe and appropriate standard.

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

5. Prior to first occupation / use of the building[s], 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 swifts (swift bricks or boxes) and/or sparrows (32mm hole, terrace design).

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 maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

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

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 Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). 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.

### **Informatives**

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

3. Consent is required from the service provider to connect into the foul main sewer.
4. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).  
Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.  
<https://new.shropshire.gov.uk/planning/faqs/>

5. 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.
6. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 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. 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.
8. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. 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.
9. 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.