

Development Management Report

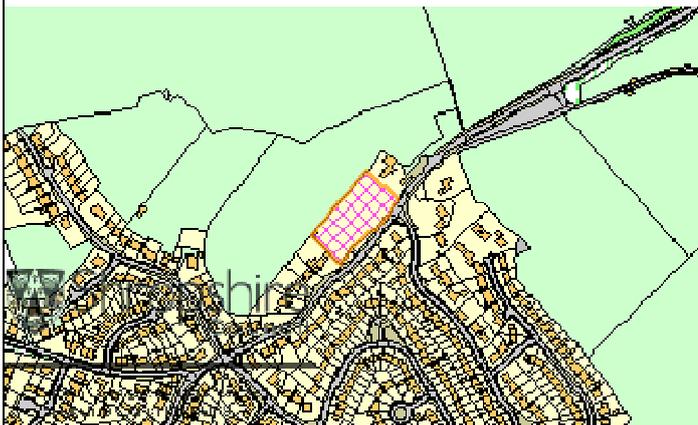
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Summary of Application

<u>Application Number:</u> 14/00254/FUL	<u>Parish:</u>	Bayston Hill
<u>Proposal:</u> Erection of nine dwellings and associated garages; formation of vehicular access		
<u>Site Address:</u> Development Land Adj Leylands Pulley Lane Bayston Hill Shrewsbury Shropshire		
<u>Applicant:</u> Shropshire Homes Ltd		
<u>Case Officer:</u> Joe Crook	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 347651 - 309356



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development is for the erection of nine dwellings and associated garages; formation of vehicular access.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a rectangular plot of land to the north west of Bayston Hill on Pulley Lane. It is located between two detached dwellings and lies opposite residential properties on Pulley Lane, and Green Lane beyond this which are part of the main residential core of Bayston Hill.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The proposed development is considered to accord with the requirements of the Councils relevant adopted policies and no contrary opinions have been received that would require determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

4.0 Community Representations

- Consultee Comments

Bayston Hill Parish Council - Following consideration of all documentation associated with the above application at a Parish Council Planning Committee meeting held on Monday 10 February 2014, Bayston Hill Parish Council would like to register an **OBJECTION** to the proposed development.

The proposal from Shropshire Homes to erect nine new dwellings, their associated garages and to create a vehicular access to the Leylands site on Pulley Lane, Bayston Hill is objected to for the following reasons:

BAYSTON HILL DEVELOPMENT BOUNDARY

In recent years and during the SAMDEV consultation periods Bayston Hill Parish Council has worked together with residents to identify suitable development sites to accommodate new housing. The proposed site for the above planning application was not included as a suitable site as it sits outside of the recognised development boundary and would involve building on a field that forms part of the gap between the town of Shrewsbury and Bayston Hill. The Bayston Hill Parish Plan quite clearly states that the land in this part of the village should be protected and although yet to be implemented, the SAMDEV supports protection of this gap. There is a concern that, if successful, this development will set a precedent for further expansion and will reduce the clear definition between Shrewsbury and Bayston Hill.

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

ROAD SAFETY

Pulley Lane is a very busy road especially at rush hour times and the proposed location for the vehicular access to this site is on a bend, opposite another busy access to Green Lane and adjacent to the existing speed calming fixtures. Visibility is very poor in this area due to it being a residential area where vehicles are regularly parked along the road, the banks are very high and in places heavily covered in foliage. There is a pavement but only on one side of the road opposite the proposed entrance and it is narrow and steep.

Pulley Lane is a main access road to Bayston Hill and is used by commuters and emergency vehicles alike, it is also used by some vehicles wishing to beat hold ups at Dobbies roundabout. The road narrows towards the top of Pulley Lane and there are very few opportunities to pass in the more built up area, in addition the Sunday bus service is routed along Pulley Lane.

The addition of nine predominantly four bedroom dwellings in this part of the village will add at least a further 18 vehicles to an already busy stretch of road attempting to access and exit Pulley Lane where it is narrow, steep and with poor visibility. The size of the properties would also suggest that a number of children would be residing there, their safety on this road is also of concern.

HOUSING MIX

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

CONCLUSION

To conclude, Bayston Hill Parish Council is registering an **OBJECTION** to planning application 14/00254/FUL because it is situated outside of the recognised Development Boundary, significant road safety and access issues and because there is no requirement for this type of housing within Bayston Hill. It is therefore requested that this planning application be refused by the Planning Department.

SC Ecologist – No objections subject to conditions and informatives.

SC Highways – The highway authority raises no objections to the granting of consent subject to conditions

The access layout shown on the submitted drawing is satisfactory for the location, from a highway aspect. The visibility splay achievable to the north-east, indicated on the submitted drawing, is slightly less than normally required due to the position of the highway boundary wall on the neighbouring property. It is considered however that at this location where traffic from this direction has just travelled over the existing traffic calming features in the carriageway, this sight relaxation in standard is acceptable and unlikely to adversely affect highway safety.

The proposed footways within the curtilage of the development site are shown on the submitted drawing as joining up with the existing one along the highway to the north-east. This is considered essential for the safe movement of pedestrians to/from the site.

SC Trees – No objections following submission of an Arboricultural Impact Assessment, subject to conditions.

SC Drainage – No objection subject to full drainage details being submitted via condition.

SC Public Protection – No objections. Recommend condition in respect of electric charging hook ups for electric vehicles.

SC Affordable Housing - The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and on site affordable housing provision. However, the application form noted that the tenure of the affordable housing dwelling was to be shared ownership, whereas our requirement is for an affordable rental property. The change to affordable rented was confirmed via email and therefore the scheme is considered acceptable in this regard.

- Public Comments

Ted Clarke - Bayston Hill Local Member - I'd be grateful if this application could be considered by Committee

My main concerns are :

The quite inappropriate proposed access on to the principle road in/out of Bayston Hill

The likely impact on amenity currently enjoyed by neighbouring properties (particularly Spring Cottage ?).

The size/design of the proposed dwellings is at variance with the identified housing needs of the local community.

The siting of this development is contrary to both the final draft of SAMDEV and to the published local Parish Plan.

Finally and for the record, I support the objections raised separately by Bayston Hill Parish Council.

13 objections and 2 letters of support were received at the time of writing. The objections raised the following:

- Adverse impact on highway safety created by the development due to the access being on a blind bend, increased congestion and the narrowness of the highway which is used by a large amount of traffic from the village.
- Previous applications have been refused on highway grounds.
- Location just above Green Lane exit and traffic calming measure will increase hazardous traffic conditions on this busy road.
- The proposal would have an adverse impact on sunlight to the property opposite the site.
- Drainage would be an issue due to overflow onto Pulley Lane from the site.
- Increase in noise levels from properties.
- The development proposes detached houses and does not address the need for social housing in the community
- Dwellings in the area are bungalows and therefore the proposed development does not fit with the character of the area.
- Issues with sewage overloading due to the increased number of properties on a system already struggling to cope.
- Adverse impact on wildlife utilising the field.
- Adverse impact on the amenity of Spring Cottage adjacent to the site, with a dwelling 15ft from the kitchen window, so it will be facing a brick wall and be blocked of light.

Two letters of support raised the following points:

- The additional properties will not have that much difference on the Pulley Lane traffic wise than the previous buses on this route.
- There is sufficient retained unsurfaced land for percolation of rainwater and a drainage scheme to meet modern standards will be included within the scheme.
- The development will remove existing large unsightly leylandii. This will increase light within the area.
- The land is unused and within the existing built development, close to services and utilising local employment.
- The design of the dwellings are sensitive to the surrounding area and the design and detail will blend well with other properties within Pulley Lane.
- No overlooking is created.
- The development does not detract from the natural environment and offers economic gain and long term use of an unused parcel of land.
- Supports the local housing market
- Unlikely to be lost on appeal which means the taxpayer would end up funding any costs against the Local Authority.
- No objections from the Highways Authority who have confirmed it accords with the relevant legislation.
- Two storey dwellings are present within the surrounding area of the site.

5.0 THE MAIN ISSUES

Principle of development
Sustainable Development
Design, scale and character
Highways
Drainage
Impact on neighbouring amenities
Affordable Housing
Trees
Ecology
Other issues

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

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

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

and that

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

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the Pre-Submission Draft Plan (Final Plan) stage and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
- and
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the*

policies in the Framework, the greater the weight that may be given).

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where some degree of weight can be attached.

- 6.1.4 The site is located immediately adjacent, but outside of the Bayston Hill Village Development Boundary as defined by the Inset Proposals Map which forms part of the SABC Local Plan and saved Policy HS3: Housing in Villages with Development Boundaries. The site has not been included within the Site Allocations and Management of Development (SAMDev) Plan in which Bayston Hill is being proposed as a Community Hub with a housing target of 39-49 dwellings after taking into account existing housing commitments. The SAMDev includes the retention of the development boundary for Bayston Hill as in place under policy HS3 and thus the site remains outside of this boundary.
- 6.1.5 As such allowing this proposal would therefore be contrary to the emerging SAMDev DPD and the Local Member as well as the Parish Council have objected to the scheme on this basis. Indeed it has been raised that the Bayston Hill Parish Plan clearly states that the land in this part of the village should be protected and the SAMDEV supports protection of this gap. Furthermore, the site has not been identified as suitable for development following local consultation. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is a significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date, as referred to above. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Bayston Hill.
- 6.2 Sustainable Development
- 6.2.1 Bayston Hill is a large village with a population of over 5000 situated 3 miles to the south of Shrewsbury Town Centre. The village has a range of services and facilities including a primary and nursery school, a range of shops, two pubs, a library, a doctors surgery, recreation ground, churches and a vets. These are all within close proximity to the site with the main shopping area of Bayston Hill approximately 600 metres away. A regular bus service operates to and from Shrewsbury approximately every 20 minutes during the daytimes. As such it is considered that there is an array of essential services within Bayston Hill and which are walking distance from the site, including access to Shrewsbury via the regular bus service. Bayston Hill is therefore considered to be a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.
- 6.2.2 Sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it as '*about positive growth – making economic, environmental and social progress for this and future generations*'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the

planning system to perform a number of roles:

- ② *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ② *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ② *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.3 **Economic role** – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of more houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment and this will provide financial contributions towards infrastructure opportunities.

6.2.4 **Social role** – Bayston Hill is a large village with a range of essential services and facilities. Rural villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding villages. The NPPF positively encourages the siting of housing in rural settlements where it will support facilities in that and other settlements, thereby retaining services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The provision of an appropriate size and mix of housing stock will help maintain the balance of housing stock within the village resulting in a balanced community.

6.2.5 **Environmental role** – The site is a field with no heritage, cultural or ecological designation. The proposal would have no adverse impact on wildlife and the ecological value of the site will be improved by conditions requiring the provision of bat boxes and artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is accessible on foot, public transport or by a short car journey to the array of services, facilities and employment opportunities on the edge of Shrewsbury (Meole Brace).

6.2.6 On balance, taking into account all material planning considerations it is considered that Bayston Hill is a sustainable location having regard to the three dimensions of sustainable development and it is a village that can accommodate the additional dwellings subject to a satisfactory scale and design appropriate and proportionate to the size and character of the village. Whilst the Parish Council have commented that this development would be detrimental in terms of seeing the allocated housing number of 60 in the SAMDev exceeded, the additional 9 dwellings only represents a portion of the remaining 39-49 houses allocated and is not excessive in this regard. Furthermore, concerns regarding the development threatening the land between Bayston Hill and Shrewsbury and this joining up are not considered to be relevant given that this plot is an infill plot between two existing dwellings and does not extend any further into the open countryside than existing residential curtilage, and can be seen to be within the existing limits of the village and not isolated from it.

6.3 Design, scale and character

6.3.1 The proposed development sees the erection of 9 dwellings on the site with 5 detached dwellings towards the rear of the site and two detached and two semi-detached properties further forward and side facing towards the highway and boundary with Spring Cottage. The properties will be of a scale typical of detached and semi-detached dwellings and will include architectural features such as chimneys, exposed rafter feet, bay windows, front gables, headers and cills and corballing. Whilst objectors to the scheme have commented that the dwellings will not be in keeping with the character of the surrounding area, or those on Pulley Lane, it is considered that the mixed character of the area lends itself to a number of interpretations design wise and the proposed dwellings are considered to improve upon the simple design of other modern dwellings in the area, whilst also taking design cues from some older, more decorative properties further up Pulley Lane. Indeed the Parish Council has commented that the designs of the dwellings are attractive. It is not therefore considered that the proposed dwellings, or the associated garages, will be detrimental to the character of the surrounding area and are considered acceptable in accordance with policy CS6.

6.4 Highways

6.4.1 A number of objectors have raised the issue of highway safety in respect of the new access, including issues raised by the Local Member and Parish Council. The issues raised refer to busyness of this main route in and out of Bayston Hill, the location of the access on a dangerous bend, opposite another busy access point to Green Lane and adjacent to the existing speed calming measures. Furthermore it was pointed out that the road is very narrow and the visibility is poor thereby creating even further hazardous conditions. However, following consultation with the Highways Officer it is noted that no objections have been raised, with the Highways Officer commenting that the access meets the required design standards and that whilst the visibility splay achievable to the north-east is slightly less than normally preferred due to the position of the highway boundary wall on the neighbouring property, it is considered at this location where traffic from this direction has just travelled over the existing traffic calming features in the carriageway, this sight relaxation in standard is acceptable and unlikely to adversely affect highway safety. The proposed footways within the curtilage of the development are considered to be essential for the safe movement of the

pedestrians utilising the site.

- 6.4.2 Given that no objections have been raised by the Highways Authority on highway safety grounds, the scheme is considered to be acceptable in highways terms subject to the attachment of the relevant recommended conditions.
- 6.4.3 An objector has referred to the removal of an access from the land in applications from 1991 and 1992 but this application is being considered on its individual merits and based on the submitted details, and previous access issues are not considered to be a sole reason for refusal for the scheme where the Highways Authority raises no objection through the formal consultation process.
- 6.5 Drainage
- 6.5.1 It is noted that an objector to the scheme has commented that the development of the site would lead to flooding issues draining from the access onto Pulley Lane. However, full drainage details would need to be submitted including for the access point should this slope onto the adjacent highway and following consultation with the Drainage Engineer it has been confirmed that these details can be conditioned. As such it is considered that the scheme can be drained appropriately in accordance with policy CS18.
- 6.6 Impact on neighbouring amenities
- 6.6.1 Some of the objections to the scheme have commented that there will be a detrimental impact on the amenities of dwellings within the area, with the Local Member raising this issue with regard to the adjacent Spring Cottage.
- 6.6.2 The scheme will be located largely to the north of neighbouring properties and in this respect the impact on the sunlight of adjacent properties will be limited. The nearest property to the north of the site would be Leylands itself, the occupier of which has supported the scheme. In any case the impact on sunlight of this property is not considered to be excessive given the distance of the property from the site boundary.
- 6.6.3 The majority of properties adjacent to the site are over 21 metres from the nearest dwelling on the development, with properties to the front section of the site positioned such that they will be side facing to the nearest properties in any case and therefore with no first floor windows on these elevations. In privacy terms it is not therefore considered that there will be an impact on these dwellings. Plots 8 and 9 are the semi-detached dwellings within the site and have their rear elevations facing towards the boundary to the south west. There is a distance of 18 metres from the rear of these properties to Conway to the south west but currently there is significant boundary hedging between the properties and this is proposed to be retained. In any case, the properties will be a reasonable distance from the neighbouring property and would also be facing the side elevation and garage of a bungalow, thus the overall impact is not considered to be excessive in any case given there will be no facing windows.
- 6.6.4 Spring Cottage is the closest dwelling to the site, and we have received an objection from the occupant of this property with the Local Member also raising concern in regard to their amenity. The property is located approximately 6 metres

at the nearest point from the side of the proposed semi-detached properties to the south east corner. However, this dwelling only has one window on this elevation facing into the site, and this is to the ground floor. The sunlight largely rises and falls without directly facing this window, with the sun only in line with the proposed dwelling and the window when it is setting to the west, at which point it would likely be blocked by existing trees etc due to being so low in the sky. The impact in sunlight terms is therefore considered to be minimal. Given there will only be an en-suite window on the facing side elevation, which will be small and obscure glazed, it is not considered that there is any adverse impact with regard to overlooking.

6.6.5 In terms of the close proximity of the side of the dwelling to the existing property, it is noted that negotiations have taken place between the applicant and the owner of Spring Cottage and identified that the plot of land between the existing and proposed dwellings could be beneficial if it was garden land for Spring Cottage. This would reduce the impact given that Spring Cottage would have a plot of additional space which can be landscaped and effectively provides a barrier for Spring Cottage from the development. However, this can only be given limited weight given that the occupant of the property has objected, and with actual confirmation that this will take place other than it being specified on the submitted plans. Given that the facing elevation has limited windows, with the main elevations for Spring Cottage facing to the north east and south west and not towards the site, it is considered that the overall impact of the development in amenity terms is minimal and on balance the development is considered acceptable in this regard, in accordance with policy CS6.

6.7 Affordable Housing

6.7.1 Affordable housing have commented that the submitted proforma is correct in terms of level of contribution but have also noted that the specified tenure of shared ownership for the onsite dwelling is incorrect as the requirement is for an affordable rental property. This has been agreed by the applicant but can be negotiated through the Section 106 legal agreement in any case to ensure the appropriate tenure.

6.7.2 Whilst objectors to the scheme and the Parish Council have commented that the dwellings at the site are inappropriate as they do not address the need for the houses recognised in the area such as properties with less than 3 bedrooms and affordable dwellings, it should be noted that a substantial contribution will be made to the Council which will be utilised for future affordable housing in the area and in addition to this an affordable dwelling will be provided as part of the development as well as a smaller semi-detached property. The provision of larger properties within this part of the village is also considered to be more appropriate given the surrounding properties and development of rows of terraced houses, for example, would have been out of keeping with the form and tenure of the surroundings.

6.8 Trees

6.8.1 Following the full arboricultural assessment being submitted to the Council, the Trees Officer has confirmed that he is in agreement with the conclusions and considers the proposed Tree Protection Plan acceptable to mitigate against tree damage. As such the proposed scheme is considered acceptable in this regard.

6.9 Ecology

6.9.1 An objector to the scheme has raised concern regarding the impact of the development on wildlife on the field. However, following the submission of an ecological report this has been assessed by the Planning Ecologist and no objections have been received subject to conditions and informatives being attached.

6.10 Other issues

6.10.1 One of the objectors to the scheme has commented that there would be an increase in noise from the proposed residential properties, but this is a residential area where such noise would be common and in any case the type of noise associated with dwellings is not considered to be detrimental to the amenities of the area and would be limited in its impact in any case.

6.10.2 Whilst an objector has commented that the sewage system has been blocked and has overflowed and created smell issues within the area, this would be the responsibility of the developer in liaising with the sewerage undertaker to ensure appropriate flow and foul drainage from the site.

6.10.3 Some concern has been raised in regard to waste collection and the potential for wheelie bins to be cluttered on the pavement which is used frequently thus raising safety issues particularly with regard to children who are walking to the secondary schools. However, after discussions with the applicant it was identified that the intention would be for the road to be adopted and the waste collection to be within the hammerhead within the site and adequate turning provided for the waste vehicles to collect. The site plan has been amended to show that this is achievable.

7.0 CONCLUSION

Whilst the concerns of the Parish Council and Local Member are acknowledged in respect of the location of the site and it's local designation, the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations. It is considered that the site is within a sustainable location close to a variety of services and amenities and the size of the site is sufficient to accommodate the development. The proposal is not considered to have any adverse impact in terms of ecology, highway safety or neighbouring amenities. The design and scale of the properties is considered to be acceptable, along with the contribution to and allocation of affordable housing. The impact on neighbouring amenities and local highway safety is considered to be minimal, and there is not considered to be an adverse impact in regard to drainage or protected species. As such the proposed development is considered to accord with the relevant Core Strategy policies and the National Planning Policy Framework. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS18 - Sustainable Water Management
 HS3 - Housing in Villages with Development Boundaries
 Policy MD1 - Scale and Distribution of Development
 Policy MD3 - Managing Housing Development

SAMDev Policy - S16.2 Bayston Hill

RELEVANT PLANNING HISTORY:

SA/85/0413 - Land between Spring Cottage and Leylands Pulley Lane Bayston Hill Shrewsbury - Erection of a dwelling and formation of new vehicular and pedestrian Accesses – Application refused. Appeal dismissed.

SA/91/1253 – Leylands Pulley Lane - Change of use of agricultural land to a garden, erection of a garden store and a 6' high boundary wall and construction of a new vehicular access (Part Retrospective) – Application refused.

SA/92/0360 - Leylands Pulley Lane - Change of use of agricultural land to garden land, erection of a garden store and an approximately 1.8m high boundary wall. (Retrospective) – Application permitted.

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

Cabinet Member (Portfolio Holder) - Cllr M. Price
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Local Member(s)

Cllr Jon Tandy Cllr Ted Clarke Cllr Jane Mackenzie
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Appendices - APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

5. Details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and approved in writing by the Local Planning Authority before the development begins. The agreed details shall be fully implemented before the dwellings hereby approved are first occupied.

Reason: To ensure an adequate standard of highway and access for the proposed development.

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

6. The access shall be constructed in accordance with the approved drawing prior to the dwellings hereby approved being first occupied.

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

7. A total of 4 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.

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

8. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the buildings hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

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 plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the buildings for their permitted use.

a) No existing 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. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) 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 all tree protection measures specified in the submitted Tree Protection Plan site layout plan LL-P-01 Rev. D with Tree Protection Details and the Arboricultural Method Statement forming part of the submitted Arboricultural Report dated 30.1.2013 & 20.2.14 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All 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 Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree

protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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. An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

Informatives

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

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

Informative

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

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

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

3. The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). Full details, plan and calculations of the proposed SuDS should be submitted for approval as part of the discharge of condition. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:
- ' Surface water soakaways (Designed in accordance with BRE Digest 365)
 - ' Swales
 - ' Infiltration basins
 - ' Attenuation ponds
 - ' Water Butts
 - ' Rainwater harvesting system
 - ' Permeable surfacing on any new driveway, parking area/ paved area
 - ' Attenuation
 - ' Greywater recycling system
 - ' Green roofs

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

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 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval at discharge of condition stage. A catchpit should be provided on the upstream side of the proposed soakaways.

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

4. Confirmation will be required that the design fulfills the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.
5. Consent is required from the service provider to connect to the mains surface and foul water sewers.
6. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.