

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

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

Grid Ref: 347362 - 308473



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)₁ 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) Councillor Gwilym Butler
Local Member 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 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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