

Development Management Report

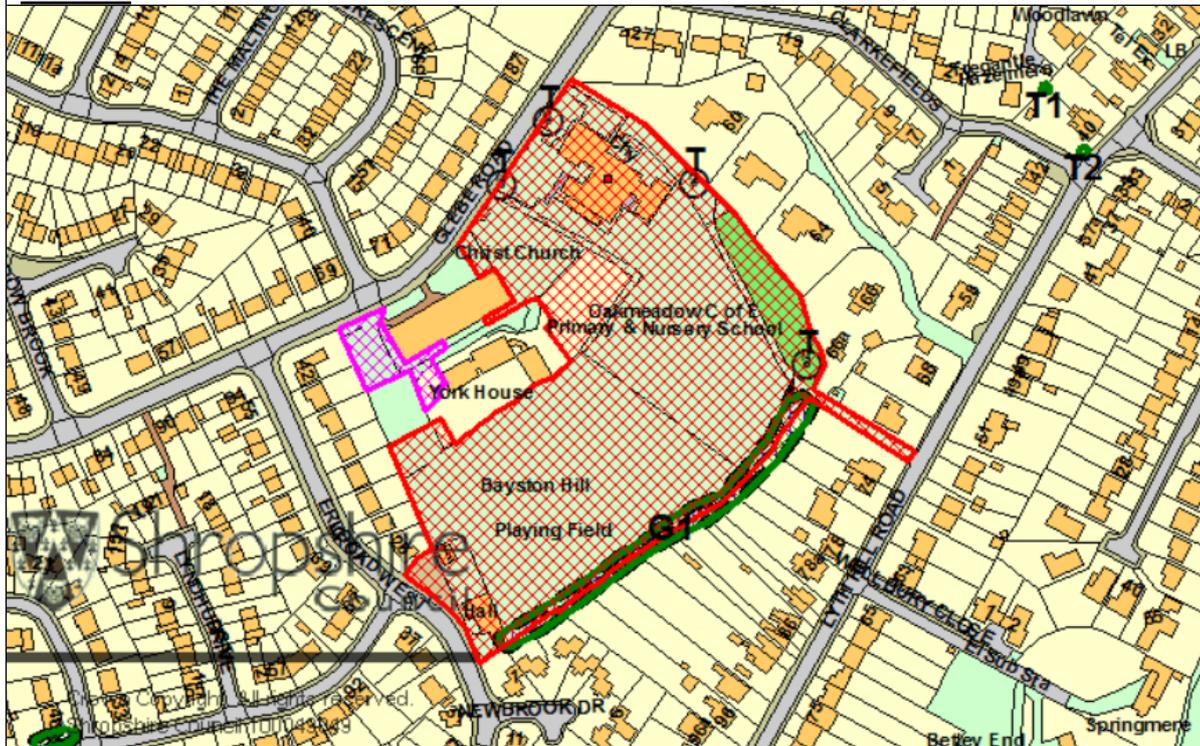
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

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

Grid Ref: 348214 - 308629



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

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

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

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

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

2.0 SITE LOCATION/DESCRIPTION

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

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF

APPLICATION

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

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Bayston Hill Parish Council

Principle of development

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

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

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

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

Community Hub

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

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

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

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

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

Open Space Provision

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

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

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

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

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

Additional Information

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

Housing mix

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

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

Privacy

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

Drainage

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

4.1.2 **SUDS**

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

Conditions and informatives recommended.

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

4.1.3 **SC Highways**

No objection.

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

4.1.4 **SC Ecology**

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

4.1.5 **Sport England**

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

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

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

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

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

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

The Proposal and Impact on Playing Field

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

Assessment against Sport England Policy

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

4.1.6 **SC Trees**

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

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

i) Full application: community hub and car parking

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

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

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

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

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

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

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

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

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

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

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

2 No works associated with the development will commence and no

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

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

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

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

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

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

ii) Outline Application: Residential Development

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

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

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

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

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

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

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

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

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

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

version.

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

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

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

[Officer note: Conditions can be reasonably combined]

4.1.7 **SC Affordable Houses**

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

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

4.1.8 **SC Parks and Recreation**

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

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

The Design and Access plan now acknowledges the need for open space as set out under SAMDev Policy MD2. The development includes 150 bedrooms equating to 150 people. Working on 30 square metres per person it equates to an area of 4500m², as the development appears to offer 6238m² Officers are happy that the development fulfils the planning criteria.

4.1.9 - Public Comments

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

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

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

5.0 THE MAIN ISSUES

5.1 Principle of Development

Character and Appearance

Neighbouring Amenity

Trees, Landscaping and Public Open Space

Highways and Access

Ecology

Drainage

Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of Development

- 6.1.1 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.
- 6.1.2 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.1.3 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.1.4 The provision of housing within the urban area of Bayston Hill accords with the adopted SAMDev Plan Policy S16.2(ii), with Core Strategy Policy CS2 and MD1 of the SAMDev identifying Bayston Hill as a Community Hub. S16.2(ii) states that Bayston Hill a housing guideline of around 50-60 dwellings for the period 2006-2026, where development by infilling, groups of houses and conversion of buildings may be acceptable on suitable sites within the development boundary identified on the Policies Map.

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

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

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

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

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

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

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

6.3 Character and Appearance

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

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

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

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

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

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

6.4 Neighbouring amenity

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

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

6.5 Trees, Landscaping and Public Open Space

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

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

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

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

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

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

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

6.6 Highways and Access

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

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

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

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

6.7 Ecology

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

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

6.8 Drainage

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

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

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

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

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

6.9 Other Matters

- 6.9.1 It is noted that Sport England have comments on the proposed development and state that, based on their assessment, a previously used youth football/sports pitch was present/likely present within the site of the former Oaklands County Primary School, and this would subsequently be lost with no replacement facilities to be provided as part of the scheme. In the absence of replacement facilities, and with the Council having not published its latest Playing Pitch and Outdoor Sports Assessment & Strategy (PPS) demonstrating that the youth pitched is surplus to requirements in terms of provision, Sport England have objected to the proposed development. They have stated however that, if the applicant was willing to provide a financial contribution of £75,000 to be secured through a S106 legal agreement for investment in playing field provision/improvements, Sport England would be willing to remove their objection.
- 6.9.2 In this respect, officers do not consider that the financial contribution of £75,000 as suggested by Sport England would be reasonable in this case, especially when considering that the school and associated playing fields in question have been vacant for in excess of 10 years. The Council does not consider that active youth playing fields would be lost as a result of the proposed development, with Sport England acknowledging they have not been in use for at least the last 5 years. Whilst the objection from Sport England is noted, it is considered that only limited weight can be applied to their objection, and the suggested financial contribution is not considered to be reasonable, viable or justified in this case.

7.0 CONCLUSION

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

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

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

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

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

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

RELEVANT PLANNING HISTORY:

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

PREAPP/10/00593 Extension to School REC

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

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

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

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

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

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

3. Application(s) for approval of the reserved matters (C3 residential use), shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall be implemented within 2 years of the last of the Reserved Matters to be approved.

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

4. The Reserved Matters for the C3 residential use area of the development shall be in conformity with parameters for the development shown on site plan drawing number 1512-P-03B.

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

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

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

The plan shall be carried out as approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

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

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

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

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

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

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

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

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

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

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

Informatives

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

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

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

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

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

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

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

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

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

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