

AGENDA ITEM



Committee and date

- Proposed Residential Development Land North Of


Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/01619/FUL	Parish:	Bayston Hill
Proposal: Erection of 2No. detached dwellings and associated garages, formation of vehicular and pedestrian access (revised scheme)		
Site Address: Proposed Residential Development Land North East Of Grove Lane Bayston Hill Shrewsbury Shropshire		
Applicant: Mr T Foster		
Case Officer: Didi Kizito	email	: didi.kizito@shropshire.gov.uk

Grid Ref: 348085 - 308346

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application is made in 'full' and seeks planning permission for the Erection of 2No. detached dwellings and associated garages, formation of vehicular and pedestrian access.
- 1.2 The scheme is a resubmission of a previous application that sought the erection of 3 residential units.
- 1.3 During the course of this application, amended plans have been received retaining the existing hedgerow and stone wall along the pedestrian path. Additionally, the existing garage serving no 10 is to be scaled down in size.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is occupied by 2 existing dwellings with large gardens and garaging. The total site area is under 0.5 hectare.

No 10 Grove Lane is considered a non-designated heritage asset while no. 9, a bungalow, appears likely to have been built in its garden – there is no apparent planning history for no. 9 but it has been on site since at least 1999.

The application site comprise residential garden curtilage within the settlement of Bayston Hill.

Vehicular access to the site is from Grove Lane which has a junction with Lyth Hill Road to the south east. There is a small stream on the south eastern boundary of the application site.

A public footpath extends along the western boundary of the application site from Grove Lane.

There are rear gardens to single storey and two storey properties on Yew Tree Drive running along the northern boundary to the plot, and rear garden boundaries to 2 storey properties on Eric Lock Road and Edge Close run around the eastern and southern boundary, with the boundary to the south east corner alongside the access road adjacent to no. 8 Grove Lane and its garden, and the front boundary fronting Grove Lane which is a residential road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have provided views contrary to the Officers recommendation. The application was discussed with the Chair/Vice Chair of Planning Committee, in consultation with the Principal Planner, and it was concluded that a committee determination should be pursued as it was considered the Parish Council has

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raised material considerations which make the application worthy of Committee consideration.

4.0 Community Representations

Consultee Comment

4.1 Bayston Hill Parish Council:

OBJECT – The committee noted that comments regarding height of the properties had been amended. Previous objections still apply.

Surface Water drainage – there is concern made by residents of neighbouring properties over a natural spring in the vicinity of the site which may be affected by the removal of green area which is part of the natural land drainage currently in place. Would the Planning Officer pay particular attention to the submitted plans relating to the surface water drainage scheme and that all policies under SuDS are followed ?

Protection of Ecology & affected Hedges/Trees – there is concern made by residents of neighbouring properties over potential harm this development could bring about, during construction and more long term once the development is complete. Would the Planning Officer offer some mitigations, e.g. habitat protection measures, bat boxes installed, trees planted to replace any that are lost as the site is built on.

Site Access – there is concern made by residents of neighbouring properties over current issues encountered by larger vehicles using Grove Lane. Please consider conditions to minimise disruption while construction is underway and when complete that emergency services vehicles as well as refuse collection reach all properties unhindered.

In addition to these objections the application does not pass BHPC Planning Policy "We oppose properties being built in gardens as we believe that this undermines the character of the Village as well as encroaching on Environmental corridors. Environmental corridors are complex ecosystems that provide an avenue for wildlife movement, protection of natural resources, and green space buffers for humans"

4.2 SC Ecology:

Recommendation:

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have reviewed the Ecological Appraisal (Greenscape Environmental, October 2020) and plans submitted in association with the application.

The ecology survey carried out on the three buildings on site found no signs of bats or potential for roosting bats within the buildings and no further surveys were recommended.

In the event a bat is found during works, works must stop and Natural England or a licensed ecologist must be contacted for advice on how to proceed.

One oak tree has potential for roosting bats, however it is understood that this tree is to be retained. Should any works to this tree be required in the future (e.g. felling, lopping, crowning, trimming) then this will have to be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

Sightings of badgers within the immediate surrounds of the development have been noted, however no evidence of badger activity was identified on site during the survey. Notwithstanding this, badgers are a highly mobile species and a pre-commencement

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badger survey should be carried out prior to works commencing.

It has been noted that a stream is located adjacent to the site. This is unlikely to support great crested newts due to its inherent flow. The presence of common amphibian species have been noted.

The Ecological Appraisal identified the removal of several trees and a small section of species-poor privet hedgerow which is to be removed for access. The hedgerows mark the boundaries of private gardens, and so are not protected by the Hedgerows Regulations 1997.

The site is considered suitable for hedgehogs and records have been noted from the neighbouring dwellings.

To protect the watercourse, trees, hedgerows and wildlife during the works, a Construction Environmental Management Plan should be prepared prior to works commencing.

Vegetation removal and removal of the buildings have the potential to impact nesting birds and therefore removal works must be done outside of the bird nesting season.

Gaps will be provided in gravel boards to ensure continued commuting and foraging for small animals, including hedgehogs and amphibians.

SC Ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The provision of tree planting and installation of bird and bat boxes and a hedgehog box will provide replacement and additional roosting and nesting habitat.

Any external lighting to be installed on the buildings should be kept to a minimum to ensure that animals can continue to forage and commute around the surrounding area.

I recommend that the following conditions and informatives are included on the decision notice:

Badgers – pre-commencement survey condition

Within 28 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

Landscaping Plan condition

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, bat and bird boxes and amphibian-friendly gully pots);
- b) Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely;
- c) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- d) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- e) Access layout and visibility splay in line with Highways requirements in order to demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required;
- f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- g) Native species used are to be of local provenance (Shropshire or surrounding counties);
- h) Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be

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replaced within 12 calendar months with trees of the same size and species.

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

Construction Environmental Management Plan condition

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

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;

b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

c) Requirements and proposals for any site lighting required during the construction phase;

d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;

f) Identification of Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

Bat, bird and hedgehog boxes condition

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

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific).

- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design)

- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design)

- A minimum of 1 artificial hedgehog box, suitable for breeding and/or hibernating hedgehogs.

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

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

Lighting Plan condition

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, trees, and hedgerows. 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.

4.3 SC Archaeology:

Objectors to the previous 3 unit scheme for this site (planning application reference 21/02071/FUL) provided information which indicates that the northern boundary of the proposed development site comprises part of a more extensive historic boundary. Previously utilised by the ancient boundary between the parishes of Conover and St Julian's (Pulley Township), the information provided indicates that it may have originated as an early routeway, bounded on at least one side by a bank and ditch, named in early documents as the Old Foss. From the beginning of the 14th century this feature was also used to demarcate the boundary of the Forest of Lythwood.

No signs of the boundary bank/ hedge bank visible on the northern side of this boundary, were observed extending southwards from beneath the hedge into the proposed development site during a site visit on the 29 September 2021. However, there is some potential for below ground remains associated with this ancient boundary to survive adjacent to the northern boundary of the proposed development site. Any such remains would be of local level significance but could be impacted by the construction of the garage for Plot 1 and the proposed access drive and driveway for Plot 2.

RECOMMENDATION:

In view of the above, and in line with MD13 of the Local Plan and Paragraph 205 of the NPPF (July 2021), it is advised that a programme of archaeological work should be made a condition of any planning permission for the proposed development. This should comprise a watching brief during the soil stripping/ ground works adjacent to the northern boundary for the garage for Plot 1 and the access driveway to Plot 2. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4.4 SC SUDS:

1. Condition:

No development shall take place until a scheme of surface and foul water drainage has

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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.

2. Comment:

2.1. The Drainage Strategy is acceptable in principle but the Climate Change used should be 40%.

2.2. Surface water and foul drainage schemes for the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

2.3. Appendix A2 - Surface Water Drainage Proforma for Minor Developments must be completed and together with associated drainage details, must submitted for approval.

4.5 Severn Trent Water:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

4.6 SC Conservation:

The site subject to the proposal is not within a conservation area and is surrounded by a mixture of dwelling types though is located within the garden of 10 Grove Lane which is considered to be a non-designated heritage asset. An historic impact assessment has been submitted which confirms this, albeit there has been some alteration to the building. It is proposed to be retained, though with a large single dwelling and garage proposed in part of its garden. A pair of early 20th century semi-detached properties are also located to the south of the plot.

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In considering the proposal, due regard to the following policies and guidance has been taken, when applicable: CS6 (Sustainable Design and Development) and CS17 (Environmental Networks), SC SAMDEV policies MD2 (Sustainable Design), MD13 (The Historic Environment), and the National Planning Policy Framework (NPPF).

In general it is noted that the proposal as a whole does appear as a rather contrived form of backland development with the snaked access running through the existing built development and to gain access right to the back of the site. This still appears somewhat at odds with the design, pattern and grain of this part of Grove Lane.

Whilst the comments in the HIA are acknowledged in respect of the wider setting of 10 Grove Lane changing over time, the proposed development will be within the curtilage of the property and directly behind the dwelling. In this regard a large prominent contemporary development is still considered to have an impact on the setting of the building, though the extent of any harmful impact would be determined by its siting, scale, design and materials etc.

We previously commented that the proposed properties were also overly large and of an executive style, which was incongruous with the largely low level properties within the vicinity. Whilst these have been reduced to dormer bungalows and the reduced scale is acknowledged, we would not concur with the statement The proposed dwellings are all of a traditional vernacular rather than taking cues from the bungalow to ensure they do not visually dominate and detract from the adjacent non-designated heritage asset. Detailing and appearance appears to be more contemporary than traditional, where the proposed glazed gables to front and rear appear overly dominant, and to the rear somewhat disproportionate. In this regard, further consideration of a more traditional design/scale, particularly to the frontages, may be beneficial, particularly in creating a less dominant frontage in respect of plot 1 given its proximity to the historic building.

It is also noted that it hasn't been brought back into the site any further, and the proposal could be further reduced in length and pushed back to provide an extra metre or so from the boundary with the historic dwelling, further minimising its impact.

Whilst the site is not within a conservation area, it is recommended that further consideration is given to the above points in terms of siting, design, scale and appearance where taking account of the above policies. Can garage plans also be submitted?

There is reference to trees/hedge removal where we would recommend that the comments of the trees officer and archaeologist are taken account of in this regard.

4.7 **SC Regulatory Services:**

Having considered the application it is noted that the site is within a Coal Mining Reporting Area (as defined by the Coal Authority).

The presence of a development over coal workings or areas of non-coal mining, does not necessarily mean that there are risks due to gas emissions. There are specific circumstances when mine gas can pose a significant risk (acute or chronic) to development. It is therefore important that these risks are assessed by undertaking a Mine Gas Risk Assessment.

For all new development located within the defined coal mining areas (i.e., Development Low Risk Areas and Development High Risk Areas), the Local Planning Authority will require a Mine Gas Risk Assessment (MGRA) to be undertaken by competent, qualified

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and experienced mine gas risk assessors, in accordance with current guidance and industry best practice e.g., Environment Agency (EA) 'Land Contamination Risk Management (LCRM)' guidance and CL:AIRE, 2021 'Good Practice for Risk Assessment for Coal Mine Gas Emissions' (ISBN 978-1-905046-39-3). Competence must be demonstrated in accordance with current guidance and industry best practice.

Accordingly, as the proposed development site is located in a Development Low Risk Area, Environmental Protection recommends that the following is included as Conditions if permission is granted.

Mine Gas Risk Assessment

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021' and having regard to current Environment Agency guidance 'Land Contamination: Risk Management (LCRM; 2020)'. The Report is to be submitted to and approved in writing by the Local Planning Authority before development commences.

b) In the event of the mine gas risk assessment finding the site to be affected by mine gases a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must have regard to current guidance and standards and ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the mine gases shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the Environment Agency guidance 'Land Contamination: Risk Management (LCRM; 2020)', which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the risks from mine gases and any contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Verification must be in accordance with current guidance and standards.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

4.8 SC Trees

Recommend amendments to the scheme.

There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing

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trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and, having undertaken a site visit and assessed the trees in accordance with the criteria set out in table 1 of BS 5837: 2012, would agree that these are appropriate.

The AIA has identified 24 individual trees and 3 groups of trees on the site and notes that the proposed development would require the removal of 14 category C trees and 2 category C groups. The AIA considers that there would be little harm to the wider public amenity of the area resulting from the loss of these trees and that there is ample space to provide compensatory planting.

There is also potential for damage to a category B yew tree (Ye2) resulting from the construction of the proposed access driveway, although the AIA considers that this can be limited through the use of specialist CCS construction technique. Whereas it is accepted that this method can be used in certain circumstances, no site-specific detail has been provided and its viability would need to be verified.

Having assessed the site I would consider that the majority of the trees, although visible from the surrounding properties, are not particularly prominent in the wider landscape and convey no special character to the site or wider area, outside of that which would be associated with a mature residential garden. The exception being the category B trees, which are more substantial elements of the landscape. However, the loss of 14 trees and 2 groups of trees is not insignificant and, whilst I would agree that the overall impact to public amenity is limited, there would be some negative effects at the very local level. Although the AIA references compensatory planting to ensure the long-term sustainability of tree cover post development, the level of planting detail is very limited and it is not possible to assess if the proposed planting is satisfactory to compensate for the loss of trees on the site.

Further, where the majority of the retained trees are a sufficient distance from the proposed dwellings so as not to exert a significant negative impact on them or interfere with residential amenity, this is not the case for one category B yew tree (Ye11), which is very close to the northeast of plot one. There appears to be encroachment into the RPA and crown spread of the tree and it is reasonable to consider that significant pruning would be required to allow for the construction of the property and for future maintenance. It is my view that the long-term retention of this tree in this location would not be practical and therefore it must be considered that the tree would be lost as a result of the development. This would have a significant impact on public amenity, which has not been considered in the report and it is not clear how this would be mitigated or compensated for.

Finally, there is a hedgerow running along part of the north boundary which does not appear to be included in the AIA report. Although this is essentially a garden hedgerow and therefore not subject to the hedgerow regulations, it is none the less an important feature of the site. It would appear possible to retain and protect this hedgerow under the proposed scheme.

In conclusion, whereas it appears that it is possible to develop the site to provide two dwellings, the above points need to be addressed and it is recommended that plot one be altered to better accommodate the retained yew tree (Ye11), full details of the 'no dig' CCS access drive be provided and verified, the boundary hedgerow be assessed and incorporated into the scheme and a planting scheme be provided that is prepared in accordance with BS 8545: 2014 Trees: from nursery to independence in the landscape –

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Recommendations and considers the following:-

Policy and Strategy – setting out planting objectives and desired outcomes for the scheme
Site Evaluation and Constraints Assessment
Species Selection – taking into account the above
Nursery Production and Procurement – type of planting stock to be used given the objectives and site constraints
Handling and Storage
Planting – including site preparation
Post Planting Management and maintenance

If planning permission is to be granted to this proposal the following conditions are recommended:

Conditions

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of completion of the work.

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) 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 method statement providing details of tree protection measures to be implemented during the installation of the driveway has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

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

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 Local Planning

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Authority will be informed of the identity of said person.

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

No works associated with the development permitted 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 of BS 8545: 2014 Trees: from nursery to independence in the landscape – Recommendations has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no nett loss of trees from the urban area and to provide natural landscape features that help to integrated the development into the local environment.

4.9 SC Highways:

Having viewed the revised Drawing SA37893_H_01_B, I note the changes to retain the mature hedge and stone wall together with the reduction of the garage serving No.10 the shared drive, in order to facilitate the realignment of the shared private drive. Whilst I consider the details to be satisfactory, there appears to be a missed opportunity consider the movement of vehicle from No.10, which I understand is in the applicant's family ownership. During the site visit it was evident that parked vehicles at No.10 currently have to reverse back towards the proposed shared private drive and utilise that junction area to turn. The current proposal therefore provides the opportunity to improve this situation and would recommend that the applicant consider this aspect.

Recommend the following Conditions.

- Prior to the development hereby permitted being first occupied, the site access, internal access road, parking and turning arrangements shall be laid out in accordance with the approved plans and constructed in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority. Reason: To provide an adequate means of pedestrian and vehicular access to the existing and new dwellings.
- Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period. Reason: In the interests of local amenity and highway and pedestrian safety having regard to the site constraints.

4.10 **SC Affordable Houses:** No comments

4.11 **SC Rights Of Way:** No comments

4.12 **Ramblers Association:** No comments

4.13 Public Comments

Comments have been received objecting to the proposal. In summary the following concerns were raised. Full details on letters of objection can be viewed online on the Council's application website.

- ecology issues
- publicity of the scheme
- highway impact
- drainage impact
- access for emergency and service vehicles
- inconsistency in plans and supporting information

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- noise and pollution
- scale and design
- not affordable housing
- over looking, over bearing, loss off light impact
- loss of property values
- landscape impact
- historical interest
- impact on trees and hedgerow
- impact on water course
- contrary to policy as the settlement has exceeded its capacity.

5.0 THE MAIN ISSUES

- Policy considerations
- Siting, scale and design of structure
- Ecological matters
- Drainage matters
- Trees
- Residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) also advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration that constitutes guidance for local planning authorities as a material consideration to be given weight in determining applications.

6.1.2 A key objective of both national and local planning policies is to concentrate new residential development in 'sustainable' locations which are easily accessible and which offer a range of services and community facilities.

6.1.3 The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 recognises that self-build properties can help to achieve mixed and balanced communities. Neither the Core Strategy nor the SAMDev policies explicitly refer to self-build housing. However, the relevant housing supply policies do allow, amongst other things, housing developments within areas that the Council consider to be suitable locations, i.e. settlements identified for growth. There is nothing preventing these single plot developments being for open market, self-build dwellings.

6.1.4 Comments have been received relating to the proposed development scheme being contrary to planning policies.

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- 6.1.5 Within the SAMDev Policy S16.2 (ii) Bayston Hill is a Community Hub with a housing guideline of around 50-60 additional dwellings over the period to 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. The retention of the gap of undeveloped land between Bayston Hill and Meole Brace, Shrewsbury remains an important objective of the strategy for the village. The development of the village is also constrained by the presence of the A49 running through the village and the major quarry to the east. The provision of affordable housing has been identified by the Parish Council as a priority requirement.
- 6.1.6 Furthermore, Bayston Hill has a published Parish Council Planning Policy (2017) which is a material planning consideration and which indicates that it opposes properties being built in gardens as it undermines the character of the Village as well as encroaching on Environmental corridors.
- 6.1.7 While the above policy considerations are noted and in the previous application, within the Officer report and reason for refusal reference is made to a number of policies relating to the delivery and distribution of housing development across the Bayston Hill area. For certain, the Council is able to demonstrate a five-year housing supply. However, the policies indicate that housing figures are approximate guidelines and are intended to be flexible. The proposed development would provide two residential dwellings and would contribute to local housing delivery, mix and density in a Community Hub settlement area, identified as appropriate and sustainable for additional housing provision. The sites being within Bayston Hill means that they are within proximity to a range of services and facilities including a primary school and public transport connections.
- 6.1.8 The proposed development would contribute to the delivery of housing and is therefore consistent with Policies MD1 and MD3 of the SamDev Plan and CS1, CS3 and CS11 of the Core Strategy as they relate to housing delivery.
- 6.2 Siting, scale and design of structure
- 6.2.1 The proposal includes for two detached dwellings sited within individual curtilages with a shared driveway serving the two proposed dwellings and an existing bungalow. The scheme has been amended to omit a third new dwelling initially proposed with the previous application. While referred to as bungalows, the proposed dwellings are of a two storey nature utilising the roof space as first floor accommodation. The proposal also seeks brick build garages with clay roof tiles. The pitched roof garages serving the new dwellings would measure approximately 6.3m wide x 6m deep and have a maximum height of 4m.
- 6.2.2 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

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- 6.2.3 The proposed dwellings would have gabled roof arrangements with Plot 1 comprising of 3 bedrooms and Plot 2 having 4 bedrooms. While similar in style and appearance, the internal layout and footprint slightly differ. Each buildings would have a ridge height of approximately 6.5m high. Together with glazed gables, the scheme incorporates a couple of dormers windows to the west elevations. Similarly, the east elevations are designed to include heavy glazing. The side elevations i.e. north and south are of more simplistic design consisting of rooflights on the first floor.
- 6.2.4 Due to the status of the no 10 being a non-designated heritage asset the conservation team were notified for their comments. It noted the team are not in support of the overall scale and design of the dwellings and have recommended some design alterations. It is acknowledged partly due to the heavy glazing, the proposed dwellings would have a different appearance to the neighbouring dwellings. However, due to being a backland development without any meaningful relationship with the street scene, on balance, it is not considered that such a contrasting appearance would appear out of place or significantly detrimental to the prevailing character and appearance of the area. Furthermore, it is also recognised that the surrounding dwellings are of varying styles and design and the proposal is not within the conservation area.
- 6.2.5 It is considered that the proposed dwellings will have adequate amenity space to the front and the rear. Although disproportionate to neighbouring properties gardens, Plot 1 would have adequate outdoor amenity space. Plot 2 has a larger degree of outdoor amenity space that is proportionate to the size of the dwelling and that of neighbouring properties. Whilst comments including those of the conservation team have made reference to the site being contrived, on balance it is considered that the size of the dwelling and the size of the plot would not result in the over development of the site or result in a cramped style of development that is out of keeping visually. Additionally, there is also a degree of separation distance, each elevation with neighbouring properties which allows for the hedgerow boundary to retained. For Plot 1, there would be approximately 26m distance between the proposed dwelling and no 10. The north elevation would range at an average distance of approximately 27m from dwellings 76, 78 and 80 Yewtree Drive. The dwelling proposes a pair of roof lights to this elevation.
- 6.2.6 The application shows that other than the hard surfacing of the drives and areas immediately around the properties, the garden will be laid to lawn. Currently there is a mature hedgerow which separates the plots from the neighbouring properties The submitted plans show that this hedge will be retained and additional planting is encouraged. Conditions are recommended to be imposed to ensure the hedge is retained.
- 6.2.7 Having regard to density, plot sizes and property separation distances it is considered that the proposed design and layout on balance is considered to be policy compliant in terms of the amenity impacts for existing and future residents.
- 6.3 Ecology matters
- 6.3.1 Several objections have been received relating to impact on the ecological

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surrounding and protected species. Whilst the comments have been noted, the SC Ecologist team accepts the findings of the ecological report and is content with the development subject to the planning conditions recommended. It is also confirmed that the proposal provides an ecological gain by way of the mitigation measures proposed in terms of the provision of bird and bat boxes.

6.4 Highway matters

- 6.4.1 The site is accessed via an existing lane off Grove Lane. The lane currently serves 2 dwellings and would end up serving a total of 4 dwellings. It is unlikely that this development would add to the existing highway conditions to a level that is considered unacceptable, that would result in harm to highway safety and highway users. In addition, it is worth noting Grove Lane is a cul de sac with no through road thus, the scheme would not result to any material harm to highway safety to road users to warrant a refusal. Furthermore, being a heavily residential street on a somewhat narrow lane, vehicle entering and leaving are likely to be at a low speed, therefore allowing drivers sufficient time to react to any unexpected potential conflict with other road users/pedestrians.
- 6.4.2 Whilst two additional dwellings will increase the number of vehicles entering and existing the site and using the highways network within the locality, given that Bayston Hill is identified as a sustainable settlement where appropriate development can be supported, the level of increase caused by such a small scale development is unlikely to be discernible. Resultantly, the parking provision proposed is considered to be proportionate to the formation of two additional dwellings, the turning space is sufficient for domestic vehicles and there will be no negative change in the public highways network usage or layout on account of the development proposed.
- 6.4.3 The Highway team have been consulted and raise no material objection. However, the team advised the removal of the outbuilding serving no 10 indicating a missed opportunity to improve vehicle movement and manoeuvring within the site. It is noted with the submitted plans, while the outbuilding has not been removed, its size has been reduced. Overall, the proposal would not have any significantly harmful effect on highway safety. As such, it would comply with Policy CS6 which seeks to ensure that all development is safe and accessible to highway users.
- 6.4.4 Although consulted on this current application, no comments have been received from Shropshire Fire and Rescue Service. However, the comments submitted in the previous application cannot be ignored. The comments provided stated that it is likely that fire appliances would not be able to access the development but that this is a matter which would be regulated under the Building Control process. Therefore, as a separate remit, should the application be approved, under different regulations, the scheme would have to meet and be compliant with building control regulations which is different from planning control. Additionally, the applicant is made aware as stated within the Shropshire Fire and Rescue Services guidance that failure to provide reasonable facilities for Fire Services would result in not receiving a completion certificate under Building Regulations.

6.5 Drainage

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- 6.5.1 Several of the objections received, including that of the Parish Council, refer to surface water, drainage and flooding implications of the scheme. SC SUDS officers have raised no objections to the application on this basis, but have requested that the details of surface water drainage and foul drainage be agreed and approved by the Local Planning Authority prior to commencement of any works on site. Severn Trent have provided comments indicating they do not object to the scheme and provide advise in relating to the sewers.
- 6.5.2 The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. The applicant would need to apply to Severn Trent Water who it is within their remit to assess the connection requirements and confirm that the existing network has capacity for the proposed connections. In addition, the application indicates that surface water will be disposed of via soakaways and the drainage team have raised no objection to this.
- 6.5.3 No concerns have been raised regarding the suitability of the local ground conditions. The proposal is for an additional two dwellings within the locality and this number is not considered to exacerbate on drainage and foul disposal to warrant a refusal of the proposed scheme. Therefore it is recommend that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.
- 6.5.4 The proposal is for an additional two dwellings within the locality and this number is not considered to exacerbate on drainage and foul disposal to warrant a refusal of the proposed scheme. In addition, Severn Trent have provided comments indicating they do not object to the scheme and provide advise in relating to the sewers.
- 6.5.5 Furthermore, while it is noted within the objections regarding flooding matters, as the development site is no greater than 1ha and also not within an identified flood risk area, the request for a flood risk assessment is not considered necessary in this instance.
- 6.5.6 Concerns relating to impact on the watercourse are acknowledged and as suggested by the ecology team in order to protect the watercourse it is suggested a Construction Environmental Management Plan be prepared prior to works commencing.
- 6.6 Trees
- 6.6.1 Similarly, concern have been raised with regards to the loss of trees or future pressure for the loss of trees on site. The proposed site plan indicates that there will be some trees and hedges retained within the development site and those that are to be removed have been detailed within Arboricultural Report and Tree Protection plan thereby complying with CS17 and MD12 of the development plan.
- 6.6.2 The SC Trees consultee has confirmed that there is the potential of damage to a Yew tree as a result of the construction of the drive. The AIA indicates that damage to this can be mitigated through the use of specialist no dig construction technique and whilst specification of the method has not been provided at this stage, this can

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be controlled by way of condition. The Tree officer has also raised concern on the yew tree (Ye11) adjacent to Plot 1 where it is highlighted the scheme is likely to impact on this tree and it is the officer's view that the tree is unlikely to be retained in the its long term. Consequently, the tree team have proposed alteration to the layout of Plot 1.

6.6.3 Nevertheless, although not fully opposed nor supportive to the scheme, the Tree Officer has recommended conditions to be attached. Therefore, subject to conditions and protection during construction stage the proposed removal of trees and approach for those to be retained is acceptable. It should also be noted that a condition regarding the landscaping and boundary treatments to be imposed will further ensure trees are retained and protected and new planting implemented.

6.7 Archaeological matters

6.7.1 Comments in reference to archaeological issues are noted and the archaeology team raise no objection and suitably worded condition has been provided.

6.8 Residential amenity

6.8.1 Whilst the proposed development would create a new focus for domestic activity, given the distances to nearest residential dwellings and length of the adjacent garden areas, any effects in terms of noise, disturbance or lighting would be consistent with that of existing activity in this heavily residential area.

6.8.2 The distance together with existing hedging to be retained between the proposed plots and neighbouring dwellings would also limit effects with regard to outlook. Although any dwelling would be partially visible from neighbouring dwellings and garden areas above the existing hedges, or alternative boundary treatments, the intervening distances and orientation of the dwellings are an alleviating factors.

6.8.3 Although an effect of the proposed development would result to significantly reducing the garden area available to residents of no 10, the remaining garden would still retain a single area of enclosed private amenity space and parking spaces afforded to the existing dwelling no 10. The outdoor amenity space would be sufficient to maintain a suitable standard of living conditions for current or future occupiers of that property with respect to private outdoor amenity space provision.

6.8.4 It is therefore concluded that the effect of the proposed development on the living conditions of nearby residents would be acceptable in principle and therefore consistent with the aims of Policy CS6 of the CS as it relates to safeguarding the living conditions of local residents.

7.0 CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed site falls within the development boundary of Bayston Hill and therefore the principle for residential development is acceptable. The proposed dwellings are in a sustainable location accessible to services and facilities. On

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balance, the scheme is of a suitable layout and design that would not have a detrimental impact on neighbouring properties. The development is designed to provide safe means of access to the highway, a suitable foul and sewer drainage network whilst maintaining a level of ecological gain.

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.

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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
CS6 - Sustainable Design and Development Principles
CS2 - Shrewsbury Development Strategy
CS17 - Environmental Networks
MD2 - Sustainable Design
CS18 - Sustainable Water Management
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

21/02071/FUL Erection of 3No dwellings and associated garages, formation of vehicular and pedestrian access REFUSE 6th January 2022
22/01619/FUL Erection of 2No. detached dwellings and associated garages, formation of vehicular and pedestrian access (revised scheme) PDE
PREAPP/20/00182 Erection of 3no. detached dwellings PREAMD 15th June 2020
21/02071/FUL Erection of 3No dwellings and associated garages, formation of vehicular and pedestrian access REFUSE 6th January 2022
22/01619/FUL Erection of 2No. detached dwellings and associated garages, formation of vehicular and pedestrian access (revised scheme) PDE

11. Additional Information

View details online:

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

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Ted Clarke

Cllr Tony Parsons
Cllr Rosemary Dartnall

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the 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.

3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of completion of the work.

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

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.

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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

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a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

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.

6. 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 Local Planning Authority 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.

7. 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 method statement providing details of tree protection measures to be implemented during the installation of the driveway has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

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.

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, bat and bird boxes and amphibian-friendly gully pots);
- b) Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely;
- c) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- d) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- e) Access layout and visibility splay in line with Highways requirements in order to demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required;
- f) Schedules of plants, noting species (including scientific names), planting sizes and proposed

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numbers/densities where appropriate;

g) Native species used are to be of local provenance (Shropshire or surrounding counties);

h) Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

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

9. 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 tree planting scheme, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no nett loss of trees from the urban area and to provide natural landscape features that help to integrated the development into the local environment.

10. Within 28 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

11. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

12. Mine Gas Risk Assessment

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021' and having regard to current Environment Agency guidance 'Land Contamination: Risk Management (LCRM; 2020)'. The Report is to be submitted to and approved in writing by the Local Planning Authority before development commences.

b) In the event of the mine gas risk assessment finding the site to be affected by mine gases a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must have regard to current guidance

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and standards and ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the mine gases shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the Environment Agency guidance 'Land Contamination: Risk Management (LCRM; 2020), which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the risks from mine gases and any contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Verification must be in accordance with current guidance and standards.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

13. No development shall take place until details of the 'no dig' CCS access drive have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is satisfactory.

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

15. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.

Reason: In the interests of local amenity and highway and pedestrian safety having regard to the site constraints.

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

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction

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- activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) Requirements and proposals for any site lighting required during the construction phase;
 - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
 - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
 - f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
 - g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan. Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

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

17. Prior to first occupation / use of the buildings, the makes, models and locations of bat, bird and hedgehog boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific).
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design)
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design)
 - A minimum of 1 artificial hedgehog box, suitable for breeding and/or hibernating hedgehogs.

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

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

18. 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, trees, and hedgerows. 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

19. 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.

20. Prior to the development hereby permitted being first occupied, the site access, internal access road, parking and turning arrangements shall be laid out in accordance with the approved plans and constructed in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an adequate means of pedestrian and vehicular access to the existing and new dwellings.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A-H shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

22. The existing mature hedging to the northerly and southerly boundaries shall be indefinitely retained at the current height. If the boundary treatment is to be altered, details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory and to ensure a level of privacy is maintained between the dwellings and those of neighbouring properties.

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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 and scrub removal and/or conversion, renovation and demolition work in buildings or other suitable nesting habitat 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.

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees>.

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

Bats and trees informative

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.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

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.

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small

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animals, including reptiles, amphibians and hedgehogs.

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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

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

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

3. 2.1. The Drainage Strategy is acceptable in principle but the Climate Change used should be 40%.

2.2. Surface water and foul drainage schemes for the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

2.3. Appendix A2 - Surface Water Drainage Proforma for Minor Developments must be completed and together with associated drainage details, must be submitted for approval.

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