

AGENDA ITEM



Committee and date
Northern Planning Committee
8th November 2022

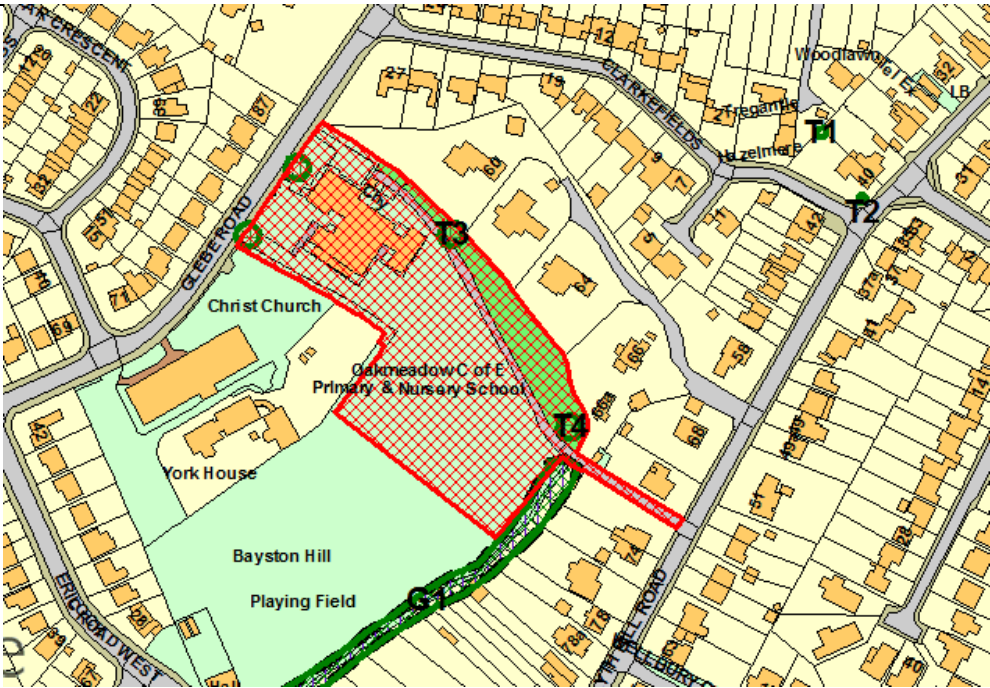
Development Management Report

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

Summary of Application

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| Application Number: 22/02517/FUL | Parish: | Bayston Hill |
| Proposal: Demolition of existing school building and the erection of 23 residential dwellings, formation of access from Glebe Road, footpaths/cycleways and public open space | | |
| Site Address: Site Of Oakland County Primary School Glebe Road Bayston Hill Shrewsbury Shropshire | | |
| Applicant: Cornovii Developments Ltd | | |
| Case Officer: John Shaw | email: john.shaw@shropshire.gov.uk | |

Grid Ref: 348214 - 308629



AGENDA ITEM

Northern Planning Committee - 8th November 2022

Site Of Oakland County
Primary School

Recommendation:- Grant Permission subject to the signing of a memorandum of understanding/Section 106 agreement and the conditions as set out in Appendix 1 and any amendments to these conditions as considered necessary by the Assistant Director.

Update Report

1.0 THE PROPOSAL

- 1.1 This application was deferred by committee on 8th November 2022 to allow for further negotiations with Sport England and the council's Leisure Team regarding payment for local pitch improvement and for a bat survey to be undertaken on tree T28 which was deemed a tree with high bat roost potential.
- 1.2 This application is seeking planning permission for the demolition of an existing school building and the erection of 23 residential dwellings along with formation of a vehicular access from Glebe Road as well as footpaths/cycleways and public open space. The housing mix would be as follows:
- 2 single bedroom bungalows
 - 7 semi-detached two-bedroom dwellings including 2 two-bedroom bungalows
 - 12 semi-detached three-bedroom dwellings
 - 2 four-bedroom dwellings with one being detached
- 1.3 Two areas of Public Open Space would be created with one at the centre of the development and the other to the northern side of the access road creating a total of approximately 1800sqm. Additional landscaped areas would also be provided including to either side of the entrance to the site from Glebe Road.
- 1.4 A copy of the original committee report from the 8th November 2022 is attached to this report in Appendix 1.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is approximately 1.2 hectares and comprises the former Oakland County Primary School building and associated playing fields accessed from Glebe Road; the school closed approximately 10 years ago. The site is adjacent to Christ Church and York House, a small residential care home, to the west while to the south is the Glebefield an open field typically used by local residents for recreational purposes though owned by the Diocese of Lichfield and therefore not designated as formal public open space.
- 2.2 To the rear of the school building, which is now in a poor state of repair, is the former playing field which is now overgrown. The site has a total of 35 trees including 5 covered by Tree Preservation Orders. The site boundaries comprise of brick wall, fencing including 2m high heras fencing and overgrown shrubs/hedging and trees
- 2.3 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 along the southern boundary of the site linking Glebe Road to Lyth Hill Road to the east via the Glebefield.

3.0 REASON FOR COMMITTEE 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 that the land is owned by Shropshire Council. The application is therefore presented to Planning Committee for determination.

4.0 OFFICER APPRAISAL

Local Pitch provision

4.1 Following the deferred committee decision, the developer has now agreed to pay the £75,000 as requested by Sport England and the council's Leisure Team; the responses of both consultees are as follows:

4.2 Sport England final response 24/11/22:

'Further to the recent email correspondence below, I can confirm that on the basis of the agreed s106 contribution of £75k being secured we are able to remove our objection to this application. As advised previously we would recommend:

- *The sum is secured to be paid to the Council upon commencement of development since this is when the loss of playing field takes place*
- *That the sum be appropriately index linked*
- *As Sean suggests [SC Leisure Officer] it would help to engage with the Parish on a proposed scheme of works. I'd suggest the wording is suitably flexible enough to allow this to be spent on playing pitch improvements, and/or changing room improvements at a locally agreed site in line with the Council's Playing Pitch Strategy. I have previously commented that Lythwood (Stanley Parker site) could be considered'.*

4.3 SC Leisure final response 23/11/22:

'I support the application on the basis the applicant has committed to making a £75,000 contribution to mitigate for the loss of the playing field.

The money will be spent locally in Bayston Hill to improve sports facilities. The work will be informed by the Shropshire Playing Pitch and Outdoor Sports Strategy and in consultation with the Bayston Hill Parish Council Clerk'.

As part of negotiating the S106 agreement, further discussions will be undertaken with Bayston Parish Council to ensure the money will be spent locally in Bayston Hill to improve sports facilities. Subject to this agreement, the money that would be paid by the developer to the local pitch improvement would be considered a further social benefit which would weigh in favour of the proposal.

Ecology

4.4 A Preliminary Ecological Appraisal carried out by Dr Stefan Bodnar (July 2021) identified four trees with high potential for roosting bats and one of these trees is to be removed (T28). To ensure the bat roosts are not harmed by the removal of this tree, a bat survey has been undertaken since the 8th November committee and no evidence of bats roosts within the tree were found. The council's Ecologist is satisfied with the findings of the report and does not consider any additional conditions to those previously recommended are required.

Affordable Homes

- 4.5 The developer had stated that there would be a further 2 affordable two bed homes in addition to those 2 which would be secured by a S106 agreement on plots 4 and 9 and would be funded by Homes England. The additional 2 homes would have pushed the overall provision further above the policy compliant figure of 1.8 and therefore would comply with the Homes England approach of additionality. As clarified by the Planning Officer at the beginning of his presentation on the 8th of November committee, these additional homes could not be secured by a S106 and therefore there was no guarantee of their delivery.
- 4.6 The developer has since the previous committee submitted a planning addendum which states that they are still committed to providing additional affordable housing subject to the tender price, level of Homes England grant funding that can be achieved and the ability of a Registered Provider to purchase any additional units. The potential additional provision of affordable homes would represent a material benefit of the development if delivered, however as they are not yet confirmed and could not be secured via a S106 agreement, then no weight can be given at this stage.
- 4.7 As stated in the original committee report, the provision of 2 affordable homes within the locality above the policy compliant figure of 1.8 to be secured by a S106 agreement is considered to weigh in favour of the scheme with respect to constituting a benefit arising from the development in accordance with SAMDev Policy MD3.

Drainage

- 4.8 Since the 8th of November committee, the developer has provided further information demonstrating that Severn Trent will in principle accept the connections from the development to their existing assets and that the new development is to be offered for adoption. The council's Drainage Engineer has confirmed he is satisfied that it is now established who will maintain the various aspects of the drainage system and as such condition 14 will be replaced with the following condition:

No development shall take place until a scheme demonstrating that exceedance flows up to the 1 in 100 years plus 40% storm, do not result in surface water contributing to surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site has been submitted to, and approved by the Local Planning Authority.

Reason: The condition is a pre-commencement condition to ensure that any such flows are managed on site

- 4.9 The developer has agreed to the use of this condition.

Section 106

- 4.10 Prior to the granting of any permission and following on from the above, a S106 legal agreement would be signed between the developer and Shropshire Council to secure public open space in perpetuity at the site, 2 affordable homes and a payment of £75,000 to facilitate playing pitch improvements, and/or changing room improvements at a locally agreed site in line with the Council's Playing Pitch Strategy.

5.0 CONCLUSION

5.1 The proposed development would be considered acceptable in principle and would constitute a sustainable form of development and enable the reuse of a brownfield site. The development would bolster the local housing stock, generate an overprovision of much needed affordable housing for the village and create accessible public open space for residents. The layout is well-designed with open frontages and parking that would be well integrated and not predominant while the design of the dwellings provides visual interest. Most existing trees would be retained and submitted landscaping plans indicate significant additional planting throughout, however such landscaping would be conditioned to ensure a high-quality scheme is secured and retained.

5.2 The development would be acceptable in terms of impacts on residential amenity, highway safety, local ecology, drainage, and sustainability; open space provision would be policy compliant.

5.3 The application is therefore recommended for delegated approval subject to the agreement of a memorandum of understanding/S106 between the developer and Shropshire Council to secure public open space, 2 affordable homes and a payment to local pitch improvement and/or changing room improvements at a locally agreed site, and the conditions as set out in appendix one attached to the original committee report and any amendments to these conditions as considered necessary by the Assistant Director.

6.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

6.1 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 - written representations, a hearing or inquiry.

The decision is 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 a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose 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.

6.2 Human Rights

Article 8 give 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.

6.3 **Equalities**

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

7.0 **FINANCIAL IMPLICATIONS**

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

APPENDIX 1

REPORT FROM COMMITTEE 8TH NOVEMBER 2022

1.0 THE PROPOSAL

1.1 This application is seeking planning permission for the demolition of an existing school building and the erection of 23 residential dwellings along with formation of a vehicular access from Glebe Road as well as footpaths/cycleways and public open space. The housing mix would be as follows:

- 2 single bedroom bungalows
- 7 semi-detached two-bedroom dwellings including 2 two-bedroom bungalows
- 12 semi-detached three-bedroom dwellings
- 2 four-bedroom dwellings with one being detached

1.2 Two larger areas of Public Open Space would be created with one at the centre of the development and the other to the northern side of the access road; two smaller areas are stated to be additional open space creating a total of 2197sqm.

1.3 A previous application was submitted in May 2019 (19/01873/OUT) which sought Hybrid (full and outline) planning permission for residential development of up to 47 dwellings (outline) and the erection of community building which would have had a multi-functional use including a library to replace the existing Bayston Hill library. This application incorporated the school site subject of the current application together with the southern and western portions of the Glebefield. The application was assessed simultaneously with 3 other smaller proposals that consisted of the replacement of the existing library with 3 homes; the erection of a vicarage, and the redevelopment of an existing community hall on Lythwood Road to provide a new scout hut which would have been lost if the Glebefield site had been developed. All four proposals were heard together at planning committee which resolved to grant permission in August 2019. Application 19/01873/OUT was subject to a S106, however, this legal agreement was not signed and the application was withdrawn earlier this year.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is approximately 1.2 hectares and comprises the former Oakland County Primary School building and associated playing fields accessed from Glebe Road; the school closed approximately 10 years ago. The site is adjacent to Christ Church and York House, a small residential care home, to the west while to the south is the Glebefield an open field typically used by local residents for recreational purposes though owned by the Diocese of Lichfield and therefore not designated as formal public open space.

2.2 To the rear of the school building, which is now in a poor state of repair, is the former playing field which is now overgrown. The site has a total of 35 trees including 5 covered by Tree Preservation Orders. The site boundaries comprises of brick wall, fencing including 2m high heras fencing and overgrown shrubs/hedging and trees

2.3 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 along the southern boundary of the site linking Glebe Road to Lyth Hill Road to the east via the Glebefield.

3.0 REASON FOR COMMITTEE 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 Planning Committee for determination.

4.0 COMMUNITY REPRESENTATIONS (full details of the responses can be viewed online using the application reference)

4.1 - Consultee Comments

4.1.1 Bayston Hill Parish Council: Neutral

Bayston Hill Parish Council continue to be disappointed that the Community Hub from the original site plans (that included an adjoining plot) are not now included in this smaller development.

Many years of consultation and work towards having this facility have been swept away.

Despite this disappointment, we are pleased to see movement on this long derelict school. To this end we wish to log the following as a representation from BHPC.

Request a condition that:

The Tree Protective Fencing should be installed before any construction work takes place. This includes demolition, site clearance and drainage work.

Where the paving around the roads and houses does encroach slightly into the RPAs of the trees, a 3D cellular confinement and load spreading system, such as "Cellweb", should be used to minimise the impact on these trees.

All retained trees will require protection during the construction work to make sure that they are not damaged. Can TP orders be made on the retained trees to avoid future applications to remove them.

Facilitate the movement of hedgehogs between the gardens of the properties by the inclusion of a gravel board with a hedgehog hole facilitated.

A developer enquiry must be submitted to Severn Trent to ensure there is capacity within the sewers to take the flows from the development before any work on the development site is undertaken.

At least four of the trees on this site have high bat roost potential, these are target noted on the phase 1 diagram in Appendix 1 of the Ecological Report - 4635887. If the development proposals affect these trees, at least three bat emergence surveys will be required.

Could a condition be considered for all properties within the development to be provided with Electric Vehicle charging points or at least to have a facility provided that an EV charging point can be connected to.

Green space maintenance - we would expect Shropshire Council to upkeep the green space or agree at least a 20-year arrangement with BHPC.

Are the green spaces usable? It is not clear on the plans that the spaces are accessible for use.

Observation:

1. It is noted that the drainage system should be regularly maintained and that there is a detailed schedule of what this requires, can we have confirmation that the Local Authority are prepared to take on this responsibility.

2. In the Drainage Strategy Report - 4635880 the proposed site description is shown as the area for the previous application 19/01873/OUT which was withdrawn, is this correct or should the report be resubmitted?

3. In the same report it mentions that "To ensure that sewer flooding and overland flow does not pose an undue risk to the proposed development, finished floor levels will be set above external ground levels. The general topography in the area slopes to the northeast. Any overland flow would therefore be expected to follow this trend, flowing away from the development." What mitigation is being considered for existing properties that boarder this development to ensure that they are not adversely harmed by any surface water run off?

4. Sustainability Checklist

- Water conservation - given the drive towards carbon neutral why would the developer not be asked to select Best 80 l/h/d

- Energy Efficiency Generation - as above why not Best

- Energy Demand and Energy Efficiency Statement - using orientation and solar gain to minimise energy demand - this has not been responded to with either a Yes or No

- Energy Demand and Energy Efficiency Statement - No detail for a yes or justification for a No has been provided.

- Electricity Statement - No Justification has been provided for a No response.

- Heat Statement - No Justification has been provided for a No response

- Waste management and Resource Efficiency - Material Resource efficiency section has not been completed, no indication of which requirement has been met'.

Planning Officer comment: Matters relating to trees, ecology, open space, drainage, and sustainability are discussed in the main body of the report below.

4.1.2 West Mercia Constabulary: No objection; informative recommended

4.1.3 SC Conservation: No comment to make

4.1.4 SC Affordable Housing: No Objection

The application site is situated in an area where the prevailing target rate for affordable

housing is 15%, therefore for a development comprising 23 dwellings, there would be a requirement for 3.45 affordable dwellings for the development to be planning policy compliant. The planning statement submitted with the application notes the provision of 4 affordable dwellings, which is an over provision. An overprovision of affordable housing is welcomed given the high demand for such housing in Bayston Hill. The affordable provision is noted as being two x 1 bed bungalows and two x bed houses. The proposed affordable dwellings all exceed Nationally Described Space Standards which whilst not currently a policy requirement are standards that are strongly encouraged.

Paragraph 64 of the National Planning Policy Framework notes that to "support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount". Vacant Building Credit (VBC) has been applied for and supported in this instance. As a result of VBC the affordable housing contribution has been recalculated to reflect the removal of existing buildings (VBC) resulting in a revised contribution of 1.8 (one affordable dwelling and a financial contribution for the remaining fraction). Clarity is sought regarding the designated affordable dwelling/s.

4.1.5 SC Trees: No Objection subject to conditions

3rd Response 20/10/22:

'The loss of trees is never desirable but can sometimes be necessary to allow for the provision of a quality site layout. Planning policy allow for losses of such trees where it can be demonstrated that there is a need and the planning gains of the development outweigh the impact of the losses and that the losses are properly compensated for. In this case I would recommend that a high-quality landscaping scheme is prepared that provides for new tree planting. This should consider site and wider canopy cover levels, layout of structural landscape, and take account of factors such as the potential impact of ash dieback on the existing tree stock. The scheme should seek to introduce age and species diversity to the site and wider area.

The proposal must be supported by an assessment of the arboricultural impact and show justification and demonstrate the value of the compensatory planting, along with a planning justification. If it can be shown that the tree loss will not have a substantial impact on wider amenity and can be reasonably compensated for, no objections would be raised to the proposal by the tree team'.

2nd Response 07/09/22:

'Amendments to site layout required to prevent the loss of important trees and additional information on proposed 'no dig' systems'

'In conclusion, the loss of the 3 trees identified for removal would not significantly impact public amenity, however, the potential to lose 3 additional trees would have a much more significant impact. It is therefore recommended that the site layout be revised to ensure that the retained trees can be accommodated into the site layout and will not exert a negative influence over the proposed dwellings and their private amenity spaces. In addition, full details of the 'no dig' systems prosed for use where footpaths and drives encroach into RPAs must be provided and their suitability for use in these situations verified'.

1st response 06/07/22:

'The arboricultural impact assessment provide on the file states that it is superseded but no other assessment is provided. Can it be clarified if another assessment is pending submission?'

4.1.6 SUDS: No Objection subject to a pre-commencement condition which requires a scheme of surface and foul water drainage to be submitted to the LPA.

4.1.7 Regulatory Services: No Objection subject to condition relating to condition that requires the developer to report to the LPA if any contamination is found not previously identified.

4.1.8 SC Ecology: No Objection subject to conditions;
'I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.'

The Preliminary Ecological Appraisal carried out by Dr Stefan Bodnar (July 2021) identified four trees with high potential for roosting bats. All trees are to be retained as part of the development and therefore no further survey work is required. Should the trees need to be removed then further activity surveys for bats will need to be conducted. No other protected or notable species was recorded or priority habitat. Suitable habitats for small mammals and invertebrates were recorded on site. Mitigation measures have been recommended to negate any negative impact'

4.1.9 SC Highways: No Objection subject to conditions

4.1.10 Sport England: Objection

2nd response 02/09/22:

'We accept that there is not an expectation to provide a replacement pitch, rather to use the sum being requested to fund pitch improvement works to build capacity locally. We have suggested that this sum could be spent at Lythwood or at an alternative site as may be agreed, in line with local priorities. In the absence of a costed scheme of works at a particular site, it is not possible to comment further, however we would stand by this sum as being reasonable to mitigate the loss of a 7v7 pitch. That said, Sport England would be open to discussion regarding an alternative sum to establish if agreement could be reached to withdraw our objection.'

The applicant's case is summarised that there is not a need for the contribution, on the basis that the PPOSS does not point to the need to replace the pitch elsewhere. However, they miss the point that the contribution being requested would be invested in improving pitch quality of existing pitches in line with the recommendations of the PPOSS which is needed. We maintain the view that the contribution being sought meets the relevant tests. If the substantive point between us is therefore the scale of the contribution, there may be scope to agree a compromise figure, however, in order to remove our objection a substantial sum will need to be agreed.'

'The applicant contends the site does not constitute playing field. We disagree, in our view it is disused playing field.'

The applicant contends that the contribution being sought does not meet the relevant NPPF tests, we disagree for the reasons explained. Notwithstanding that we stand by the sum requested as being fair and reasonable in scale and kind in this case, there may

be scope to negotiate an alternative sum with the Council, in discussion with Sport England?’

1st response 24/06/22:

*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 99 of the NPPF. Our objection could be removed if a section 106 contribution of £75k were to be agreed to secure investment in playing field provision locally, as mitigation for the loss.*

SC Leisure: Financial contribution should be provided.

4.1.11 *‘The applicant summarises some of the findings of the PPOSS in respect of football provision. They conclude that the PPOSS does not recommend provision of additional 5v5 or 7v7 pitches within the Central area, instead referring to opportunities to unlock existing pitches for additional use to accommodate future demand. I agree that the PPOSS recommends improving pitch quality and securing community access to school's pitches as a means of addressing identified shortfalls of capacity. However, it is important to note that the PPOSS does recommend that sites are protected from loss. So, whilst I agree that there is not a need to provide a replacement area of playing field to provide a replacement mini pitch in this case, we do consider there is a need to secure a suitable s106 agreement sum to be invested locally to address the identified issues regarding capacity through pitch quality improvements.*

In my view the site constitutes disused playing field. As far as I'm aware, there has been no other lawful use that has taken place that has constituted a material change of use of the land. Notwithstanding the overgrown condition of the site, I do not consider that the permitted use as a playing field has changed.

As pointed out in the PPOSS there isn't the need to provide new facilities, but a contribution should be forthcoming coming to support pitch quality improvements in the local area. I would support Sport England's view that a financial contribution of £75k is provided to mitigate for the loss of the playing field. This is in line with Sport England's cost guidance’.

SC Learning & Skills: No Objection

4.1.12 *‘The development would only create 2 secondary pupils for which there is a need but this can be covered from existing applications and CIL funding’*

- Public Comments

4.2 One letter of representation was received and which raised an objection to the development for the following reasons:

- 1) The absence of a new community hub as part of the proposed development which is contrary to
 - The Landowners Development Brief dated June 2017
 - The Draft Shropshire Local Plan (2016-2038) which states that “A community hub will be provided’ as part of the development of the site.
 - Shrewsbury and Surrounding Area Place Plan published 2019/20 states that a "One Stop Shop' plan for the library and Parish Office to be accommodated by a new Community Hub building on the site of the Oakland Primary School’

- Previous permissions 19/01873/OUT and 19/01859/OUT. The retention of the existing library would furthermore mean that the 3 dwellings approved under 19/01859/OUT can no longer be brought forward
- 2) Uncertainty on whether CIL monies from the proposed development will be specifically allocated to improving the existing Bayston Hill Library.

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
S106

6.0 OFFICER APPRAISAL

Principle of Development

- 6.1 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.
- 6.2 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.3 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 CS4 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. The latest housing supply figures for the hub states that there were 64 housing completions up to 2020/21 with an additional 8 sites benefiting from approval by 31st March 2021.
- 6.4 The proposed redevelopment of the site for 23 dwellings together with the current level of housing delivered in Bayston Hill, would result in the housing guideline figure for Bayston Hill being 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.

- 6.5 With respect to the above, the proposed development would result in the redevelopment of what partially comprises a brownfield site. Core Strategy policy CS10 prioritises the re-use and development of brownfield sites on suitable sites in sustainable locations, such as Bayston Hill for housing development. Similarly, 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.
- 6.6 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. Bus stops are either side of the development site within a 1–3 minute walk. Bayston Hill Library is approximately 2 minutes from the site while a local delicatessen and public houses are all within a short walking distance. The Glebefield would be directly adjacent to the south and easily accessible. 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.
- 6.7 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.
- 6.8 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. MD3 following on from the NPPF, emphasises that a suitable mix of housing must be provided which meets the needs of different groups in the community and this in turn builds on Core Strategy Policy CS11. CS11 supports development which help to balance the size, type and tenure of the local housing stock and sets targets for affordable housing provision. The application site is situated in an area where the prevailing target rate for affordable housing is 15%, therefore for a development comprising 23 dwellings, there would be a requirement for 3.45 affordable dwellings for the development to be planning policy compliant. However, paragraph 64 of the National Planning Policy Framework notes that to "*support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount*". Vacant Building Credit (VBC) has been applied for and supported in this instance. As a result of VBC, the affordable housing contribution has been recalculated to reflect the removal of existing buildings (VBC) resulting in a revised contribution of 1.8 (one affordable dwelling and a financial contribution for the remaining fraction). The proposal surpasses this

requirement with a provision of 2 affordable bungalow dwellings built on site to be secured by a S106 agreement. In addition, there would be a further 2 affordable two bed homes on plots 4 and 9 that would be funded by Homes England. The additional 2 homes would push the overall provision further above the policy compliant figure of 1.8 and therefore complies with the Homes England approach of additionality. The total number of affordable homes on the site would therefore be 4, some 122% above the 1.8 policy compliant figure.

- 6.9 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.
- 6.10 The proposal would have a mix of 2x single bedroom bungalows, 2x two-bedroom bungalows, 5x semi-detached two-bedroom dwellings, 12x semi-detached three-bedroom dwellings and 2x four-bedroom dwellings. Such a housing mix as proposed would be considered acceptable, comprising a good range of house types with an emphasis placed on smaller and medium sized dwellings where there is a high demand in the local area and across the county. A total of 4 bungalows is welcomed; this type of dwelling is acknowledged in the council's Housing Market Assessment as likely to increase in demand with the scale of Shropshire's ageing population and with the focus on profitability and higher density housing, construction of new-build bungalows are less frequent.
- 6.11 It was accepted by the LPA following planning committee as part of 19/01873/OUT that this site and Glebefield to the south could deliver 47 homes which would have been a greater overprovision of homes in Bayston Hill than the 23 now proposed. It is acknowledged that part of the justification of that development was the provision of a new community hub on site, however it should be reiterated that the application site subject of this report does not include the Glebefield which is not a public playing field and could still be developed to incorporate a community hub. The provision of a community hub at the wider site is stated as part of policy S16.2(i) as allocated site BAY050 in the draft Local Plan and it is not considered that the current proposal would prevent the aims of that policy from being implemented. In determining this application, it should be noted that limited weight is to be given to the draft Local Plan which is at examination stage as there are outstanding objections to draft policy S16.2 received during the Regulation 19: Pre-submission Consultation. Nonetheless, it is not considered that the proposed residential development for 23 dwellings would not conflict with the draft Local Plan.
- 6.12 The wider redevelopment of the site 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. This further weighs in favour of the proposed development by way of comprising a public benefit to local residents.
- 6.13 To summarise, it is considered that the limited harm attributed to exceeding the guideline figure for dwellings within Bayston Hill would be outweighed by the redevelopment of the brownfield site for residential purposes. The development would be a sustainable form of development which in economic terms would bring benefits during the construction and

in social terms would bolster the local housing stock, generate an overprovision of much needed affordable housing for the village and create public open space for local residents on a site that is not currently accessible. The environmental strand of sustainable development will be considered in the remainder of the report via a review of the siting, scale, design and landscape impacts and matters relating to impacts on residential amenity, highway safety, local ecology, and local flood risk.

Layout, scale, design and landscaping of development

- 6.14 Core Strategy policy CS6 seeks to ensure that development respects and enhances local distinctiveness and amongst other factors, is appropriate in scale, density, pattern and design, taking into account local context and character and those features which contribute to local character. This policy also seeks to maintain and improve the health and wellbeing of communities including safeguarding residential and local amenity.
- 6.15 Policy MD2 'Sustainable Design' of the SAMDev additionally seeks to achieve local aspirations for design where possible. Policy CS17 recognises Shropshire's environmental assets, and that new development should contribute towards local distinctiveness including landscape and biodiversity. Both policies require high-quality landscaping 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.
- 6.16 Policy MD12 'The Natural Environment' also discourages proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively on the environment including upon visual amenity and landscape character and local distinctiveness unless:
a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
b) the social or economic benefits of the proposal outweigh the harm to the asset.
- 6.17 Section 12 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.18 The proposed development would have a strong building line that would avoid a disjointed visual appearance. The layout and design make strong use of retained trees and new tree planting throughout the development both to front gardens, and throughout the public open spaces. The proposed elevations deliver a degree of variety and visual interest. The dwellings would appear balanced including the arrangement of their fenestration and would be well-proportioned within their respective plots. The use of gables, porches, bay windows and varying roof lines would break up the bulk of the development. Subject to conditions including the submission of material details prior to works above damp-proof course level, the dwellings would be of an acceptable design in accordance with relevant policies referenced above.
- 6.19 Most of the parking would be to the side of the homes and where this has not been achieved then soft landscaping would be used to soften the risk of frontages being dominated by parked cars. Furthermore, lawned front gardens would be arranged to be

set between those plots where parking to the front would feature ensuring that there would be no continuous bank of parked cars within the streetscene; a number of properties would have car ports which would provide further screening of vehicles. Open frontages would be a chief characteristic of the streetscene; hard boundary treatments would be limited to the side and rear of dwellings. Where proposed fencing would have a degree of visibility within the streetscene, for example to the side of plot 10, here the fence would be set back from the highway with hedging and tree planting set ahead to provide screening. To retain the overall open character, permitted development rights would be removed relating to the formation of hardstanding and the erection of fences, wall and other enclosures.

- 6.20 No objection has been raised on arboricultural grounds. The proposal would require the removal of a total of 5 trees, with one being category B, 3 category C and 1 category U. One of the category C trees is a TPO protected tree (T28); this tree has been downgraded due to the existence of a structural defect compromising the life expectancy of the tree and the council's Tree Officer agrees that it is not a high value tree. Though the loss of the category B tree (T27) and T28 is regrettable, the removal of these two trees would significantly improve residential amenity for plots 13 – 15 which would be much better lit and would meet the minimum standards set out in BRE 209 Site Planning for Sunlight and Daylight. It is considered that the retention of these two trees would result in an unacceptable living environment for future occupiers of plots 13-15 that would not comply with CS6. An alternative approach of removing the dwellings worst affected by the shading would result in a reduction in the number of affordable homes at the site including high demand bungalows.
- 6.21 In reviewing alternatives, the planning officer agrees with the Tree Officer that a robust pre-commencement condition which allows for the removal of T27 and T28 but brings forward a high-quality, compensatory landscaping scheme would be the optimal approach. The trees at centre of the site where one of the two public open spaces would be situated, primarily consist of Ash trees which are susceptible to Ash dieback; the loss of these trees over the lifetime of the development would cause visual harm. Therefore, a landscaping scheme which considers site and wider canopy cover levels, layout of structural landscape, and seek to introduce age and species diversity to the site and wider area would on balance represent a long-term gain in arboricultural and visual amenity terms notwithstanding the loss of T27 and T28.
- 6.22 The general density proposed of 19 dph is consistent with modern residential development within the locality. It is also noted that different house types have been evenly spread throughout the site and that affordable housing would be effectively integrated within the development. The development would have no undue wider landscape impact due to the modest heights of the dwellings and the site's strong boundary edges. The retention of most of these features combined with a condition to secure soft landscaping would mean the new homes would not appear prominent within the wider landscape.
- Residential Amenity**
- 6.23 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'*. Policy MD3 states that new development should be a good neighbour that does not unacceptably impact on existing residential amenity.

- 6.24 The bulk of the properties would be sited to the southern side of the access road and would back onto Glebe Road and onto the grounds of Christ Church and therefore enjoy significant separation distance from the nearest neighbouring dwellings.
- 6.25 To the opposite side of the access road, the side of Plot 11 would be 18.7m from no.64 Lyth Hill to the north-east, however the windows at 1st floor to the side elevation of this plot 11 would only serve bathrooms and would be conditioned to be obscured glazed. All other properties to the north-east and east of the site that would back onto existing properties would benefit from sufficient separation distances of approximately 28.95 to 33.39sqm which would ensure no undue overlooking, overbearing or overshadowing impacts.
- 6.26 Within the site itself, there would be sufficient separation distance between the new dwellings to prevent undue harm to the amenity of future occupiers. The dwellings would all meet national space standards, have acceptable rear garden areas suitable for their respective plot and dwellings sizes and have easy access to the public open spaces area referenced above. As noted above, the proposed removal of trees T27 and T28 would ensure the rear of plots 13-15 and their gardens would receive acceptable levels of sunlight throughout the year.

Public Open Space

- 6.27 MD2 requires 30sqm of open space per person based on a standard of one person per bedroom. The proposed development would have a total of 60 bedrooms and this would necessitate a total open space requirement of 1800sqm.
- 6.28 The proposed public open space, which would meet the required scale for the size of the development in accordance with MD2, would be consist of two large useable spaces at the heart of the development which would be accessible and benefit from overlooking from habitable rooms of nearby dwellings. The site would also be accessible for existing residents in the area both via the proposed Glebe Road access and via the existing footpath to the east which passes between nos. 70 and 72 Lyth Hill Road and would connect the site to Lyth Hill Road. The open space would be managed in perpetuity accordance with the provisions of a S106 agreement.

Highways and Access

- 6.29 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.
- 6.30 No objections have been raised from the Highways Authority with respect to the proposed access onto Glebe Road. The additional traffic generation onto Glebe Road

and local highway network would not be considered to have a severe impact on its continued safe operation. Within the site, there would be acceptable levels of turning and parking areas. The development would be in acceptable in highways terms subject to the following conditions to secure:

- the implementation of the proposed visibility splays before occupation,
- the implementation of the parking and turning areas as shown on submitted plans,
- the submission of full construction details and
- the submission a Construction Traffic Management Plan prior to commencement of work.

Ecology

6.31 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.

6.32 A Preliminary Ecological Appraisal carried out by Dr Stefan Bodnar (July 2021) identified four trees with high potential for roosting bats. It has now been confirmed that 3 of these trees will be retained while T28 would be removed. To ensure the bat roosts are not harmed by the removal of this tree, an endoscopic survey has been commissioned by the developer. If no evidence of bats using this tree is found, then the removal of the tree could be suitably conditioned, and the LPA would recommend that any trees are soft felled over winter to negate any potential negative impact to roosting bats. If evidence is found of roosting bats then further activity surveys during the bat surveying season would have to be carried out to determine if a licence is required from Natural England prior to determination.

6.33 No other protected or notable species was recorded or priority habitat. Suitable habitats for small mammals and invertebrates were recorded on site and suitable mitigation measures have been recommended to negate any negative impact. The contents of the Preliminary Ecological Appraisal have been confirmed by the Council's Ecologist, with several conditions recommended. Ultimately, subject to no bats being found as part of the endoscopic survey, the proposal would not result in harm or loss of habitat to any protected species and with adequate landscaping and mitigation measures to be secured by conditions, the proposal would deliver biodiversity net gains in accordance with the NPPF and CS17.

Drainage

6.34 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.

- 6.35 Surface water attenuation will be provided on site in the form of Sustainable Drainage Systems (SuDS). Flows above the existing discharge rates will be attenuated on site for all return periods up to the 1 in 100 year plus climate change event. The feasibility and suitability of each SuDS solution will need to be fully appraised at the detailed design stage of the development and this can be controlled by condition. The foul drainage strategy for the new development will be in the form of a gravity system with an off-site connection into the existing Severn Trent network and connecting into the foul sewer that is to be diverted on the site. The proposal has been assessed by the Council's Drainage Engineer who has not raised any objection and deems that a workable drainage strategy
- 6.36 has been identified and therefore additional details can be secured by a pre-commencement condition. 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.

Other Matters

- 6.37 Sport England have commented on the proposed development and state that, based on their assessment, a previously used youth football/sports pitch was 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 as the Council's latest Playing Pitch and Outdoor Sports Assessment & Strategy (PPOSS) recommends that sites are protected from loss and aims to improve pitch quality and secure community access to schools pitches as a means of addressing identified shortfalls of capacity, both Sport England and the council's Leisure Officer agree there is a need to secure a suitable s106 agreement sum to be invested locally to address the identified issues regarding capacity through pitch quality improvements. The figure both parties have requested is £75,000 though they have indicated they would be willing to agree to a lower amount. The developer has during the application accepted the need to make a financial contribution though would wish to pay a figure lower than £75,000. As part of negotiating the S106 agreement, further discussions will be undertaken to arrive a final figure. Subject to this agreement, the money that would be paid by the developer to the local pitch improvement would be considered a further social benefit which would weigh in favour of the proposal.
- 6.38 The developer has written a supplementary report in support of the Sustainability Checklist that was initially submitted as part of the application. To comply with policy CS6, the Sustainability Checklist requires development to at least meet the minimum standards. It is considered that this development meets this requirement and is therefore compliant with CS6 regarding the need to ensure that sustainable design and construction principles are incorporated within new development, and that resource and energy efficiency and renewable energy generation are adequately addressed and improved where possible. The development furthermore surpasses minimum standards in certain areas, with a proposed sanitaryware specification of less than 105 Litres/per person/per proposed which is an improvement over the Building Regulations requirement of 110 Litres/per person/per day whilst the scheme proposes to adopt 1.7 kWp of solar photovoltaics to each plot. The proposed fabric specifications of the dwelling closely mimics the forth coming Future Homes Standard (FHS) and that is demonstrated in the reduction in CO2 emissions. The supplementary report confirms that the homes are expected to achieve between a 45% and 50% reduction in CO2

emissions measured against the governments Standard Assessment Procedure (SAP) 2009. Finally, each property would have an electric vehicle charging point.

Section 106

6.39 Prior to the granting of any permission and following on from the above, a S106 legal agreement would be signed between the developer and Shropshire Council to secure public open space, affordable housing and a payment to facilitate improvement for a local sport pitch.

7.0 CONCLUSION

7.1 The proposed development would be considered acceptable in principle and would constitute a sustainable form of development and enable the reuse of a brownfield site. The development would bolster the local housing stock, generate an overprovision of much needed affordable housing for the village and create accessible public open space for residents. The layout is well-designed with open frontages and parking that would be well integrated and not predominant while the design of the dwellings provides visual interest. Most existing trees would be retained and submitted landscaping plans indicate significant additional planting throughout, however such landscaping would be conditioned to ensure a high-quality scheme is secured and retained.

7.2 The development would be acceptable in terms of impacts on residential amenity, highway safety, drainage, and sustainability; open space provision would be policy compliant. Subject to no bats being found as part of the endscoping survey, the proposal would not result in harm or loss of habitat to any protected species and with adequate landscaping and mitigation measures to be secured by conditions, the proposal would deliver biodiversity net gains in accordance with the NPPF and CS17.

7.3 The application is therefore recommended for delegated approval subject to the agreement of a S106 between the developer and Shropshire Council to secure public open space, affordable housing and a payment to local pitch improvement and the conditions as set out in appendix one attached to this report and any amendments to these conditions as considered necessary by the Assistant Director.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are

concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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Northern Planning Committee - 8th November 2022

Site Of Oakland County
Primary School

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

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) WDN 15th February 2022

20/02300/TPO To carry out a Light crown lift to 1no London Plane (T1) works required to ensure height clearance for pedestrians and

to crown reduce and cut back boughs overhanging adjacent property 66a Lyth Hill Road, Bayston Hill and to balance tree canopy 1no Sycamore (T4) protected by Shropshire Council (Land at former Oak Meadow Primary School, Glebe Road, Bayston Hill) TPO 2013 GRANT 31st July 2020

PREAPP/21/00536 Demolition of existing buildings and erection of 23 residential dwellings, formation of vehicular access from Glebe Road, footpaths/cycleways and public open space PREAMD 17th November 2021

22/02517/FUL Demolition of existing school building and the erection of 23 residential dwellings, formation of access from Glebe Road, footpaths/cycleways and public open space 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: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCJP68TD07U00>

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

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Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

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, drawings and documents as listed in Schedule 1 below.

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

3. Notwithstanding the details shown on the approved drawings, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces (all facing materials for the buildings also including roofs and window and doors) including a sample panel showing the mortar mix to be used for the external walls, have been submitted to and approved in writing by the Local Planning Authority prior to development above damp proof course level. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area

4. No dwellings shall be occupied before all fencing has been erected in accordance with the approved plan 21016/4F. Fences shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of neighbouring properties

5. Notwithstanding the submitted landscaping plan ADL364 REV B and Planting Schedule received by the LPA on 27/09/22, 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 and hedge 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. The tree and hedge planting scheme must make provision to sustainably plant landscape trees that will compensate for the loss of trees arising from the development

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permitted and must include details about:

Policy and Strategy - setting out planting objectives and desired outcomes for the scheme

Site Evaluation and Constraints Assessment

Any retained planting

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

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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.

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

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and Arboricultural Method Statement have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Or any order revoking and reenacting that order with or without modification) the 1st floor windows to be formed in the side elevation (north east elevation) of plot 11, shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7 m above the floor of any room in which the window is installed, unless otherwise agreed in writing by the local planning authority. No new window openings to the first floor of this elevation shall be created.

Reason: In the interests of the amenities of occupiers of adjacent properties.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken (except as authorised by this permission or allowed by any condition attached thereto) without express planning permission first being obtained from the Local Planning Authority:-

- the formation of hard surfaces within the curtilage of any dwellinghouses hereby permitted
- the erection of fences, gates or walls or other means of enclosure

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and appearance of the existing building and the visual amenities of the area

9. In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other off-site receptors.

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10. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding amphibians, bats, birds, badgers, and invertebrates as provided in Sections 4.3 and 4.4 of the Preliminary Ecological Appraisal (Dr Stefan Bodnar, July 2021).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

11. 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.

12. 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 12 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 12 artificial nests of either integrated brick design or external box design, suitable for Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design), House Martins (House Martin nesting cups) and small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development.
- A minimum of 4 insect houses per the specifications of Appendix 6 of the Preliminary Ecological Appraisal (Dr Stefan Bodnar, July 2021).
- A minimum of 1 artificial Hedgehog box is to be provided, suitable for breeding and/or hibernating hedgehogs (Schwegler Hedgehog Dome, Hogitat Hedgehog Home).

The boxes shall be sited in suitable locations and 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.

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

13. One electric vehicle recharging point per dwelling as shown on approved plan 21016/4F shall be provided prior to occupation and shall not be removed or altered in any way and shall be kept available for such use by residents at all times.

Reason: To improve air quality and to help mitigate the impacts of climate change by ensuring

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a greater level of sustainability for the development.

14. No development shall take place until a scheme demonstrating that exceedance flows up to the 1 in 100 years plus 40% storm, do not result in surface water contributing to surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site has been submitted to, and approved by the Local Planning Authority.

Reason: The condition is a pre-commencement condition to ensure that any such flows are managed on site

15. Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the access road with the public highway, as shown on 'General Arrangement and Visibility Splays, Drawing No. VN22S201-D100', shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

16. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been properly laid out, hard surfaced and drained. These spaces shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

17. Notwithstanding any of the submitted details, the development shall not take place until full construction detail of any new roads, footways, retaining features, accesses, street lighting, transition features, full block paved surfacing of shared space areas together with details of disposal of surface water to a suitable outfall have been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall also include the colour, form and texture of all hard ground-surfacing materials. The agreed details shall be fully implemented before the use hereby approved is commenced or the buildings occupied.

Reason: To ensure the development is completed to the required standards for future adoption and to ensure a satisfactory form of development in the interest of the visual amenity of the area.

18. Works shall not take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for:

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Parking of vehicles of site personnel, operatives and visitors

Loading and unloading of plant and materials

Storage of plant and materials used in constructing the development

Each of the facilities shall be maintained throughout the course of construction free from any impediment to its designated use.

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

19. Prior to occupation of the 23rd dwelling, the pedestrian/cycle link to the existing footpath that would connect the development to Lyth Hill Road shall be implemented and retained thereafter. This pedestrian/cycle link shall be kept free of obstruction at all times.

Reason: To ensure residents of the development have easy access to the existing footpath in the interests of sustainable development.

20. Notwithstanding the approved elevational plans, details of the locations of any external utility meter boxes to be installed shall be submitted and approved in writing by the Local Planning Authority before their installation on any of the dwellings hereby approved.

Reason: To prevent visual clutter, in the interests of the appearance of the development and the surrounding area.

21. No construction works shall take place before 7am on weekdays and 8am on Saturdays nor after 7pm on weekdays and 6pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

Informatives

1. 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. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.
3. The principles and standards of the Secured By Design initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com

During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.

The developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design. Secured By Design is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The opportunity for burglary offences to occur can be reduced by up to 87% if Secured By Design is achieved. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.

Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling. Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

In recent times there has been a tendency to install thumb turn locks on front doors. This type of locking device should only be considered when the lock cannot be easily seen from the outside, any glazed panels are fitted with laminate glass to standard PAS24:2016/ STS 201

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and a deflector is fitted to the inside of any letter box opening. Thumb turn locks should never be considered for rear doors if they are half glazed and the internal thumb turn can be easily seen from the outside. This will increase the potential for burglary and other offences to occur.

The principles and standards of the Secured By Design initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com.

During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.

4. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

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<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic (i.e. construction vehicles).

Landscaping

Should any proposed trees or shrubs be located in close proximity of any proposed or existing public highway infrastructure (>3 m), appropriate root protection systems will need to be submitted and approved prior to construction. In order to mitigate against any future root damage to roads, footways and the utility services beneath. Also, any other landscaping/planting adjacent to the future highway will require appropriate maintenance and service arrangements, in perpetuity. In order to maintain any required visibility splays and to keep leaf litter clear of footways and drains, etc., in the interests of highway safety.

5. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

6. Bats and trees informative

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct 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.

Nesting birds informative

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

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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 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.

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

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