


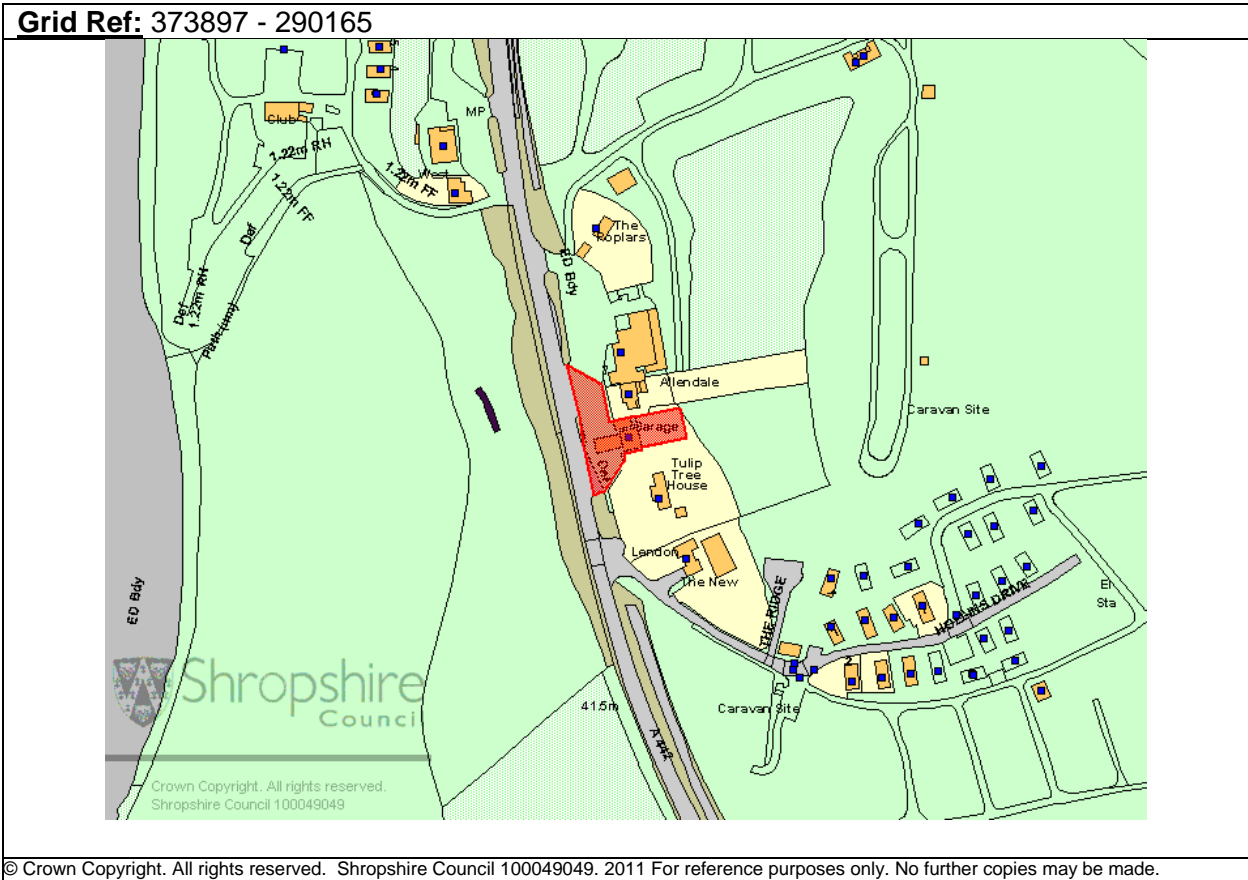
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|  Shropshire Council | Committee and date South Planning Committee 29 January 2013 | Item/Paper 8 |
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Development Management Report

Responsible Officer: Stuart Thomas
email: stuart.thomas@shropshire.gov.uk Tel: 01743 252665 Fax: 01743 252619

Summary of Application

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| Application Number: 12/04242/FUL | Parish: | Bridgnorth Town Council |
| Proposal: Erection of two 3 bedroom dwellings following demolition and removal of existing filling station buildings, canopy and associated paraphernalia | | |
| Site Address: Quatford Filling Station Quatford Bridgnorth Shropshire WV15 6QJ | | |
| Applicant: Mr D York | | |
| Case Officer: Richard Fortune | email: planningdmse@shropshire.gov.uk | |



Recommendation:- Grant Permission as a departure, subject to a section 106 agreement in respect of an affordable housing contribution and to the conditions set out in Appendix 1.

Recommended Reason for Approval

The proposed redevelopment of this site in the manner proposed would not be inappropriate development in the Green Belt in this particular case. It would however be contrary to Development Plan housing policy. The prospects of the site re-opening as a filling station are considered to be very remote. The vacant filling station site is already falling into disrepair and the restoration costs associated with use for another purpose would require a high end value use which would be provided by residential redevelopment. The proposed dwellings would not detract from the visual amenities of the area, would not unduly harm neighbour amenity and would not be detrimental to highway safety. It is considered that, cumulatively, these material planning considerations are sufficient to justify a grant of planning permission as a departure from the Development Plan.

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

REPORT

1.0 THE PROPOSAL

- 1.1 This proposal relates to the site of a closed filling station. The proposed development would entail the removal of the existing forecourt shop, workshop, canopy and two outbuildings and, in their place, the erection of two detached dwellings. The dwellings would be erected over the foot print of the forecourt shop and workshop building and would be set into the rising land, having the appearance of three storey properties from the front (west elevation) , but would be two storey from the rear (east elevation).
- 1.2 The dwellings would each contain a single garage, hall, utility and wc on the lower ground floor, with stairs leading to the upper ground floor which would provide a dining kitchen, lounge, study, hall and wc. The first floors would contain three bedrooms (one with ensuite) and a separate bathroom. The dwellings would be constructed from facing brick with small plain clay tiled dual pitched roofs whose ridges would run parallel to the road. The dwellings would be a mirror image of each other and would feature a short projecting three storey gable and a semi-dormer to the front elevation. The gable projection would contain the front door, above which would be large glazed doors to the dining area opening out onto a Juliet balcony protected by a glass balustrade. A three bay casement window would serve the bedroom at the top of this gable feature. The windows above the garage doors would be two bay casements. All windows and doors would feature a brick head detail and would be of timber. On the rear elevation the upper ground floor level would contain a rear door, a pair of French doors and a two bay casement window to the kitchen area. The two, two bay casement windows above serving bedrooms would be in the form of pitched roof semi-dormers.

- 1.3 Between the dwellings there would be a flight of steps giving access to narrow patio areas at the rear of the dwellings, which would continue with a further short flight to give access to the rear garden areas which would be some 22 metres deep. At the front of the properties their drive lengths would be sufficient to accommodate two cars parked in tandem, without blocking the existing forecourt access and egress points which would be retained to serve the proposed dwellings. Stone faced retaining walls would retain the land immediately adjoining the front garden areas on the northern and southern sides of the site and these areas would also be landscaped.. A package treatment plant would be installed for foul sewage disposal, with surface water disposed of via soakaways.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated within the settlement of Quatford, which falls within the Green Belt. The site is bordered by the A442 Bridgnorth to Kidderminster Road to the west, a dwelling, café and its associated parking area to the north, and a dwelling to the south. To the rear (east) of the site the land rises up as woodland to a static caravan park. The topography of the site is defined by a series of terraces, the lowest of which is at the same level as the A442 and contains the service station and forecourt. Beyond this building there is a steep gradient of about three metres to a more gently graded area which contains two outbuildings. There is then another steep gradient of approximately 3 metres up to a flat, grassed level with the dense woodland beyond.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposed development would result in the provision of two open market dwellings within the Green Belt and an approval would be a departure from Development Plan policy. It is the Officer's view that there are material considerations that would constitute very special circumstances sufficient to justify a departure from Green Belt and Development Plan housing policy in this case. Objections to the proposed development have been received and the Council's adopted scheme of delegation requires such applications to be determined by Committee.

4.0 Community Representations

- Consultee Comments

- 4.1 Bridgnorth Town Council – Recommend Refusal: Question the proposal of a three storey building on this existing site in a green belt area and would prefer to see proposals reduced to a two storey building facing the roadway spread over a larger footprint.
- 4.2 SC Highways Development Control – No objections: When the petrol station was operational the vehicle manoeuvres to/from this site would have had the potential to be significantly greater than those likely for this development; adequate parking facilities would be provided for each dwelling and the forecourt provides turning facilities so that drivers may enter and exit the highway in a forward gear.

- 4.3 SC Drainage – Comment: Site is classified as brown field and therefore a 50% betterment to the current surface water flows should be provided. Recommend conditions requiring the submission and approval of surface water and foul drainage arrangements.
- 4.4 SC Public Protection – No objection: No documentary evidence has been supplied to confirm that the tanks have been made either temporarily or permanently safe and as an interim measure it is recommended that the tanks are made safe immediately. A more detailed assessment of potential contamination must take place and recommend that if planning permission is granted that contaminated land conditions are applied. These conditions will require the submission of a site investigation report; the approval of a remediation strategy to address any contamination that is found; and the submission and approval of a verification report to demonstrate that the contamination identified has been made safe.
- 4.5 SC Affordable Housing – Comment: If the site location is deemed to be suitable for the development of new open market housing then the amount of £23,400 given on the Affordable Housing Contribution proforma is correct.
- 4.6 SC Ecology – No objection: Recommends informative relating to nesting wild birds
- 4.7 SC Planning Policy – Comment: Council currently has a 5 year land supply of deliverable sites in accordance with NPPF paragraph 47; Although the proposed development does not fall within one of the categories of development that will be supported in Core Strategy policy CS5, it is not explicitly prevented; the proposed development arguably complies with the last bullet point in National Planning Policy Framework paragraph 89, in that the redevelopment of the previously developed site where it would not have a greater impact than the existing development is not considered “inappropriate development”. Provided that the detailed proposal would make a contribution to affordable housing, would maintain and enhance countryside vitality and character and improve the sustainability of rural communities, as required by CS5, and takes on board any local comments on what is required for local sustainability and character, then the development could be acceptable.
- 4.8 Shropshire Fire and Rescue – Comments upon the access requirements for emergency fire vehicles and the benefits of sprinkler systems
- 4.9 Environment Agency – No objection: Agree with the conclusions of the ‘Baseline Desk Study’ that intrusive site investigation is required to assess the extent of contamination at the site, particularly given the historic use of the site and the sensitivity of the aquifer it is situated on. Further consideration should be given to the drainage proposed on site as no discharge of groundwater would be permitted on contaminated land. Recommend conditions requiring a preliminary risk assessment of potential contaminants; a site investigation scheme to provide a detailed assessment of the site risk to all receptors that may be affected, including those off site; an options appraisal and remediation strategy based on the results of the site investigation and a verification plan to demonstrate that the works in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. If during development contamination not previously identified is found to be

present then no further development should be carried out until written approval has been obtained from the Local Planning Authority to deal with such contamination and the strategy implemented as approved.

4.10 -Public Comments
2 Objections:

-Proposed development will close one of the accesses to her business, meaning that all traffic will be forced to gain access and egress to the car park at the same point; this access and egress will be close to a blind bend which is okay for occasional use but not as the only entrance.

-Detrimental effect on Food Stop business where weekend and bank holidays are their busiest trading days and noise from the movement of traffic on the car park from 08.00 to 18.00, 7 days per week will be at odds with neighbours (in the proposed dwellings)

-Likely contamination will require careful removal

-Great shame to lose this local facility; Bridgnorth is desperately short of petrol stations and if its petrol prices were competitive it could be financially viable

-Loss of shop attached to filling station; there is a growing local community of residential park homes (140 on one of the 3 local sites) as well as all the holiday caravans and this shop did provide a great facility for the local community.

5.0 THE MAIN ISSUES

Principle of development

Loss of existing facility and alternative site uses

Siting, scale and design of structures and impact on openness

Highway Safety

Neighbour amenity

Drainage

Contamination

Ecology

Other issues

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF), as with previous Green Belt policy, advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It explains that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF continues at paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but then continues to specify a number of exceptions. This list includes two final bullet points which read:-

“- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

-limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

6.1.2 In this particular case Quatford is not a settlement identified through the saved policies of the Bridgnorth District Plan as a settlement suitable for limited infilling and no change to this situation is proposed in the emerging SAMDev policies. Shropshire Core Strategy policy CS5 would allow affordable housing to meet a local need on appropriate sites within the Green Belt, but this proposal is one for open market dwellings and an approval of such new build dwellings in this location would be a departure from Development Plan policy. However given that the proposal would be the redevelopment of a previously developed site, the proposals would not constitute 'inappropriate development' if it is concluded that the development would have no greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development. The purposes for including land within the Green Belt are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Given the context of this site, bounded by existing built development and a main road, it is considered that the principle of its redevelopment in an appropriate manner would not conflict with the purposes of the Green Belt. Therefore, in the event that it is concluded the proposed development would have no greater impact upon openness than the existing development on the land, the scheme would not be inappropriate development. However this does not overcome the need to assess the development against other relevant development plan policies and the conflict with the policy controlling the location of new build open market housing has already been highlighted. Consideration has to be given as to whether there are material considerations applicable to this case which would justify granting planning permission as a departure from the Development Plan.

6.1.3 Shropshire Core Strategy policy CS6 advises that proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term. Policy CS8 also seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors. While currently closed the filling station can be regarded as an existing facility/service to the area. Consideration therefore has to be given to the prospects of the site re-opening as a filling station in assessing this proposal.

6.1.4 Under Core Strategy policies CS5, CS9 and CS11 the proposal would generate a requirement for an affordable housing contribution. The applicant has completed the appropriate proforma confirming that he is prepared to make such a contribution, which would amount to £23,400.00 in this case.

6.2 Loss of Existing Facility and alternative site uses

6.2.1 It is understood that the filling station was last occupied by a tenant, but that the use ceased due to economic difficulties. It is the applicant's case that there is no foreseeable prospect of the petrol filling station reopening and little prospect of securing long term commercially viable future for the site and its buildings as a business operation. If planning permission is refused they comment that the site and condition of buildings are likely to gradually deteriorate and degrade through

lack of occupation or through transient and temporary uses of the site, to the detriment of the amenity of the area. The agent was invited to submit further information to support the claim that the filling station facility/service is not viable over the long term and that there is no interest in continued business use of the site and his comments are set out in paragraphs 6.2.2 and 6.2.3 below.

- 6.2.2 The agent has provided background information, advising that the applicant and members of his family had operated the petrol filling station for 48 years until October 2008. In order to secure his retirement the applicant sought to find an operator to take on the filling station and, from 2005 onwards, instructed a number of property agents to market the premises and find an interested operator to take on the business. None of the major oil companies were interested due to the small size of the site. He comments that the site has neither the existing capacity nor the potential for expansion required to provide the level of fuel and ancillary retail sales necessary to warrant the significant investment that would be needed to bring the facility up to meet the economic and brand requirements of those major companies. An independent operator did agree a ten year lease to take on the business and began operating in October 2008. The leaseholder invested in improvements to the existing facilities to try and retain custom but, in circumstances that reflect the pattern of a long term strategic shift in fuel retail, away from small independently operated filling stations to larger scale corporately owned supermarket and oil company supported facilities, this was insufficient to secure a viable future for the business and in July 2011 the filling station closed as the operator got into financial difficulties, ceased trading and was declared bankrupt. Since then the applicant has made enquiries through his contacts in the fuel industry but has been unable to secure any interest in taking the business on and restarting operations.
- 6.2.3 The agent advises further that while the filling station facility has not been fully decommissioned that it could not be brought straight back into use. He explains that the single skinned steel tanks are some 50 years old and, along with the pipework would need to be fully retested and re-commissioned before any fuel could be delivered or operations recommence. Even assuming that the tanks are sound the purchase or leasing and commissioning of new pumps and associated equipment would need to be undertaken, along with building and forecourt improvements to be presentable to customers. He anticipates that these start-up costs could easily exceed £100,000. There is no realistic scope at this site to either increasing the fuel capacity of the filling station or to expand the retail operation. He acknowledges that there may be some limited potential to reuse the existing premises for low-value retail or other services, but none of these would secure the environmental gains of the proposed development in terms of fully decommissioning the site and ensuring its safe remediation, along with the reduction in visual impact of the existing development and the protection of the openness of the Green Belt.
- 6.2.4 There is a national trend for the closure of small independent filling stations due to their inability to compete on price with the larger outlets. Within the Bridgnorth locality there has been the cessation of fuel sales at Alveley and Rushmere, the closure of Rutters Garage within the Town and it would also appear that the sale of fuel has now ceased from the farm shop premises in Quatt. The application premises also have only a very small shop sales area of about 50 square metres which would restrict the amount of goods which could be traded to supplement fuel

sales. It is accepted that the re-commissioning costs associated with the site would be significant. On balance, it is considered that there is little prospect of these premises reopening and being viable in the long term. A refusal on the grounds of the loss of the facility/service would be difficult to sustain in this case.

6.2.5 The contaminated land survey submitted with the application concludes that should any contamination be present, it is most likely to have occurred from the underground tanks or structures. The removal of the tanks and the subsequent remedying of any contamination found would impact upon the viability of alternative uses for the site, such as other commercial uses. While no detailed costings have been presented in this case of likely remediation costs, past experience suggests that it is only likely to be a residential reuse of a small site such as this which would be able to absorb the costs associated with the removal of the underground tanks.

6.3 Siting, scale and design of structures and impact on openness

6.3.1 The section of paragraph 89 of the NPPF quoted at 6.1.1 above advises that any redevelopment of a Green Belt site should have no greater impact upon the openness of the Green Belt than the existing development. While the proposed dwellings would be taller than the existing filling station and shed structures on the land, the agent has submitted calculations to demonstrate that the total volume of the new dwellings, at some 1046.67 cubic metres, would be some 44.75 cubic metres less than the combination of the existing garage buildings, canopy and sheds. The site would also appear more open from the A442, with the loss of the forecourt canopy. The illustrative streetscene drawing supplied demonstrates that the ridge height of the proposed dwellings would closely equate with that of the existing dwelling on the southern side of the site. The proposed scheme would have a different visual impact to the existing development on the land, but it is considered that the impact upon openness would not be greater.

6.3.2 Shropshire Core Strategy policy CS6 requires built development to be appropriate in scale, density, pattern and design taking into the local context and character. There is a variety of house designs and materials combinations within Quatford. The proposed dwellings would have a traditional pitched roof form and would make use of the topography of the site. Their scale would not be out of keeping with their immediate setting. The combination of facing brick with small plain clay tiles and timber door and window joinery would respect the local context and the precise details of these materials would be the subject of a condition on any approval issued. The proposed landscaping of their front garden and drive areas would enhance the appearance of the street scene and would also be the subject of planning conditions on any approval issued, along with the proposed rear garden boundary treatments.

6.4 Highway Safety

6.4.1 Saved Bridgnorth District Local Plan policy D6 requires the access and local road network to be capable of safely accommodating the type and scale of traffic likely to be generated. Highways Development Control are content that the proposed development and site layout would not lead to conditions detrimental to highway safety. With regard to the neighbour comments about use of the northern access point, the proposed development would not prevent this access from continuing in shared use with the adjacent dwelling and café. The rights to use this access would be a private matter between the parties involved.

6.5 Neighbour Amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. The proposed dwelling designs would feature only stairway window in the side elevations facing existing residential properties and these windows could be obscured glazed to safeguard neighbour privacy. There would be a separation distance of some 5 metres between the northern side wall of the northern most of the proposed dwellings and the existing dormer bungalow on the northern side of the site. The existing and proposed dwellings are on a north-south axis, with the proposed dwellings set forward and closer to the road. It is considered that the juxtaposition of the proposed development to the existing dwelling on the northern side would not have an overbearing impact or unduly restrict the amount of light reaching that property.

6.5.2 With regard to the impact of the existing café upon the residential amenities of the proposed dwelling, any potential purchaser would be aware of their relative sitings and the close proximity of the A442 road. It is not considered that the amenities of the proposed dwellings would be unduly harmed by the activities associated with the café.

6.6 Drainage

6.6.1 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments. This matter, along with the foul sewage arrangements are matters which could be conditioned for approval on any planning permission issued in this case.

6.7 Contamination

6.7.1 Core Strategy policy CS6 requires developments to take into account site characteristics such as ground contamination. A baseline desk study has been carried out and submitted with the application. On the basis of this initial investigation, the Council's Public Protection section is content that further investigation into potential contamination, and the remediation of any contamination found, can be the subject of planning conditions. The Environment Agency in their consultation reply consider also that this matter may be dealt with by appropriate conditions on any planning permission that is issued.

6.8 Ecology

6.8.1 Core Strategy policy CS17 requires development not to adversely impact upon ecological interests. The Council's Planning Ecologist is content that such interests in this case would be safeguarded by an informative setting out the protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (As amended).

6.9 Other Issues

6.9.1 The agent in their supporting statement have made reference to the 5 year land supply for housing within Shropshire, claiming that there is a shortage and that this would be a further justification for granting planning permission in this case. At the time of writing this report new 5 year land supply figures have been published for discussion with the development industry. It is acknowledged that the supply is close to the 5 year minimum and is a material planning consideration. However, there are considered to be other significant material planning considerations in this case, as discussed in sections 6.1, 6.2 and 6.3 of this report above that would justify an approval of this application as a departure from the Development Plan.

7.0 CONCLUSION

7.1 The proposed redevelopment of this site by two dwellings would not conflict with the purposes of including land in the Green Belt in comparison with the existing development and would have no greater impact upon openness. Consequently the proposal would not be inappropriate development within the Green Belt. It would however be contrary to Development Plan housing policy. The prospects of the site re-opening as a filling station are considered to be very remote. The vacant filling station site is already falling into disrepair and the restoration costs associated with use for another purpose is likely to require a relatively high end value use which residential redevelopment would provide. The proposed dwellings would not detract from the visual amenities of the area, would not unduly harm neighbour amenity and would not be detrimental to highway safety. On balance, it is considered that the above material planning considerations are sufficient to justify the redevelopment of this particular site in the manner proposed as a departure from the Development Plan. (The proposal has been advertised as a departure from the Development Plan).

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

First Protocol Article 1 requires that the desires of landowners must be balanced

against the impact on residents.

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

West Midlands Regional Spatial Strategy Policies:
CF2 Housing beyond the Major Urban Areas
CF4 The reuse of land and buildings for housing
QE3 Creating a high quality built environment for all

Shropshire Core Strategy and Saved Local Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS8 Facilities, Services and Infrastructure Provision
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
S1 Development Boundaries
S3 Green Belt
D6 Access and parking

Type and Affordability of Housing SPD

RELEVANT PLANNING HISTORY:

10/00787/ADV Erect and display 1no. internally illuminated pole mounted display unit.
GRADV 22nd April 2010

BR/APP/FUL/08/0747 ALTERATIONS AND EXTENSIONS TO EXISTING BUILDING
GRANT 25th November 2008

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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) |
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| Design and Access Statement Planning Statement Ecology Report Contaminated Land Survey |
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| Cabinet Member (Portfolio Holder) |
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| Cllr M. Price |
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| Local Member |
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| Cllr Christian Lea Cllr William Parr |
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| Appendices |
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| APPENDIX 1 - Conditions |
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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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: In the interests of the visual amenities of the area.

4. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

Reason: In the interests of the visual amenities of the area.

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

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

6. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of a Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must 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 contamination shall be carried out in accordance with the 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 must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, 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 contamination identified has been made

safe, and the land no longer qualifies as contaminated under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

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

7. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, in the interests of the visual amenities of the area.

8. Prior to the first occupation of each dwelling, the first floor side elevation windows in each dwelling shall be obscure glazed and non opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the rooms which the windows would serve. The windows shall thereafter be maintained in this condition.

Reason: To safeguard the amenities of the adjacent residential properties.

Informatives

1. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

West Midlands Regional Spatial Strategy:
CF2 Housing beyond the Major Urban Areas
CF4 The reuse of land and buildings for housing
QE3 Creating a high quality built environment for all

Shropshire Core Strategy and saved Local Plan policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS8 Facilities, Services and Infrastructure Provision
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing

CS17 Environmental Networks
CS18 Sustainable Water Management
S1 Development Boundaries
S3 Green Belt
D6 Access and parking

2. 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.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://www.shropshire.gov.uk/streetnamingandnumbering>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
6. 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, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme should be carried out outside of the bird nesting season which runs from March to September 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 birds nests should be carried out. If vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.