



Committee and date

South Planning Committee

24 October 2017

Development Management Report

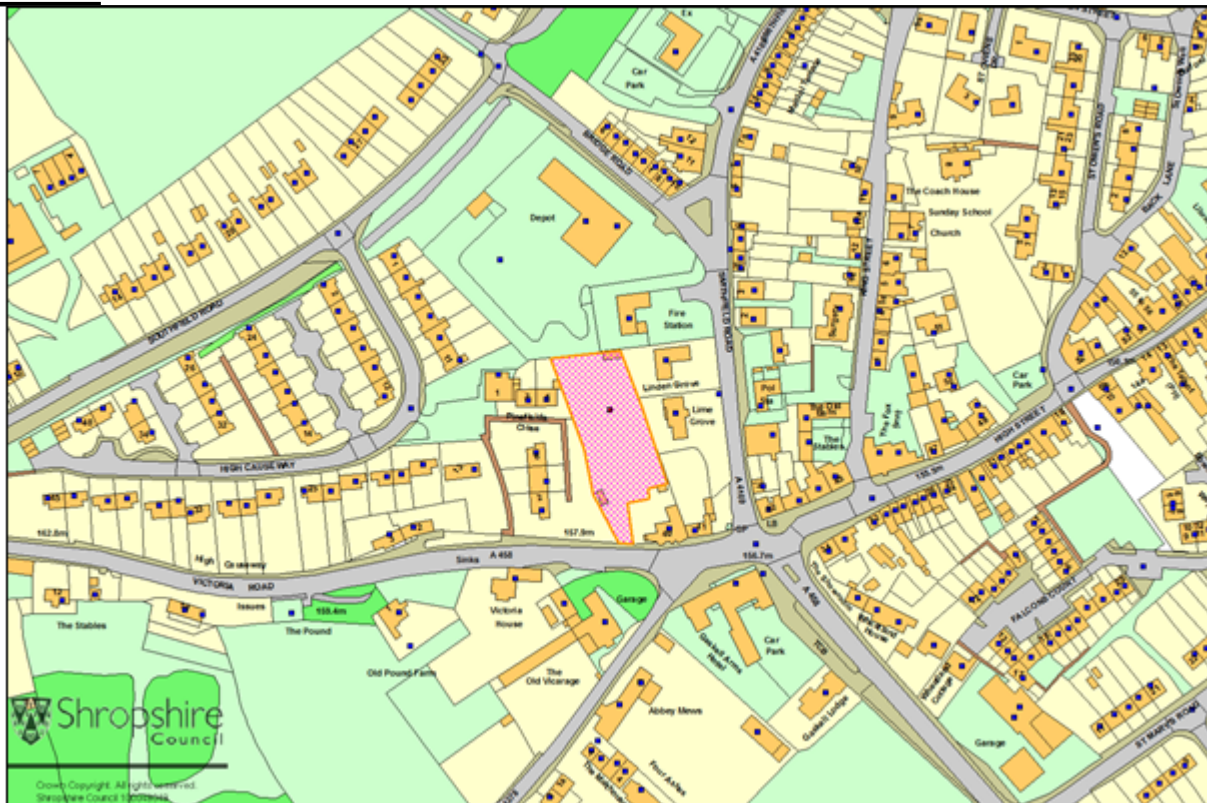
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Summary of Application

Application Number: 17/00998/FUL	Parish: Much Wenlock
Proposal: Erection of one dwelling with garage; repair to outbuilding; erection of one pair of semi-detached dwellings with attached 3 bay garage	
Site Address: Proposed Residential Development Land North Of Victoria Road (40 High Street) Much Wenlock Shropshire	
Applicant: SBL Property Ventures Ltd	
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk

Grid Ref: 362050 - 299841



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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to garden land at 40 High Street. This property, which is positioned on the back edge of the footpath, is a grade 2 listed building which is in a very poor state of repair. The proposal is to erect detached dwelling and a pair of semi-detached within the grounds of the property, with the supporting information with the application indicating that the proposal is 'informal enabling development' as a funding source for the costly repairs to the listed building. A previous application (ref 15/02563/FUL) to erect four detached dwellings within the grounds of the property was refused under Officer delegated powers on the 14th October 2015 for the following reasons:

1. *No information has been submitted setting out the repair works needed to the listed building, the estimated cost of those works, what funds it is anticipated would be generated by the sale of the proposed dwellings to invest in the repair of the listed building, the timescale for works to be done or of the linkage that would ensure profits from the development (or an agreed proportion of them) would be spent on this listed building. In the absence of this information little weight can be attached to the assertion the proposal would be enabling development that would justify a relaxation of other Development Plan policy requirements, including the requirement for an affordable housing contribution under Shropshire Core Strategy policies CS9 and CS11 and Much Wenlock Neighbourhood Plan policy H1.*
2. *The proposed 4 bedroomed dwellings, by reason of their scale, form, massing and site layout, would be visually discordant in this setting, at odds with the vernacular architecture of the adjacent listed building and older properties within the conservation area and out of scale with the single storey properties to the west, thereby harming the setting of the listed building and the character and appearance of the Much Wenlock Conservation Area and its setting. The proposed development is therefore contrary to Shropshire Core Strategy policies CS6 and CS17; Much Wenlock Neighbourhood Plan policies H1; H4; GQD2 and GQD4 and paragraphs 7, 58, 60, 64, 131 and 137 of the National Planning Policy Framework.*
3. *The proposed development, by reason of the layout, would result in the retained trees having a domineering and overbearing presence on the proposed dwellings casting excessive shade and causing anxiety, which would be likely to lead to requests for substantial pruning or felling of protected trees. In addition the proposed layout shows the removal of a horse chestnut tree and would not provide sufficient space for the planting of replacements for this tree, a recently felled beech tree and trees that would be removed in the vicinity of proposed plot 1 and the adjacent estate road, that would be able to grow to a similar stature. Consequently the proposed development would detract from the character and appearance of the Much Wenlock Conservation Area and its setting, and would be contrary to Shropshire Core Strategy policies CS6 and CS17; Much Wenlock*

Neighbourhood Plan policies GQD2 and LL3; and paragraphs 7, 118 and 131 of the National Planning Policy Framework.

4. *The application site contains mature trees, vegetation and buildings which have the potential to be habitat for protected species. No ecological assessment has been submitted in respect of the application site and surrounding land. In these circumstances it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).*
5. *The proposed development, by reason of the scale and positioning of the proposed dwellings on plots 3 and 4, would have an overbearing impact on the existing properties immediately to the west and east of the site; and the positioning and design of the proposed dwelling for plots 2 and 3 would compromise the privacy of the dwellings immediately to the east of the site. The proposals would therefore be contrary to Shropshire Core Strategy policy CS6 in failing to safeguard residential amenity.*
6. *The proposed configuration of the access and the restricted on site manoeuvring space shown on the proposed site plan drawing, particularly when all parking spaces are occupied, would be likely to result in vehicles having to reverse onto the public highway, to the detriment of highway and pedestrian safety and contrary to Shropshire Core Strategy policy CS6 and saved Bridgnorth District Local Plan policy D6.*

- 1.2 The current application seeks to address these refusal reasons. It was submitted in tandem with a listed building application (ref 17/00989/LBC) which comprised of a scheme of works for the repair and renewal of roof coverings, rainwater goods, rendering, doors, windows and internal alterations, which was approved under Officer delegated powers on the 23rd August 2017.
- 1.3 The existing access into the site comprises of two metal gates with supporting brick pillars, positioned on the back edge of the footpath. These gates would be removed and the access widened on its eastern side by the removal of the brick pillar and a section of wall to create a two vehicle width access, so that vehicles would not need to wait on the public highway to enter the site should another vehicle be waiting to leave at the same time. The group of Cypress, Holly, Laburnum and Elm trees within the gateway and close to the western site boundary (and partly within the Much Wenlock Conservation Area) would be removed to create the initial section of the drive with provision for passing and guest parking (The substantial Beech Tree immediately to the west of and outside of the application site, which is very prominent in the street scene, and an adjacent birch tree, are shown retained). The brick pillar would be reinstated in the new position and the garden area retained by the listed building enclosed by a brick wall. Part of the enclosure to the listed building's retained garden would be provided by a three car garage building, which would provide a single garage with forecourt parking space for the listed building.
- 1.4 The design of the garage building, which would be attached to the semi-detached pair of dwellings and be clad externally with horizontal black timber boarding under a dual pitched slate roof, hipped at its southern end, would be reminiscent of a traditional cart shed. The front (west) elevation would feature three pairs of side hung timber doors. It would be attached to the semi-detached pair of dwellings

which would take the form of a vernacular outbuilding range of the form and proportions associated with 1.5 storey 19th Century barns and outbuildings often associated with prestigious dwellings. The building would be constructed in two wings, creating an essentially 'L' shaped floor plan, forming a four bedroomed and a three bedroomed dwelling. The buildings would be constructed from hand made bricks, a slate roof, timber casement windows, guttering and downpipes of cast aluminium to maintain historic continuity and have conservation style roof lights. The west facing elevation, facing the internal access road, the northern end (unit 1) would feature a short projecting two storey gable with a wide, full width arched opening at ground floor level to the kitchen/dining area, with a narrower, but similarly detailed first floor opening above extending up from first floor level into the apex of the gable serving a bedroom. The remaining section of the west elevation to this unit would have a wide ground floor arched head opening to provide covered parking for this dwelling with a single roof light in the roof plane serving a bedroom above. The west elevation to unit 2 would have three ground floor openings, comprising of a small square window with arched head to a kitchen and dining area, boarded front door to the hallway and a full height window to the living room matching the size of the front door opening. A single first floor window, directly above the ground floor window and tight under the eaves, would serve a bedroom. Two areas of diamond shaped brick ventilation panels would feature on this elevation. There would be two conservation roof lights on this part of the roof to light and ventilate a bathroom and ensuite. The attached garage building would provide two garage spaces for this dwelling.

- 1.5 The rear (east) elevation to unit would feature a gable facing the existing dwellings to the east, which would contain no window or door openings and would have brick ventilation band detail to relieve the expanse of brickwork. The remaining section of the rear elevation of this unit, which is part of the same wall forming the rear elevation of unit 2, would have recessed doorway to the car parking area with a small first floor bedroom window to a bedroom over. The rear elevation to unit 2 would contain two first floor bedroom windows matching the size and form of that to unit 1 on the same elevation, with two ground floor windows of the same size, but with arched heads, serving the kitchen and utility area. A larger floor to ceiling opening with matching head detail would be infilled with glazed doors to the living room area. The diamond brick detail would be repeated in three locations at first floor level.
- 1.6 The north facing elevation of unit 1 would contain a single boarded door to the hallway of that unit, a glazed opening of matching proportions to the hall door serving the kitchen and dining area and a square window to the lounge. At first floor level there would be a single bedroom window and two areas of ventilation brick detail. Two roof lights on the north facing roof slope would serve a bathroom and ensuite bathroom. Units 1 and 2 would have walled rear gardens.
- 1.7 To the west of unit 1 the existing group of Corsican Pines and Beech tree close to the site boundary would be retained. The access road would follow a 'horse shoe' alignment, terminating in parking area for unit 1. Two turning head areas would be provided at points along this road. The area to the north of the access road would contain the proposed detached 4 bedroom dwelling (Unit 3). It would be positioned between a horse chestnut and an oak tree that would be retained. The front

elevation of the dwelling would be orientated to face in a south-easterly direction. The dwelling would be a two storey dual pitched roof building with projecting front gable creating an 'L' shaped plan. A canopy porch would sit in the 'L' over the front door. The windows would be a mix of single, two and three bay casements, with a set of French doors to the lounge on the rear elevation. A projecting chimney stack would feature on the east elevation (labelled west on the drawing). A detached single garage, with a dual pitched roof, would be positioned to the east of the dwelling. External facing materials would be handmade bricks with small clay tiled roofs, timber casement windows and cast aluminium rainwater goods. An existing brick outbuilding in the north eastern corner of the site would be retained and refurbished with matching bricks, hydraulic lime mortar, clay roof tiles and timber doors and casement windows for use as a domestic workshop/storage.

- 1.8 In response to queries raised, the agent has confirmed that the existing hedgerow planting along the eastern site boundary would be retained. Additional site section information has also been supplied north-south through the site; west-east through the detached unit and west-east through the barn units.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The approximately rectangular shaped site is bordered by the listed building and the A458 Road to the south, bungalows of the Pinefield Close sheltered housing to the west, the carpark to commercial premises and the fire station to the north, and two detached dwellings with relatively short rear gardens to the west, together with part of the garden to another property fronting High Street (no.41). The Bourton Road joins High Street/Victoria Road opposite the application site and the junction is in close proximity to that between High Street, Bridgnorth Road and Smithfield Road which is dominated by the listed Gaskell Arms Hotel.
- 2.2 The site falls within the development boundary shown in the Much Wenlock Neighbourhood Plan and in the Adopted Site Allocations and Management of Development (SAMDev) Plan. The front (southern) quarter of the site, which includes the listed building, falls within the Much Wenlock Conservation Area. The tree group which straddles the western site boundary is the subject of a group tree preservation order dating from 1962 (G1), with the beech tree outside of the application site but close to the site entrance on High Street/Victoria Road being the subject of an individual tree preservation order.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application proposals are related to the condition of a prominent listed building within the Much Wenlock Conservation Area. It is considered that the application warrants committee consideration due to the importance of this site to the setting of the listed building and the Much Wenlock Conservation Area, the public interest concerning both the principle of, and the form of, any new development here and the impact upon the listed building, trees and neighbour amenity.

4.0 Community Representations

- Consultee Comments

4.1 Much Wenlock Town Council – Comment:

- i. Clarification is required as to the meaning of an 'informal enabling development'.
- ii. The Council agrees with Statement 1 associated with refusal of planning application no.15/02563/FUL concerning repairs/development of the Listed Building.
- iii. Flood Defence Consent will be needed in accordance with the Water Resources Act 1991 and associated byelaws, since the site is within 8 metres of a main river.
- iv. The garden is too small for a 4 bedroom semi-detached property of this size.
- v. The proposed garden wall should be extended to the full width of the plot (see bullet point 6). This would enable Pinefields (no. 49) to have extra garden space.
- vi. Proposed access/egress is in a hazardous location and an alternative should be considered. The Council suggests that only no. 40 exits onto Victoria Road with a new access created for the three proposed new builds at Pinefield Close. This would be a much safer option in highways terms and would give no. 40 an enlarged parking area along with storage for wheelie bins. Therefore, only one wheelie bin would need to be left on the main road during collection days. The remaining wheelie bins from the new builds could be left at Pinefield Close.
- vii. It is essential that a detailed ecology survey is carried out since the Committee is aware of a colony of bats on this site.

The application states that a section of a mature hedgerow will be removed and replaced. The Committee is opposed to this and feels it is unnecessary and therefore asks that the existing hedgerow should be retained and maintained.

4.2 SC Highways Development Control (27-04-17) – No Objection:

Acknowledge that the highway visibility splays specified in the comments below may not be achievable, but the assessment of the earlier withdrawn application 15/02563/FUL established that adequate visibility could be achieved in this site context and the principal requirement is for vehicles to be able to enter and leave the site in a forward gear.

Acknowledge that previous schemes, the last being from 2001 for two dwellings, have been refused grounds which have included the additional movement of vehicles into and out of the access as a result of the proposed development would be likely to lead to conditions detrimental to highway safety.

However, present day highway considerations in the context of the NPPF where development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe and Manual for Streets would indicate that use of the access by a limited number of dwellings could be acceptable in principle, even with the road junctions in the immediate vicinity and the alignment of the principle road.

4.2.1 SC Highways Development Control (18-04-17) – No Objection:

The site is the rear garden of No. 40 Victoria Road Much Wenlock. The house is also known as Pinefields and probably earlier was known as 40, High Street as

indicated by the house numbering. The house has been closed up for a great many years and the garden similarly neglected. The main house is subject of a listed building consent application 17/00989/LBC.

The proposal is for the erection of a detached four bedroomed house with detached single garage; the repair of an outbuilding and erection of a pair of barn style semi-detached houses one four bedroomed, one three bedroomed plus parking for each unit and the main house with a mixture of allocated spaces, cart shed type garaging and open parking areas which amount to more than the six stated on the application form.

It should be noted that the single garage associated with the detached four bedroomed house has a driveway leading to the vehicle doors and a pathway leading from the front door of the house to the west side of the garage where presumably the pedestrian door for the garage is expected to be located except that on Drawing No. 995-01-DT ELE GR PR Apr. 2017, the door appears to be on the east side, away from the pathway.

Where parking has been allocated to the north of the walled garden for Unit One, the four bedroomed barn style house, this should include a turning head a driver cannot be expected to reverse around the whole semi-circular driveway to the turning head located for visitor parking. With regard to the existing access, it should be noted that a shared access drive should be 4.2 m in width, maintained for the first 6m. If it is bound on either side by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is especially crucial when bearing in mind the nature of the road to which access is gained, it being the busy A458.

A visibility splay for approaching and emerging drivers is required and should be measured 2.4m back from the edge of the carriageway at a height of 1.05m and give at least 43m visibility distance. The boundary walls of the visibility splay should be no more than 600m in height to allow a view of approaching short pedestrians. Although this is an existing access, the additional buildings contribute to it being looked on as a new access and should be the best access that it can be to allow a view for and of emerging vehicles plus approaching pedestrians on the adjacent footway.

Any gates provided to close the proposed access must be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only in order to allow a vehicle to stand off the highway while gates are being opened/closed.

From the potential householders view, the length of driveway is the trip which they will have to make, weekly, to put refuse and recycling bins out for emptying. The recommended maximum distance is 25m. The more houses built off one driveway, the more, smooth, level space is required at the roadside for temporary storage of refuse bins and recycling boxes which must not be allowed to obstruct the highway or the visibility splay of the access. Collection is made from the roadside.

If the surface of the driveway is to be laid to gravel. The first few metres of the track should be given to sealed hard standing so as to prevent re-location of loose material onto the highway. This is a highway safety issue where the braking surface could be compromised.

When houses are built behind the house-line that fronts a road, some consideration should be given to those who require access to the front door, the letterboxes and deliveries in general. The installation of secure gate-side post and paper boxes should be considered. Alternatively, provide a good walking surface to the front door.

Due to the constraints of the site and it being in proximity to a busy 5 arm junction, a Construction Method Statement will be required to include a Traffic Management Plan.

Conditions:

Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

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

Parking and Turning

No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

Gates

Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

On-site Construction

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

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

Informatives recommended may be found at Appendix 1.

4.3 SC Archaeology – No Objection, recommending planning condition:

The proposed development site lies to the rear of the Grade II Listed Building of No 40, High Street (National Ref. 1367558) and within the post-medieval urban form of Much Wenlock (Shropshire Historic Environment Record [HER] PRN 05030) as defined by the Central Marches Historic Towns Survey. The proposed development site forms part of a group of tenement plots north of Victoria Road (HER PRN 05025) and lies adjacent to the medieval and post medieval street system (HER PRN 05019 & 05030).

A desk based assessment (Castlery Archaeology, April 2015), was submitted with a previous application for this site. The assessment identified that the site lies just outside what is considered to be the extent of the medieval town, but within an area defined as post-medieval tenement plots, and indicated that there was potential for unrecorded evidence or chance finds and deposits from the late medieval to post-medieval periods within the development site. The assessment concludes the proposed development site has moderate archaeological potential relating to the late medieval to post-medieval periods and recommended a mitigation strategy to comprise a programme of archaeological investigation and recording. We concur with these findings.

RECOMMENDATION:

In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an initial evaluation of the site to comprise trial trenching prior to construction commencing, with further archaeological mitigation thereafter if deemed necessary. This may include further pre-commencement excavation and/or a watching brief during groundworks. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the

Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4.4 SC Conservation (04-04-17) – No Objection:

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of 1 no detached dwelling with associated garage, 2 no semi-detached dwellings, erection of 3 bay garage and repair of existing outbuilding. The site lies adjacent to 40 High Street, Much Wenlock and is partially within and partially adjacent to the Much Wenlock Conservation Area and within the setting of 40 High Street a Grade II listed building. The proposal is linked to a listed building consent for the full renovation of 40 High Street.

The design of the proposed scheme has aimed to consider all the site constraints and provide a form and layout that refers well to the existing context. The proposed layout provides adequate separation between the new dwellings and the listed building and sufficient amenity space for the listed building which is considered appropriate. The use of barn style attached dwellings to the rear of the listed building creates a linear form of development which is considered an appropriate form of development for this rear plot. The proposed rear detached unit sits well back within this large plot and has ample amenity space. The designs of the proposed dwellings have incorporated traditional design details, appropriately detailed openings and traditional materials and are considered to be appropriate in this context. The scheme will help to enable the renovation of 40 High Street and the redevelopment of this derelict site which is considered to be an enhancement to the conservation area and the listed building and its setting.

The proposal is considered to accord with policies, guidance and legislation as outlined above and is fully supported from a conservation perspective.

Recommendation:

Recommend approval

Suggested Conditions:

External Materials, Joinery Details, Landscaping, condition relating to the completion of the renovation of 40 High Street prior to occupation of the new dwellings.

4.5 SC Drainage (07-08-17) - No Objection:

The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The proposed surface water drainage proposals are acceptable in principle. Percolation tests and the sizing of the soakaways should be designed in

accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

The development lies within a groundwater Source Protection Zone 3. Surface water run-off should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. 'Curtilage' means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

3. Informative: Consent is required from the service provider to connect into the foul main sewer.

4.5.1 SC Drainage (05-04-17) – No Objection: The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. Prior to commencement of the development, details of how the proposed surface water drainage system accords with policy RF.2 of the Much Wenlock Neighbourhood Plan must be submitted for approval.

Reason: To ensure that the development will reduce the overall level of flood risk both to the use of the site and elsewhere when compared to current use.

2. On the planning application, it state that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in increased flood risk elsewhere. As part of the developments surface water drainage system, the applicant must demonstrate how measures such as the following have been considered: Surface water soakaways; Permeable surfacing on the access road, driveway and paved area; Attenuation pond; Infiltration basin; Rainwater harvesting system; Green roofs; Water Butts.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

The development lies within a groundwater Source Protection Zone 3. Surface water run-off should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to

the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total

impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

3. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

4. Informative: Consent is required from the service provider to connect into the foul main sewer.

4.6 SC Trees (06-04-17) – No Objection in principle:

I have reviewed the plans and information submitted in association with this application and I can report that I do not object in principle on arboricultural grounds to the proposed development. I agree in the main with the findings and recommendations of the tree report (Tree Health Consulting Ltd, THC/2017/03/03, 3rd March 2017) and the conclusion that the proposed development can be implemented without causing damage to retained significant trees, providing appropriate precautions and controls are adopted, as specified in the report.

There is one point of detail over which I have concerns and that is the garage unit for the detached dwelling, which extends a significant distance into the root protection area (RPA) of the mature oak tree T11. This has the potential to cause significant damage to the roots of this tree, which will already be impacted by the degree of remedial work and facilitation pruning required to its crown. I would therefore ask whether the garage could be shifted slightly to the south, so as to have less impact upon the RPA; although I appreciate that this would result in a foreshortening of the drive in front of the garage.

I agree that the isolated twin-stemmed horse chestnut (T10) now presents an unacceptable level of risk, given the loss of the neighbouring and sheltering mature beech (former T9). I therefore would not object to the removal of T10, subject to appropriate replacement planting, irrespective of any development at the site.

I also agree that removal of the dense group of conifers G1 from the southern part of the site will not have a detrimental effect on visual amenity. To the contrary, given suitable and appropriate replacement planting as part of an approved landscape scheme, in my opinion removal of these dark and oppressive trees will benefit the visual appearance of the site.

The poor condition of beech tree T7 is noted and it is agreed that further monitoring of the tree and inspection when in full leaf is warranted. I consider that retention of

the tree does not compromise the efficacy of the scheme as proposed and further, should its condition deteriorate further so as to require its removal at some point in the future, then the space it previously occupied would provide opportunity for planting a suitable replacement tree.

Ideally the issue over the siting of the garage should be resolved prior to determination. However, if the application is determined beforehand, I would recommend attaching the following conditions to any permission for this application:

- Tree works shall be carried out as specified in section 5.4 and Appendix 3 of the approved tree report (Tree Health Consulting Ltd, THC/2017/03/03, 3rd March 2017).

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.

- Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree, woody shrub or hedge, then prior to commencement of any development-related works on site, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the LPA. The TPP shall include details on how any such retained tree, woody shrub or hedge will be protected from harm or damage during the development.

Reason: to ensure that approved work within an RPA is planned and carried out in such a manner as 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.

- All pre-commencement tree protection measures detailed in the approved Tree Protection Plan (TPP) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved TPP and Method Statement (Appendices 5 and 6 of the approved tree report [Tree Health Consulting Ltd, THC/2017/03/03, 3rd March 2017]).

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

- No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in

accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

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

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

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

4.7 SC Ecology (18-08-17) – No Objection: Conditions and informatives are recommended.

A Preliminary Ecological Assessment and a Daytime Bat Survey were carried out on this site in September 2015 by Middlemarch Environmental. A Protected Species Survey was carried out in June and July 2017 by Arbor Vitae Environment.

Habitats

Habitats on the site consist of dense scrub, tall ruderal vegetation, poor semi-improved grassland, hardstanding, buildings, mature and semi-mature coniferous and broadleaved trees, a species-poor defunct hedgerow, bare ground, walls and fencing.

‘Any trees and hedgerows on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 “Trees in relation to design, demolition and construction – recommendations”.’

‘Any trees that are removed should be mitigated within the landscaping design, through the inclusion of appropriate native or wildlife attracting species of adequate size.’

Middlemarch Environment recommends the planting of native seed- and fruit-bearing species, nectar-rich species, wildflower grassland margins and species which attract night flying insects.

Bats

Buildings

The house provides potential roosting opportunities, although no evidence of roosting was observed.

The shed and stables are considered to be sub-optimal to support roosting bats. The greenhouse does not contain any potential roosting features.

Trees

Middlemarch Environment identified three mature trees on the site containing potential roosting features, two beech trees in the west of the site and an oak tree in the north-east of the site.

Arbor Vitae Environment identified five trees containing potential roosting features: the two beech trees in the west of the site, a black pine and a horse chestnut also in the west of the site and a dead cherry in the south-east of the site.

Activity surveys

Emergence surveys were carried out on 6th June and 5th July 2017. No roosting behaviour was identified. Small numbers of common pipistrelles were recorded foraging on the site and a noctule was recorded flying over during the first survey.

‘No evidence was seen from activity surveys that any of the trees were in use by bats.’

Should any works to the 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.

‘Visual and activity surveys conclude that bats do not use any of the buildings for regular roosting. However, the survey of the house could not be thorough due to inaccessibility and building work on this property should be guided by precautionary principles and a Method Statement.’ Section 7.1 contains the method statement that should be followed in full during the works:

- An Ecological Clerk of Works (ECW) will oversee the removal of roofs.
- ‘All contractors on site will be briefed by the ECW on the procedure to follow if an individual bat is found, including being aware of the risk of rabies.’
- ‘A pre-commencement survey will be undertaken by the ECW to ensure that no bats are inside the building before work commences.’

- 'Work to the house should be carried out in the autumn/winter to avoid peak activity periods.'
- Three Schwegler bat boxes will be erected on the house.

Should a bat be encountered while working on any of the buildings, works must immediately cease and a suitably qualified ecologist contacted for advice.

The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

Birds

The trees, hedgerow, dense scrub and buildings provide potential nesting opportunities for birds.

Two disused blackbirds were observed in the stables in 2017.

Vegetation removal and works to the buildings should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

The landscaping scheme should include some tree and scrub planting.

Bird boxes should be erected in suitable locations on the site to provide replacement and additional nesting opportunities for birds. Arbor Vitae Environment recommend 10 boxes suitable for small bird species.

Other species

No evidence of any other protected or priority species was observed on, or in close proximity to, the site.

Areas of long and overgrown vegetation should be removed in stages and in one direction, towards remaining vegetated areas (hedgerows etc.).

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

Hedgehog passes should be included under fences to allow small animals to move freely through the site.

Conditions and informatives

The following conditions and informatives are recommended for inclusion on the decision notice:

Ecological Clerk of Works condition

Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the bat RAMMS, as set out in section 7.1 of the Protected Species Survey (Arbor Vitae Environment, July 2017). Reason: To demonstrate compliance with the bat RAMMS.

Landscaping Plan condition

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

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

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

Bat boxes condition

Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 3 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

Bird boxes condition

Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts, sparrows, house martins, starlings, and/or small birds shall be erected. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under

eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

Lighting Plan condition

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014). 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.

Informatives recommended are set out in Appendix 1.

4.7.1 SC Ecology (01-06-17) – Comment:

The Daytime Bat Survey (Middlemarch Environmental, October 2015) identified potential bat roosting opportunities in the existing building and in three mature trees on the site.

Middlemarch recommended bat activity surveys of the building. These have not been submitted.

Middlemarch did not recommend surveys of the trees, unless they were going to be directly impacted by the works. However, given how close the development is to the trees (and thus the indirect impacts through disturbance and lighting during and post-construction) and the 20 months that have passed since the assessment, these trees should be surveyed and the results submitted in support of the planning application.

Please re-consult Ecology when the activity survey report has been received

4.7.2 SC Ecology (13-04-17) – Recommend Refusal:

In the absence of additional information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010). An Ecological Assessment of the site is required and the trigger point for a bat survey is met.

-Public Comments

4.8 Wenlock Tree Forum – Comment:

Tree removals have been recommended at this stage based solely on arboricultural management. Much Wenlock Tree Forum requests that community amenity

considerations should also be taken into account including bio diversity and eco habitat. We have no objection to removal of T7, we question the assumption to remove T10 until further assessment can be considered once T9 is felled. T11 should be retained. G1 should not be entirely removed without consideration of further planting particularly if an Elm is correctly identified. Trees off site provide good amenity value and are under the control of Shropshire Council. T1 must be retained and finally the applicant must be reminded that if protected trees are felled then similar trees must be planted in the close vicinity.

4.9 Much Wenlock Civic Society – Comment:

The Much Wenlock Civic Society has lobbied for many years for the refurbishment of 40 Victoria Rd (Pinefield). The Committee is therefore pleased, in principle, to see these latest applications. We consider that refurbishing No 40 would help provide a sustainable future for the whole site, and restore an imposing house in a prominent position, within the Conservation Area, at the main entrance to the town.

As well as its architectural value, No 40 was occupied by Dean Cranage, a noted Victorian antiquarian and cleric. His magisterial study of the architecture of Shropshire's churches remains the unchallenged text for students of the subject and his tenancy of the house is fundamental to its historic importance. It was Cranage who gave it the name Pinefield.

However, to ensure the desired outcome and preserve the setting for Pinefield, we believe that the following issues need to be addressed.

1. There must be a formal tie-in between the new build and work on No 40, such that structural work and weatherproofing to No 40 must be completed and approved by Shropshire Council before the first new build can be occupied.
2. The size of the garden and the amount of allocated parking must be large enough to deliver a viable future for No 40.
3. The access arrangements seem not to recognise the potential dangers of the current access or the existence of other points of access/exit. Alternative solutions might include the following:-
 - (i) The suggestion by Much Wenlock Town Council that a brick wall could be extended across the full width of the plot to split the whole site in two. Access to No 40 would be from Victoria Rd and access to the new build from Pinefield Close.
 - (ii) Using a one-way road layout to maintain the current entrance for all properties with exit only via Pinefield Close.
4. A preliminary archaeological survey seems appropriate given that the site is on an ancient crossroads, which we understand may date from at least Roman times, and that it is built on a medieval burgage plot, as stated in the applicant's design and access statement.
5. In addition, we strongly support the comments of the Town Council and SC Flood and Water Management Team in respect of the need for flood alleviation. Requirements for flood alleviation are part and parcel of the Much Wenlock Neighbourhood Plan (MWNP), which sadly the applicant fails to mention.
6. The MWNP also covers developments with the town's Conservation Area. It states that "Developers must demonstrate in their design and access statement how their proposals... follow the guidance set out in the Much Wenlock Design Statement." Again, there is no indication that the applicant has consulted the

MWNP or Design Statement in this regard.

We are sure these concerns can be overcome so that the proposed development can be successfully completed to the benefit of Much Wenlock.

4.10 2 Comments/objections :

- Only a cross section through the detached house has been submitted for approval, and none for the two semi-detached dwellings.
- Obvious that the submitted elevations will require amendment to suit site topography, if substantial ground works are required to maintain a common ground floor level across both houses.
- Noted from the latest ecology report that alternative access via Pinefields Close is deemed undesirable by the developers partly due to existing levels problems within the site and around trees under preservation orders.
- Any planning consent should ensure the Pinefields main house priority works are commenced prior to the housing works start and completed within a short time after funding has been secured.
- Would leave the listed building with an inadequate garden area.
- Suggest that the two semi-detached houses are replaced by another (handed) 4 bedroom detached house, with its northern building line aligned with the holly tree on the eastern boundary with Lime Grove, allowing the two garages to be omitted and Pinefields garden extended.
- Most of the previous objections about adverse effects on the amenities of Lime Grove have been addressed.
- Lowest ground level would lessen impact on neighbouring properties, which would be preferable to a stepped construction at the party wall between the 3 and 4 bedroom houses.
- Tree T7 beech should not be felled
- No objections to the removal and replacement of Tree T10 Horse chestnut
- Object to the removal of the hedge along the eastern site boundary.

- Do not recognise term 'informal enabling development' in the Town and Country Planning Act 1990.
- Refusal reasons 2, 3 and 4 of the previous application 15/02563/FUL apply to the current application.

- The scale and positioning of the dwellings would have an overbearing impact on the existing properties to the west and east of the site; unit 3 in particular would compromise the privacy of dwellings to the east of the site and the application does not accord with article 8 of the Human Rights Act.

- An ecological survey is needed as bat colonies are clearly present.

- Major concern over the safety of the access onto one of Shropshire's busiest road junctions.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design and impact on setting of listed building and conservation area
 Trees and Landscaping
 Ecology
 Neighbour Amenity
 Highway Safety
 Affordable Housing
 Drainage
 Archaeology
 Other Matters – Enabling Development

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy, the adopted Site Allocations and Management of Development (SAMDev) Plan and the adopted Much Wenlock Neighbourhood Plan in the case of this application. .

6.1.2 The National Planning Policy Framework promotes sustainable development and states that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

6.1.3 Policy CS1 establishes a settlement hierarchy with Shrewsbury and the Shropshire Market Towns being the primary focus for new development. Other identified Key Centres will also accommodate growth with rural areas being catered for through the establishment of Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth.

6.1.4 Much Wenlock is classified as a focus for development under Core Strategy policy CS3, which states that it will have limited development that reflects its important service and employment centre role whilst retaining its historic character. SAMDev Plan policy MD3 relates to the delivery of housing development and states that in

addition to the allocated housing sites set out in Settlement policies S1 – S18, permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan. The SAMDev Plan Settlement policy S13 advises that the Much Wenlock Neighbourhood Plan (MWNP) sets out the development strategy for the town during the Plan period. This proposal is a windfall site within the defined settlement boundary for Much Wenlock. The MWNP Objective 1 and the associated housing policies allows for small scale infill developments and housing developments within the development boundary of Much Wenlock where they include a range of house type (policy H2). There is no in-principle planning policy objection to the erection of open market dwellings on this site and the acceptability or otherwise of the proposal rests upon the detailed consideration of the matters set out below in this report.

6.2 Siting, scale and design and impact on setting of listed building and conservation area

- 6.2.1 The NPPF at section 7 places an emphasis on achieving good design in development schemes. Its themes are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 seeks to ensure that developments respond positively to local design aspirations set out in Neighbourhood Plans, with the protection, conservation and enhancement of the historic context and character of heritage assets, their significance and setting, being sought by policy MD13. The MWNP Objective 6 seeks to secure good quality design, with policy GQD2 requiring development to reinforce local distinctiveness; have regard to the principles set out in the Much Wenlock Design Statement; to retain existing important landscape features and be of a scale and massing sympathetic to the surrounding area.
- 6.2.2 The southern part of the site falls within the Much Wenlock Conservation Area and contains 'Pinefields', which is a grade 2 listed building in a poor state of repair. Under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 of the same Act contains a similar obligation with regard to the desirability of preserving or enhancing the character or appearance of conservation areas and their setting in the exercise of statutory functions.
- 6.2.3 There are a number of interrelated matters involving built form and trees which determine the impact of the proposed development upon the setting of the listed building and conservation area in this case. This section of the report addresses the proposed built form, with the next section looking at Tree impacts.
- 6.2.4 It is considered that the proposed site layout would retain an adequate garden/amenity space for the listed building, commensurate with the scale of that property. The linear form and orientation of the barn-style dwellings reflects the historic form of development found elsewhere in the town. The designs of the

proposed dwellings would incorporate traditional design details and materials, with appropriately detailed door and window openings that would complement the listed building and the approved restoration scheme for that property. The proposed built form would be in scale with adjacent properties, with an adequate separation distance being achieved between the proposed detached dwelling (unit 3) and the Pinefields Close bungalows to the west and the dwellings to the east, which would ensure no unacceptable overbearing impacts. The requirements of policies CS6; CS17; MD2; MD13; H2; H4; GQD2 and GQD4, in terms of the proposed built form are satisfied, with the proposed development not detracting from the setting of the listed building or harming the character or appearance of the Much Wenlock Conservation Area. The proposed development would overcome refusal reasons 2 and 5 of the decision on application 15/02563/FUL.

6.3 Trees and Landscaping

- 6.3.1 Core Strategy policies CS6 and CS17 recognise the contribution that trees as part of the natural environment contribute to townscape and the value of some of the trees on this site have long been recognised by the designation of a group tree preservation order. SAMDev Plan policies MD2 and MD12 also seek to incorporate and retain natural assets such as trees where possible as part of achieving sustainable development. The MWNP policy GQD2 seeks to retain existing important landscape and natural features in developments. Policy LL3 also expects development to retain features of high nature conservation or landscape value, such as mature trees. In addition, where trees subject to a tree preservation order are removed there is a requirement to replant with tree species that would, in time, grow to achieve a similar landscape impact.
- 6.3.2 Refusal reason 3 on decision notice 15/02563/FUL related to the close proximity of retained trees having a domineering and overbearing impact on the proposed dwellings in the layout shown in the 2015 application, and the layout not providing sufficient space to allow for the planting of replacement trees to compensate for those removed. The present application positions the proposed dwellings further away from the retained trees along the western side of the site and is accompanied by a Tree Survey and Arboricultural Assessment.
- 6.3.2 The County Arboriculturalist has assessed the current application and his comments set out at 4.6 above. He agrees with the conclusion of the Tree Report that the proposed development can be implemented without causing damage to retained significant trees, providing appropriate precautions and controls are adopted, as specified in the report. The concern that he raised about the proposed position of the detached garage to unit 3 has been addressed by amended drawings which have moved the garage further south, to lessen its impact on the root protection area of the oak tree in the north eastern corner of the site.
- 6.3.3 The horse chestnut tree shown on the proposed site layout adjacent to unit 3 is accepted by the County Arboriculturalist as now presenting an unacceptable risk, as set out in the tree report, given the loss of the neighbouring and sheltering mature beech. The replacement of this tree would be a requirement of the landscaping scheme on any planning permission that is issued. With removal of the dense group of conifers in the southern portion of the site the County

Arboriculturalist see the opportunity to remove and replace these dark and oppressive trees with more appropriate planting as beneficial to the appearance of the site, and thereby the appearance of the conservation area streetscene.

6.3.4 It is considered that the conditions recommended by the County Arboriculturalist, set out at 4.6 above, would ensure appropriate long term tree planting on this site, complementary to the proposed built form, would both safeguard the character and appearance of the Conservation Area and not detract from the setting of the listed building. The agent has confirmed that the reference to the eastern boundary hedge planting being removed, referred to in the representations from neighbours, was an error and would be retained. The landscaping scheme required through condition on any approval issued will need to specify what existing planting is to be retained, as well as giving details of all new planting proposed.

6.3.5 The matters referred to in refusal reason 3 of the 2015 decision have been addressed satisfactorily by the revised proposals, which have been informed by the detailed tree survey and arboricultural appraisal.

6.4 Ecology

6.4.1 Core Strategy policies CS6 and CS17, along with SAMDev Plan policy MD12, seek to ensure developments do not have an adverse impact upon protected species, and accord with the obligations under national legislation. The condition of this site, containing substantial mature trees, undergrowth and buildings in a poor state of repair, has the potential to be habitat for protected species. The Ecological Assessment submitted by the applicants identified the need for additional bat and bird survey work and this was carried out in June and July 2017. The surveys carried out found no evidence of the buildings on the site being used for regular roosting and no evidence was seen from activity surveys that any of the trees were used by bats. The Council's Planning Team are content that ecological interests can be safeguarded satisfactorily in this case by planning conditions requiring the development to be carried out in accordance with an approved method statement, as set out in the protected species survey; the protection of trees and hedges to be retained and landscaping, bat and bird boxes to provide ecological enhancements and approval of external lighting details associated with the development.

6.4.2 The ecological survey work carried out and the recommended mitigation as a result of the analysis of the survey data, which has led to the recommended conditions and informatives, would ensure that the proposed development would not cause an offence under the Conservation of Habitats and Species Regulations (2010), address refusal reason 4 of the 2015 decision.

6.5 Neighbour Amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard neighbour amenity. The proposals for four dwellings in the 2015 application (15/02563/FUL) were considered, by reason of the scale and positioning of two dwellings at the northern end of the site, to have an overbearing impact on the existing properties immediately to the west and east of the site, and the positioning and design of the two dwellings close to the eastern site boundary would have compromised the privacy of the dwellings immediately to the east of the site: These matters constituted refusal reason 5 for application 15/02563/FUL. These concerns have been addressed satisfactorily in this

application by having a single two storey dwelling of a different design, with detached single garage, at the northern end of the site, positioned approximately central to the width of the plot to increase the separation distances of the two storey built form from the site boundaries. An entirely different orientation and built form is now proposed for the two dwellings at the southern end of the site, again increasing the separation distance of the dwellings from the eastern site boundary and with fenestration (Door and window positioning) which would not unduly impact upon neighbour amenity. Given the attention to detail shown in the proposals to safeguard neighbour/residential amenity, it would be appropriate to withdraw permitted development rights for alterations and extensions on any approval issued, to ensure that neighbour amenity is not unduly harmed in the future. Details of the precise ground floor levels of the dwellings and garages, relative to existing ground levels, would also be conditioned on any approval issued to safeguard both neighbour and visual amenity in the context of this site.

6.6 Highway Safety

6.6.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and consequently development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. Much Wenlock Neighbourhood Plan policy H6 seeks to ensure that new housing developments provide a minimum of two spaces per dwelling and this would be achieved in the proposed development.

6.6.2 There is an existing vehicular access into the site, which the proposals would modify to form an access some 5 metres wide. The access is across a section of footpath some 3 metres wide, with visibility in both directions onto the A458. It is however at a point where the Bourton Road joins the A458 and, some 50 metres to the east, there is also the A458 junction with High Street and Smithfield Road. Highways Development Control acknowledges previous schemes, the last of which being from 2001 for two dwellings, have been refused grounds which have included the additional movement of vehicles into and out of the access as a result of the proposed development would be likely to lead to conditions detrimental to highway safety. However, it is their view that present day highway considerations in the context of the NPPF where development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe and Manual for Streets would indicate that use of the access by a limited number of dwellings could be acceptable in principle, even with the road junctions in the immediate vicinity and the alignment of the principle road. The highways refusal reason 6 on application 15/02563/FUL for four dwellings on this site related to the

configuration of the access in that scheme and the restricted on site manoeuvring space being likely to result in vehicles having to reverse onto the highway, to the detriment of highway and pedestrian safety, rather than the number of traffic movements using an access at this point that the development would have generated.

6.6.3 The current application has reduced by one the number of new dwellings proposed and has addressed the issue of on-site manoeuvring space by providing a wider section of internal access road (Some 6.7m wide at the widest point) adjacent to barn unit 2 and the 'cart shed' garage, together with two turning heads on the northern, looping part of the internal access road. Visibility splays of some 2.4m by 43m are shown on the proposed site plan drawing as being available at the site access, which would be commensurate with traffic speeds on the adjacent highway.

6.6.4 The Town Council has suggested in their comments that only no. 40 should use the access direct onto the A458 and that the three proposed new dwellings should be accessed from Pinefields Close to the west. The County Arboriculturalist has commented that any new access to/from Pinefields Close would have to pass in close proximity to a mature beech tree and Corsican pine. The beech tree is already going to be impacted to some degree by construction of the internal 'no-dig' access drive across the southern side of its root protection area. He considers that the additional burden imposed by the construction of another access drive (even a 'no-dig' one) on the north/west sides of the tree would be severely detrimental to its health and condition. The Council's Highways Manager also questions whether an access at this point would be practical, requiring access through an existing car park and across the existing grass verge, impacting on the occupants of the bungalows. This suggested alternative does not need to be pursued further, given that the current application, for one less dwelling than the refused scheme, has a site layout that overcomes the highway refusal reason on the previous application 15/02563/FUL. A highway safety refusal reason in relation to the present proposals could not be sustained at appeal.

6.7 Affordable Housing

6.7.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards the provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. Much Wenlock Neighbourhood Plan (Adopted 24th July 2014) policy H1 also states that affordable housing shall be provided at a rate of 20% of the total yield on site.

6.7.2 However, The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas.

- 6.7.3 Reading and West Berkshire Councils sought to challenge the WMS at the High Court (Case Ref 76.2015) and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point, Shropshire Council continued to apply its affordable housing policy. The Government challenged this decision through the Court of Appeal which over turned Mr Holgate's decision on the 11th May 2016. Consequently, the WMS still applies and the National Planning Policy Guidance was amended on the 19th May 2016. In addition to this the Housing & Planning Act gained Royal Assent on the 12th May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions.
- 6.7.4 In accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications for 10 or less dwellings (5 or less within a designated protected rural area) and less than 1,000sqm floor area in the majority of cases. However, this is cannot be a blanket rule and as such there may be exceptions to this. The Court of Appeal judgement referred to a statement made by the Government's Counsel in the High Court that (emphasis added):-
“(i) As a matter of law the new national policy is only one of the matters which has to be considered under section 70(2) of TCPA 1990 and section 38(6) of TCPA 2004 when determining planning applications or formulating local plan policies (section 19(2) of PCPA 2004), albeit it is a matter to which the Secretary of State considers ‘very considerable weight should be attached’;”
- 6.7.5 The Court of Appeal agreed with this proposition and confirmed that the development plan remains the starting point for decision taking although it is not the law that greater weight must be attached to it than other considerations. The WMS is policy not binding law and does not countermand the requirement in s38(6) of the 2004 Act or s70(2) of the 1990 Act. The Council's position is therefore that the WMS is a significant material consideration but it does not replace or automatically override the development plan as the starting point for planning decisions. Consequently, there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.
- 6.7.6 This development proposal is only for three dwellings and the total floor space would amount to some 420 sqm. Given the fact that the development proposed would be acceptable in principle with the proposed new build dwellings being within a Core Strategy policy CS3 settlement (Market Town and other Key Centres), it is considered that the WMS outweighs the Development Plan policies CS11 and H1 with respect to Affordable Housing contributions and therefore an affordable housing contribution cannot be sought: No weight should be given to this in the overall planning balance.
- 6.8 Drainage**
- 6.8.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an

increase in runoff. The Much Wenlock Neighbourhood Plan (MWNP) also contains policies with the objective of reducing flood risk. The proposed development would have new driveways of water permeable gravel on geogrid (In line with tree protection measures) with a different colour and grade of gravel used for pedestrian access and footways, which would accord with MWNP policy RF6. The Council's Drainage Team have assessed the proposal and are content that the technical drainage matters, including details to address MWNP policy RF2, could be addressed through conditions on any planning permission that is issued.

6.9 Archaeology

6.9.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, which includes areas of archaeological interest. An Archaeological Desk Based Assessment has been submitted. This report concludes that, in the absence of any recorded development on the area to the rear of no.40, the potential to uncover unrecorded evidence or chance finds and deposits from the late-medieval to post-medieval periods during any future development of this site cannot be discounted. It recommends that there be an agreed mitigation strategy that would allow for archaeological investigation and recording be undertaken, in order to negate or lessen the potential impact on the unknown archaeological resource. SC Archaeology concurs with these findings and recommended condition that a programme of archaeological work be carried out in accordance with an approved written scheme of investigation, in line with paragraph 141 of the NPPF.

6.10 Other Matters – Enabling Development

6.10.1 Refusal reason 1 of application 15/02563/FUL related to their being insufficient information to support the assertion that the development would support unspecified repair works to the listed building (40 High Street) and would justify a relaxation of the requirement for new housing developments to contribute to affordable housing. There have been material changes to the planning considerations since that October 2015 refusal in that the scale of the proposed development would now no longer justify the making of an affordable housing payment (See section 6.7 above of this report) and listed building consent was issued on 23rd August 2017 for repair and renewal of roof coverings, rainwater goods, rendering, doors and windows; internal alterations at 40 High Street, Much Wenlock (ref 17/00989/LBC). There is now an approved scheme of works to secure the restoration of the listed building. The agent has described the current planning application proposals as "informal enabling development" to generate funds to carry out the restoration of the listed building. It is considered that the linkage of these proposals to the restoration of the listed can be achieved by a planning condition requiring the structural work to the fabric of this listed building and making the building weather tight, in accordance with the details of listed building consent 17/00989/LBC, to be completed before any of the dwellings is first occupied.

7.0 CONCLUSION

7.1 The proposed development falls within the development boundary of Much Wenlock where there is no in-principle planning policy objection to the erection of open market housing on suitable sites. The listed building at 40 High Street, part of the grounds of which is the application site, is in a poor state of repair and in urgent need of repair works. Discussions with the owner and their agent has resulted in the submission of a listed building application for the restoration of the listed

building (ref 17/00989/LBC), which has been approved, and this application for development to provide a source of funding for those restoration works. This linkage could be achieved on any planning permission issued by a planning condition requiring the structural work to the fabric of this listed building and making the building weather tight, in accordance with the details of listed building consent 17/00989/LBC, to be completed before any of the dwellings is first occupied.

7.2 The above objective of the planning application does not override the requirement for the proposals to be acceptable in respect of other material planning considerations: These material planning considerations have been assessed in the report above. It is considered, for the reasons explained, that the proposed development would not detract from the character or appearance of the Much Wenlock Conservation Area or harm the setting of the adjacent listed building. The proposed development would allow for the retention of the significant healthy trees on the site and for the replacement of a dense group of conifers with more appropriate trees to the benefit of the conservation area street scene and the long term presence of trees on this site. Ecological and drainage interests can be safeguarded satisfactorily through planning conditions. The proposals would not unduly harm neighbour amenity and would not be detrimental to highway safety.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be

balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan policies:
CS3 The Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD12 Natural Environment
MD13 Historic Environment
S13 Much Wenlock Area

Much Wenlock Neighbourhood Plan
SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/02563/FUL Erection of four detached dwellings; creation of vehicular access and estate road to include works to, and felling of, trees REFUSE 14th October 2015

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design, Access and Heritage Impact Statement Tree Impact Assessment Ecological Report Bat Survey Protected Species Survey</p>
<p>Cabinet Member (Portfolio Holder) Cllr R. Macey</p>
<p>Local Member Cllr David Turner</p>
<p>Appendices APPENDIX 1 - Conditions</p>

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. All structural work to the fabric of the listed building (40 High Street, Much Wenlock) and making that building weather tight to halt and reverse deterioration, in accordance with the approved details of listed building consent 17/00989/LBC, shall be completed before any of the dwellings hereby approved is first occupied.

Reason: To secure the restoration of the listed building in accordance with the key objective of the development.

4. Prior to the above ground works commencing samples and/or details of the roofing materials, the materials to be used in the construction of the external walls and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the setting of the Heritage Asset and in the interests of the visual amenities of the area.

5. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the setting of the Heritage Asset and in the interests of the visual amenities of the area.

6. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the setting of the Heritage Asset and in the interests of the visual amenities of the area.

7. Before development commences details of the proposed finished ground floor levels of the dwellings and garages, relative to existing ground levels, shall be submitted to and

approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to safeguard neighbour amenity.

8. 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 fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

9. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access, in the interests of highway safety.

10. The parking and turning areas for vehicles shown on the approved drawings shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

11. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

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

13. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

14. No development approved by this permission shall commence until a programme of archaeological work has been carried out in accordance with a written scheme of investigation (WSI) which has been approved in writing by the Local Planning Authority.

Reason: The site is known to hold archaeological interest.

15. Tree works shall be carried out as specified in section 5.4 and Appendix 3 of the approved tree report (Tree Health Consulting Ltd, THC/2017/03/03, 3rd March 2017).

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.

16. Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree, woody shrub or hedge, then prior to commencement of any development-related works on site, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include details on how any such retained tree, woody shrub or hedge will be protected from harm or damage during the development.

Reason: to ensure that approved work within an RPA is planned and carried out in such a manner as 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.

17. All pre-commencement tree protection measures detailed in the approved Tree Protection Plan (TPP) shall be fully implemented before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved TPP and Method Statement (Appendices 5 and 6 of the approved tree report [Tree Health Consulting Ltd, THC/2017/03/03, 3rd March 2017]).

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.

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

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

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and in the interests of the visual amenities of the area..

19. All hard and soft landscape works shall be carried out in accordance with the approved details and the timetable approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously 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.

20. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the bat RAMMS, as set out in section 7.1 of the Protected Species Survey (Arbor Vitae Environment, July 2017).

Reason: To demonstrate compliance with the bat RAMMS.

21. Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 3 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

22. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts, sparrows, house martins, starlings, and/or small birds shall be erected. The boxes shall be sited at least 2m from the ground on a suitable tree

or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

23. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). 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.

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

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan policies:
CS3 The Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD12 Natural Environment
MD13 Historic Environment
S13 Much Wenlock Area

Much Wenlock Neighbourhood Plan
SPD on the Type and Affordability of Housing

3. 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 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://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, 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.
4. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

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

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

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

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

5. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

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

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

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

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

6. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must 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.

Any chemical treatment of timbers should not take place between the beginning of October and the end of March and no pointing or repairs of any gaps or crevices which cannot be easily seen to be empty should take place between the beginning of October and the first week in April, to minimise the possibility of incarcerating bats.

If timber treatment is being used then the Natural England's Technical Information Note 092: Bats and timber treatment products (2nd edition) should be consulted and a suitable 'bat safe' product should be used

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

7. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all works on mature trees there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working on mature trees, particularly where cracks and crevices or thick ivy covering are present. Any cracks and crevices should be visually inspected prior to the commencement of works on the tree and if any cracks or crevices cannot easily be seen to be empty of bats then an appropriately qualified and experienced ecologist should be called to make a visual inspection using an endoscope and to provide advice on tree felling.

Works on trees with high bat roosting potential (aged or veteran trees with complex crevices and areas of dead wood) should not be undertaken without having first sought a bat survey by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition). Felling and tree surgery work should only be undertaken in line with guidance from an appropriately qualified and experienced ecologist and under a European Protected Species Mitigation Licence where necessary.

If a bat should be discovered on site then development works must 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.

8. The developer 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.
9. 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 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. 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.

10. 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.