



Committee and date

South Planning Committee

13 March 2018

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/00143/FUL	Parish:	Eardington
Proposal: Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings (revised scheme)		
Site Address: 9, 10, 11 Lower Forge Cottages Eardington Bridgnorth Shropshire WV16 5LQ		
Applicant: Mr & Mrs Turner		
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk	

Grid Ref: 373243 - 289493



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

1.1 This application is proposed as an amendment specifically to address the Refusal Reason for the previous scheme Ref: 17/00298/FUL which was refused, contrary to the officer recommendation, at the South Planning Committee of 19th December 2017. The Reason for Refusal given was:

'The proposed single story extension, by reason of its additional height in comparison with a wall or fence which could be erected on the southern property boundary line as 'permitted development', would have an overbearing impact on the adjoining neighbouring property (no.8) and would adversely affect the outlook from the ground floor accommodation of that neighbouring property. The proposal would therefore harm the residential amenity of the occupants of the neighbouring property, contrary to Shropshire Core Strategy policy CS6 and paragraph 17 of the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.'

1.2 The proposed internal provision and two storey extension to the north east facing side of the building remain as previously proposed. However, the flat roof single storey extension proposed across the south east facing front of the building spanning the full width of the cottages is now indicated to be set at a lower land level and with a reduced height. The ground level of the proposed extension is indicated to be set down from that of the existing building by approximately 0.6m, resulting in a height on the southern boundary with no. 8 of 2m. Three internal steps down would be required from the existing building into the extension and a clear 2m headroom could be achieved. The height of this extension as previously proposed was 2.5m.

1.3 The Structural Condition Survey Report by Geomitre Consultants Ltd dated 24th March 2016, and Ecological Appraisal by Salopian Consultancy dated 21st August 2017 have again been submitted in support of the proposal along with an updated Design and Access Statement.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within open countryside in the settlement of Lower Forge approximately 3km to the south east of the Market Town of Bridgnorth. It is accessed via an unclassified road from the B4555 to the west. Lower Forge is positioned on the west side of the River Severn set into the bank which slopes down to it. The settlement comprises mainly traditional properties of varying sizes including terraced cottages and large detached dwellings which are set either side of the road. Nos 9, 10 and 11 Lower Forge Cottages are on the north east side of a terrace which also contains nos. 5 – 8. The front elevations of the terrace face south east towards the river approximately 45m away, as the road is set closely to the north west side, in fact the corner of no. 11 at the end of the terrace is angled such to accommodate the road which it abuts. The space to the rear consists of a retaining wall preventing the steep bank up to the road from encroaching on the cottages. The amenity

space for the plots is therefore in the majority located between the front elevations and a vehicular track serving the terrace which is positioned along the bank of the river. The associated land for no. 11 is significantly larger as it is the end property with a span of approximately 20m to the adjacent dwelling at Coachmans Cottage owned by the applicants.

2.2 The cottages are constructed in mixed brick with a tiled roof and 3 no. chimneys of varying ages. Whilst the external structure appears solid the internal space has been gutted, some of the windows are missing and it is clear that the living accommodation was fairly basic. No. 11 is essentially one room up, one down internally and is not connected through to the other properties at ground floor level.

It has basically been used as storage space. The other two properties have a linear format where rooms are accessed through others and again appear to have had very limited internal space. Whilst in a poor state, the cottages can be said to have a traditional vernacular design and construction and relate to the historic use of the area.

2.3 No.9 is attached on its south west side to no. 8, a white painted cottage which has benefitted from a front porch and a two storey rear extension where it has more space between the north west facing rear elevation and the road than nos. 9, 10 and 11. No. 7 beyond also has a two storey rear extension and there are other front porches further along. The original completely linear format of the terrace has been permanently altered by these previous extensions to nos. 5 – 8. The front side boundary line between nos. 9 and 8 is defined by hedging, otherwise there the land on this side of the terrace is fairly open. There is a further terrace of cottages

approximately 11m to the west containing nos. 1 – 4, and a neighbouring dwelling across the road approximately 32m to the north. All these properties are set at a higher level as they are further up the bank.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Amended proposal for an application previously considered and Refused at the relevant Planning Committee, and agreed to be again referred to the relevant Planning Committee by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Eardington Parish Council - The Members of Eardington Parish Council have been consulted on the revised scheme for the reconfiguration and upgrade of cottages at Lower Forge, Eardington, but are unable to see any significant difference to the original drawings. Therefore, the comments made on the previous application remain i.e. the Parish Council strongly objects to the proposals and requests that the application be determined by the Planning Committee if the Case Officer is minded to grant approval.

4.1.2 SC Conservation - Having assessed the scheme now proposed it is considered that it is an improvement in terms of the impact upon the character of the buildings.

4.1.3 SC Ecology - An Extended Phase 1 Survey was carried out on this site in April

2017 by Salopian Consultancy. This was followed by bat activity surveys between May and July 2017. Conditions and informatives are recommended in relation to the Survey content. Additionally, a European Protected Species 3 Tests Matrix must be included in the Planning Officer's Report and discussed/minuted at any Committee at which the application is considered.

4.1.4 SC Drainage – Informative recommended in relation to designing a sustainable drainage scheme for the disposal of surface water from the development.

4.2 - Public Comments

4.2.1 Site notice erected on 9th February 2018. One public representation received from Alan Reade of Reade, Buray Associates on behalf of the neighbour at no. 8 Lower Forge Cottages, objecting to the proposal. This is available to view in full on file, however is summarised as follows:

- o Wish to repeat the representations against 17/00298/FUL dated 15th February 2017 and 5th June 2017.
- o The lowering of the proposed frontal extension does not change the nature or substance of earlier proposals for these Non Listed Heritage Assets visible from the adjacent Severn Way long distance footpath.
- o The lowered floor levels would require excavations for new foundations that will potentially disturb and/or undermine the shallow foundations to the front wall of no. 8 and the party wall between nos. 8 and 9.
- o Any necessary destabilization or structural damage and/or any underpinning work to no.8 is likely to permanently devalue the property.
- o The frontal extension to no.9 should be removed to a minimum distance of 1.6m from the boundary between nos. 8 and 9.

5.0 THE MAIN ISSUES

- o Whether this revised scheme addresses the previous Refusal reason.
- o Other matters

6.0 OFFICER APPRAISAL

6.1 Whether this revised scheme addresses the previous Refusal reason.

6.1.1 For the scheme considered by the South Planning Committee on 19th December 2017 under Planning Ref: 17/00298/FUL, the only issue reported in the minutes is the likely impact of the proposal on neighbouring properties. Discussions focussed on the potential impact of the proposed single storey extension on the boundary line shared with no. 8 Lower Forge Cottages and cumulated in the Refusal Reason reproduced in paragraph 1.1 above. The refusal reason set out the particular aspect of the proposed works which the Committee considered would be harmful to the residential amenities of the adjacent dwelling: The debate cumulated in the Refusal Reason reproduced in paragraph 1.1 above. The Committee was content with the changes to the fenestration of the proposed development that were made following the deferral of the application to seek design amendments at the 24th October 2017 meeting.

6.1.2 The single storey extension now proposed is indicated to be a maximum of 2m in

height adjacent to that boundary with no. 8. A wall of up to 2m in height could be erected along this boundary without the need to first obtain Planning Permission i.e. such work could be carried out under Permitted Development Rights. Therefore the current proposal demonstrates that the proposed single storey extension can be satisfactorily achieved without the additional height which was previously considered to *'have an overbearing impact on the adjoining neighbouring property (no. 8)'*. The granting of Planning Permission in this case would therefore no more *'harm the residential amenity of the occupants of the neighbouring property'*, than could result from any boundary structures which could be erected outside the control of the Local Planning Authority.

- 6.1.3 Furthermore, the stepping down of the proposed single storey extension enables the front elevation of the cottages to be read more clearly resulting in some visual improvement on the previous scheme. As noted at paragraph 6.3.5 of the Committee Report for Planning Ref: 17/00298/FUL, there is a balance to be achieved between ensuring that the building can be brought back into a use viable for both the rural community and for the developer, and doing so in a way which secures high quality design and good standard of amenity for all future occupants of the building in a sustainable manner. The cottages are not Listed nor are they within a Conservation Area and whilst they are regarded as Non Designated Heritage Assets, the character of the terrace as a whole has already been affected by previous extensions, some of which are substantial two storey additions, on the cottages at nos. 5 – 8. It is considered that the proposals would achieve an acceptable balance.

6.2 Other Matters

- 6.2.1 There has been no material change in planning circumstances since the December 2017 decision in respect of the proposed development an affordable housing, ecology and access. An affordable housing contribution would not be required in this case having regard to the Government Written Ministerial Statement with regard to such contributions and small housing schemes; the Council's Ecology Team remain of the view that the EPS 3 Tests Matrix which forms part of this report and the conditions and informatives set out in Appendix 1 would appropriately manage the potential for European Protected Species at the site; and whilst vehicular activity on the track which serves all the cottages in the terrace would be likely to increase with the two additional dwellings in comparison to the existing situation, these movements would not be detrimental to highway safety.

7.0 CONCLUSION

- 7.1 It is considered that this proposal has fully addressed the Refusal Reason applied to the previous Planning Application Ref: 17/00298/FUL.
- 7.2 The proposal would not be contrary to adopted policies as it would be an appropriate division of and extension to a building to form three smaller dwellings resulting in a more sustainable form of development in the countryside. The plans as amended have achieved a balance between ensuring that the building can be brought back into use and securing a high quality design and good standards of amenity for all future occupants of the building. By its scale and design the proposed scheme would respect the character of this previously altered traditional terrace and the context of the site without adversely impacting on the residential amenities of neighbouring dwelling. Any potential for European Protected Species

at the site can be satisfactorily managed as set out in the ecological appraisal and by condition. The same conditions, informatives and EPS 3 Tests Matrix proposed for Planning Ref: 17/00298/FUL would be attached to an approval as they remain fully relevant.

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

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment
MD13 Historic Environment

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

RELEVANT PLANNING HISTORY:

17/00298/FUL - Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings. Refused 22nd December 2017.
BR/78/0418 – The installation of a septic tank to serve a single dwelling at 9 and 10 Lower Forge. Granted 14th August 1978.

11. Additional Information

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

- Design and Access Statement dated January 2018.
- Structural Condition Survey Report by Geomitre Consultants Ltd dated 24th March 2016.
- Ecological Appraisal by Salopian Consultancy received on 9th January 2018.

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member

Cllr Robert Tindall

Appendices

APPENDIX 1 – Conditions

APPENDIX 2 – EPS 3 Tests Matrix

APPENDIX 1

Conditions

STANDARD CONDITIONS

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. Samples of all the materials to be used externally on the dwellings and hard surfacing hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

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

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

5. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

6. No development shall take place until either:

- a) a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or
- b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats, which are European Protected Species. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

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

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, 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. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

9. 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. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

10. 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 architectural and historic interest and character of the area.

11. 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 4 artificial nests, of either integrated brick design or external box design, suitable for sparrows, starlings, swifts and/or small birds shall be erected on the site. 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.

12. 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.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

13. All demolition, development and biodiversity enhancements shall occur strictly in accordance with Section 3 of the Ecological Appraisal (Salopian Consultancy, received on 9th January 2018), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

14. No construction and/or demolition works shall take place before 09:00 hrs on weekdays and Saturdays, nor after 17:00 hrs on weekdays and 13:00 hrs. on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

15. No further windows or other openings shall be formed in any elevation of the extensions other than those hereby approved.

Reason: To preserve the amenity and privacy of adjoining properties.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class A, B, C, D or G shall be erected, constructed or carried out.

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

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

4. 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 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 buildings for active bird nests should be carried out. If 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. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season for reptiles (approximately 31st March to 15th October) when the weather is warm. Any reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of reptiles or amphibians are present.

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

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

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

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

7. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-managementstrategy/.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

8. The application proposes access over a route that is recorded as public footpath no 17A. Please ensure that the following criteria is adhered to:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.

- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

9. You are advised that this application proposes access over a route that is recorded as public footpath no 17A and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of Planning Permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles.

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

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

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment
MD13 Historic Environment

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

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

Appendix 2

EUROPEAN PROTECTED SPECIES: The ‘three tests’

Application reference number, site name and description:

18/00143/FUL
9, 10, 11 Lower Forge Cottages Eardington Bridgnorth Shropshire WV16 5LQ
Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings (revised scheme)

Date:

13th February 2018

Officer:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Test 1:

Is the development ‘**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The building is a deteriorated set of cottages of some historic merit. The reinstatement of its residential use and the preservation of the building is therefore in the public interest by providing high quality accommodation within a Non-Designated Heritage asset. The preservation of the property can only be assured by restoring it to its functional use to warrant its continued upkeep. Additionally, the proposal would help to address the requirement for smaller residential units within the rural area.

Test 2:

Is there ‘**no satisfactory alternative?**’

No, the alternative is for no maintenance or extension work to be carried out on the building leaving it to deteriorate and potentially harm the character and appearance of the surrounding rural environment. A high quality refurbishment with mitigation, compensation and enhancement measures for the bats is preferred.

Test 3:

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

Bat surveys between May and July 2017 identified an individual lesser horseshoe day roost and feeding perch and two soprano pipistrelle day roosts.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the buildings are going to be converted.

Section 3 of the Ecological Appraisal (Salopian Consultancy, n.d.) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- An Ecological Clerk of Works (ECW) will oversee the works.
- The ECW will carry out a pre-commencement walkover.
- The ECW will provide a toolbox talk to site workers.
- Two Schwegler 2F bat boxes 'will be erected on the southern eastern face of the brick shed to ensure place of refuge ... throughout the construction period.'
- Demolition will take place between October and March when bats are least likely to be present.
- 'Works on the building in areas highlighted as having the potential to support Bats, will occur under the direct supervision of the ECW. These works will be undertaken following four consecutive nights and days above 5°C.'
- If a bat is found at any stage, works will halt and the ECW will be informed. 'The Bat(s) will either be allowed to disperse naturally or the ECW will carefully lift the Bat in gloved hands and carefully place it into a Bat box or suitably dark place on the site.'
- A lesser horseshoe roost will be created 'within a stand alone structure separate to the proposed re-built.' 'The brick shed ... would provide a suitable replacement night perch/day roost for this species.'
- Crevices will be created under roofing tiles, under ridge tiles and 'under the gables onto the wall plate using ... beneath sections of barge board/soffit.'
- Integrated bat boxes will be installed on 'the east gable end and northern aspect of the proposed cottages.
- Bituminous roofing felt will be used 'to avoid the risk associated with spun-bond filaments in modern roofing membranes which are well document as causing entrapment and death of bats.'
- 'Lighting around the site will be on a short timed setting and down lighting to avoid disturbing [bats] and retain dark corridors for [bats] to forage and commute through the surrounding landscape.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of lesser horseshoes and soprano pipistrelles at a favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 13th February 2018) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;

- European Protected Species Licence; and
- Lighting plan.