

Development Management Report

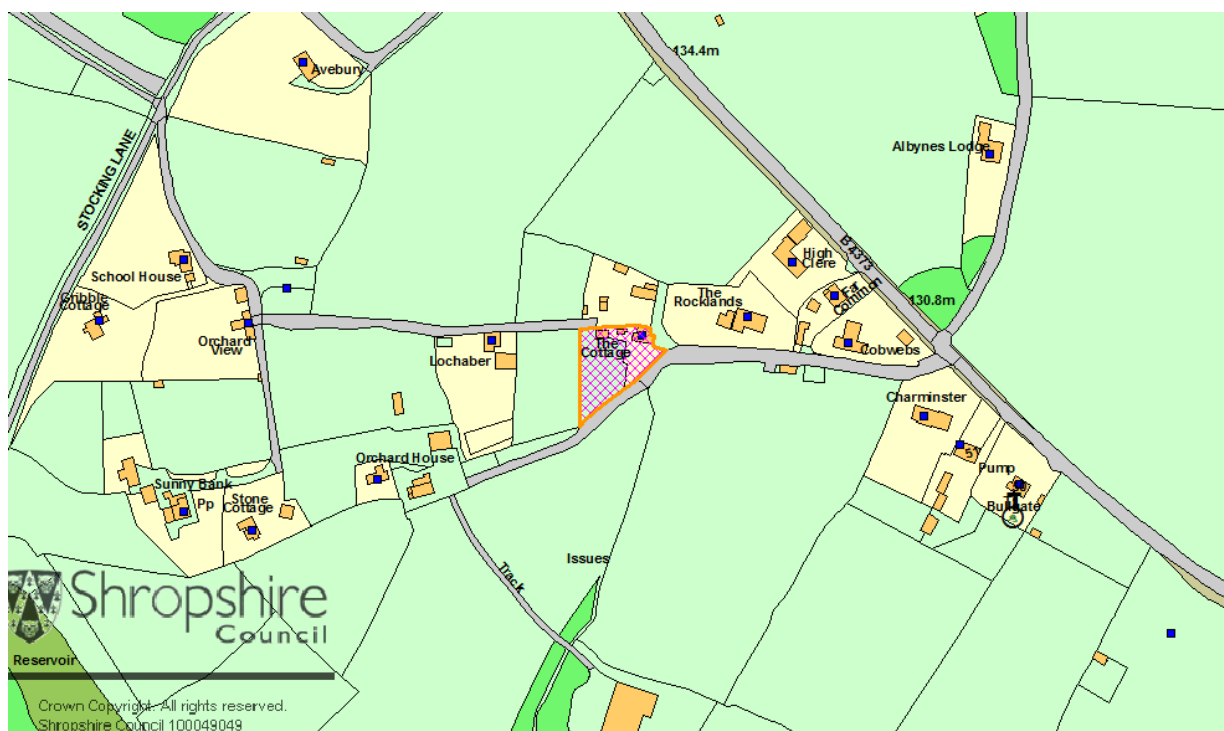
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/04281/FUL	<u>Parish:</u>	Astley Abbotts
<u>Proposal:</u> Erection of one dwelling following demolition of existing buildings; formation of vehicular access and parking area; change of use of agricultural land to domestic garden land (revised scheme)		
<u>Site Address:</u> The Cottage Nordley Bridgnorth Shropshire WV16 4SX		
<u>Applicant:</u> Mr Anthony Walker		
<u>Case Officer:</u> Emma Bailey		<u>email:</u> planningdmse@shropshire.gov.uk

Grid Ref: 368896 - 297212



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Recommendation:- Permit, subject to the conditions set out in Appendix 1.

Contact: Tim Rogers (01743) 258773

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning consent for the construction of a dwelling to replace The Cottage, Nordley.
- 1.2 The replacement dwelling would be of a traditional, farmhouse cottage-style design with brick external walls, a brick chimney, a plain tiled roof and timber windows. On ground floor level, the dwelling would feature a hallway, downstairs w/c, living room, utility room and open plan kitchen/diner and sun room. Four double bedrooms (one ensuite), a landing, bathroom and a balcony would feature above.
- 1.3 Please note that this application originally proposed the inclusion of a basement, but this has since been removed from the scheme and amended plans have been received to reflect this change.
- 1.4 This application is a resubmission of application ref: 18/01952/FUL for a replacement dwelling on this site which was withdrawn before a decision was issued.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land subject to this application is split between the existing dwellinghouse and its curtilage to the east of the site and adjoining pasture land to the west. The amount of land currently associated with the domestic use is around 500 square metres. The remaining pasture land has an area of around 2930 square metres.
- 2.2 The site is located within an area defined by planning policy to be open countryside. It is situated within the hamlet of Nordley approximately three miles north of the market town of Bridgnorth. Nordley does not have its own settlement boundary.
- 2.3 The Cottage is one of a small number of dwellings that is accessed down a single width bridleway (route code 0104/6R/6) from the B4373 road linking Bridgnorth and Broseley. This track is not lit, nor does it have a pavement, and it is in a poor condition in places. This track reaches the application site and then splits into two with the northern boundary of the site abutting the bridleway and the southern boundary of the site abutting a public footpath (route code 0104/4Z/1).
- 2.4 The existing cottage and its respective outbuildings are clustered to the north-eastern edge of the application site and are clearly visible from both rights of way. The dwelling abuts the northern boundary, with its residential curtilage forward of the front elevation. The topography of the land falls away gently from the north to the south.

2.5 It is noted that a hedgerow previously delineated the extent of residential garden from the adjoining pasture land, and this has since been removed. However, this boundary is clearly shown on the submitted existing and site location plans. Further, when examining the property using Google Street View, the extent of the residential curtilage of the property cannot be disputed. Domestic paraphernalia including a small green house and a washing line can be seen within the garden area to the front of the dwelling. This area is laid to lawn and appears well tended. The area beyond the hedgerow boundary appears uncultivated with the appearance of paddock/pasture land. Photographs of the hedgerow in situ have also been submitted to the Council by the local community and have been added to the planning file for reference. The amount of residential curtilage associated with the existing dwelling and the adjoining agricultural land use is therefore clear and well established for the avoidance of any doubt.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Parish Council recommendation is contrary to the Officer recommendation. The Chair and Vice Chair of the Committee, in consultation with the Principal Officer, consider that material planning issues have been raised which warrant consideration by the South Planning Committee.

4.0 **COMMUNITY REPRESENTATIONS**

Please note that all comments are available to view in full on the Shropshire Council website.

Consultee Comments

4.1 Astley Abbots Parish Council – Object:

1. The Parish Council strongly objects to the proposed development being built within the agricultural field part of the site. This application refers to extended garden to accommodate the proposed new dwelling. However it is not evident if planning consent is required for change of use from agriculture to domestic garden.

2. The Parish Council would like to see the existing cottage redeveloped and if required and permissible an extension added to the existing.

3. If this is not possible the parish council would like the new development built on the same footprint as the existing dwelling to comply with planning policy.

4. It is evident from the site hedging has been removed between the garden area and the field. The remains of a hedge appeared to be on site at the time of the site visit. the line of the hedge can be clearly seen in the application.

5. The drawings show a cottage style property at least double the size of the existing with a basement. i.e. not like for like. There is still evidence of modern design at the rear of the proposed new dwelling. i.e. not like for like.

6. The engineering report recommends further reports are commissioned on the existing cottage. There is no evidence these have been completed to provide the relevant evidence that there is no alternative other than to

demolish the cottage.

- 4.2 Shropshire Council (Drainage)
Recommend informatives if minded to approve.
- 4.3 Shropshire Council (Regulatory Services)
No objection.
- 4.4 Shropshire Council (Trees)
Recommend conditions if minded to approve.
- 4.5 Shropshire Council (PROW)
Recommend informative if minded to approve.
- 4.6 Shropshire Council (Affordable Housing)
No affordable housing contribution required.
- 4.7 Shropshire Council (Highways)
Recommend informatives if minded to approve.
- 4.8 Shropshire Council (Conservation)
No objection.
- 4.9 Shropshire Council (Ecology)
Recommend conditions and informatives if minded to approve. Completed EPS 3 Tests Matrix form added to the end of Officer Report.

Public Comments

- 4.10 Neighbour letters were sent and a site notice was positioned on the boundary of the application site.

Ten letters of representation have been received at the time of writing this Report, objecting to the development. The points raised by contributors which are material planning considerations to this application are listed as follows:

- ☐ The existing dwelling should be refurbished and extended (if required)
- ☐ New development should be kept within the existing garden area/on the same footprint
- ☐ Works have already commenced on site
- ☐ Discrepancies with the application form/supporting statement
- ☐ The replacement dwelling is larger than the existing dwelling
- ☐ The retained shed will be out of keeping with the development
- ☐ Access/highways concerns
- ☐ Boundary treatments
- ☐ Loss of a historic cottage, would affect the character and heritage of the area

- ☐ Would overshadow surrounding dwellings
- ☐ Appearance/visual impact
- ☐ The dwelling would be situated on agricultural land, does this mean that any farmer/land owner can build a house?
- ☐ Drainage

The following points raised by contributors relating to the development that are not material planning considerations and cannot be considered as part of the determination of this planning application are listed as follows:

- ☐ Matters relating to the construction phase
- ☐ Land ownership matters
- ☐ Neighbour disputes

Please note that land ownership matters are legal matters, therefore should objectors wish to pursue this issue they would need to contact a solicitor for further advice.

5.0 THE MAIN ISSUES

- ☐ Principle of development
- ☐ Siting, scale and design of structure
- ☐ Visual impact of the replacement dwelling
- ☐ Residential amenity
- ☐ Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.
- 6.1.2 Paragraph 11 of the revised National Planning Policy Framework (2018) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given significant weight in the determination of planning applications.
- 6.1.4 SAMDev Plan policy MD7a relates to managing housing development in the Countryside. With regard to replacement dwelling houses policy MD7a.3 advises that such dwellings will only be permitted where the

dwelling to be replaced is a permanent structure with an established continuing residential use. It continues that replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling has been previously extended or a larger replacement is approved, permitted development rights will normally be removed.

6.1.5 Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD) supplements policy MD7a and states that the following considerations should be taken into account regarding replacement dwellings:

- ☐ The visual impact of the replacement dwelling on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling.
- ☐ A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling.
- ☐ The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households.

6.1.6 The principle of replacement dwellings is therefore accepted, subject to further planning considerations.

6.2 **Siting, scale and visual impact of the replacement dwelling**

6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Furthermore, development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.

6.2.2 Paragraph 127 of the revised NPPF reinforces that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

6.2.3 The proposed replacement dwelling would be situated to the south-west of the existing dwelling to be demolished and would therefore be sited further into the plot on agricultural land. It is proposed to increase the size of the residential curtilage from 500 square metres to 1500 square metres to accommodate the new dwelling, with the remaining 2000 square metres being maintained as pasture land and divided from the garden by post and rail fence.

- 6.2.4 A significant amount of supporting information has been submitted with the application to justify this change in location, which is described as resulting from a need to avoid tree protection areas, an existing well and through the siting of a sewage treatment plant.
- 6.2.5 The dwelling would broadly match the design of the existing dwelling, being a two storey farmhouse cottage-style building with a chimney and a two storey side 'extension' which is set back and down from the main bulk of the building. The existing dwelling is noted to have a painted pebbledash appearance whereas the appearance of its replacement would be brick. The proposed external materials are considered to be appropriate to existing dwellings nearby and their specification would be conditioned on any approval notice.
- 6.2.6 It is acknowledged that the replacement dwelling would be larger than that which it is replacing. The external footprint of the existing building measures around 73 square metres, with some additional domestic outbuildings totalling 22 square metres. Following a visit to the site it is considered that these outbuildings are permanent in their construction. Perhaps most notably, the dilapidated timber 'shed' building houses a bathroom and so there is an element of permanence to it despite its condition. Officers are of the opinion therefore that the total footprint of built development on this site totals approximately 95 square metres.
- 6.2.7 It is pertinent to note that the existing metal sheep shed, being agricultural in its use, cannot be considered as 'previously developed land' as per 'Annex 2: Glossary' of the NPPF. In any event, this building lies outside of the residential curtilage of The Cottage and so cannot be considered as domestic development.
- 6.2.8 The replacement dwelling would consolidate the existing dwelling and associated outbuildings into one building with a footprint of 103 square metres, which is acceptable. The height of the proposed building, whilst taller than the existing dwelling, would not appear overly dominant in its setting. Due to the low density of housing in this area, the dwelling would not be overbearing to neighbours, nor would there be any significant degree of overlooking.
- 6.3 **Letters of representation**
- 6.3.1 At the time of writing this Report, ten letters of representation have been received, objecting to the development. Please note that all responses are available to view in full on the Council's website. The key points raised are briefly considered in turn below.
- 6.3.2 The existing dwelling should be refurbished and extended (if required)
This comment is noted. However officers are of the opinion that sufficient information has been submitted to support this application to demonstrate that extending and refurbishing the dwelling would not be viable or appropriate. Further, no objection to the demolition of the building by

Shropshire Council's Conservation team has been raised. It would therefore be unreasonable of the Council to require this building to be retained.

6.3.3 New development should be kept within the existing garden area/on the same footprint

This comment is noted. However it is acknowledged that the existing dwelling and its associated curtilage is small by comparison to neighbouring dwellings and is subject to a number of constraints. From the submitted plans it has been adequately demonstrated that the replacement dwelling is to be sited as near to the original dwellinghouse as it can be within the parameters of what is required by building regulations, and as such its position is acceptable.

6.3.4 Works have already commenced on site

Officers are aware that works have commenced on site. Shropshire Council's Enforcement team have been involved with this case. It has been agreed that as the works that have been undertaken directly relate to a live planning application it is not appropriate to enforce (if it is necessary to do so) until a decision has been issued.

6.3.5 Discrepancies with the application form/supporting statement

All valid documents that are submitted with a planning application are taken in good faith by the Council as being factually correct unless significant information comes forward which proves otherwise. In this case the inaccuracies raised are not considered to hold significant weight as to affect the overall determination of the planning application.

6.3.6 The replacement dwelling is larger than the existing dwelling

It is noted that the replacement dwelling would be larger than that of the existing dwellinghouse, including an increase in its footprint by around eight square metres to 103 square metres. This is considered to be modest, and therefore acceptable.

It is pertinent to note that through the evolution of construction methods and materials, a larger amount of living accommodation can be achieved on a smaller building envelope. By comparison, an affordable dwelling is allowed a footprint of 100 square metres, which is only 3 square metres smaller than what is being proposed here. Whilst it is not proposed that this dwelling is affordable in its type, its size is considered reasonable and would not constitute a dwelling that would be any less affordable than the surrounding housing stock, and this would similarly apply if the existing building was refurbished and extended. A condition removing permitted development rights on any approval notice would ensure that the dwelling could not be extended without prior notification to the Council.

6.3.7 The retained shed will be out of keeping with the development

This comment is noted. However, given that this building already exists on site, it would be decision of the land owner to retain or remove it from the land.

6.3.8 Access/highways concerns

Shropshire Council's Highways team have been consulted as part of this application, who have raised no objection to the development subject to the inclusion of conditions and informatives on any approval notice.

6.3.9 Boundary treatments

Details of boundary treatments (including whether any hedgerow is to be reinstated) would be conditioned upon any approval notice.

6.3.10 Loss of a historic cottage, would affect the character and heritage of the area

Shropshire Council's Conservation team have been consulted as part of this application, who have made comments in relation to the development. These are discussed later into this Report.

6.3.11 Would overshadow surrounding dwellings

The nearest dwellings would be that of Lochaber, approximately 40 metres to the west, and The Rocklands, approximately 50 metres to the north east. Shropshire Council generally encourages separation distances between dwellings to be a minimum of 21 metres, and as such these distances are acceptable.

6.3.12 Appearance/visual impact

As discussed earlier in the Report, the visual impact of the development is considered to be acceptable in its setting as a farmhouse cottage-style dwelling. Samples of external materials would be required by planning condition to ensure that they would be appropriate in this location.

6.3.13 The dwelling would be situated on agricultural land, does this mean that any farmer/land owner can build a house?

It is pertinent to note that every planning application is considered on its own merits and as such an approval on this site would not necessarily set a wider precedent. In this case, the development relates to the replacement of an existing dwelling which has been demonstrated by the agent as being unviable to refurbish and extend. The site is also subject to a number of constraints which would make building a replacement dwelling on the same footprint difficult. The submitted plans demonstrate that the replacement dwelling would be situated as close to the existing dwelling as practicably possible when taking into consideration these constraints, and is therefore considered to be acceptable.

6.3.14 Drainage

Shropshire Council's SUDs team have been consulted as part of this application, who have raised no objection to the development subject to the inclusion of informatives on any approval notice.

6.4 Conservation considerations

- 6.4.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. This is expanded upon within SAMDev Policy MD13 'Historic Environment' which stipulates that Shropshire's heritage assets should be protected, conserved, sympathetically enhanced and restored where appropriate. Proposals are required to preserve and enhance the amenity value of the wider area to which they relate including the safeguarding of residential and local amenity.
- 6.4.2 Prior to the submission of this application, both the case officer and Conservation Officer met on site with the agent to discuss the proposal and examine the condition of the existing dwellinghouse to be demolished. Shropshire Council's Conservation team were consulted as part of this application and their comments read as follows:
'...I feel that the proposed scheme now put forward has provided sufficient justification for the loss of the existing building and the relocation of the new dwelling on the site to cope with the many site constraints. In terms of the design there has been a significant improvement from the previous scheme and the cottage style is much more appropriate as a replacement dwelling here and if the scale is acceptable in policy terms I consider that the proposed dwelling could be accommodated on this site from a conservation perspective.'
- 6.4.3 The comments made by the Conservation Officer are accepted. In this case, the application has been supported by a significant amount of information which demonstrates that its renovation and extension would not be viable or appropriate. While it is acknowledged that the development would result in the demolition of a building of some historic merit, this is very limited, and it is not considered in this case that this is sufficient for the Council to reasonably expect the dwelling to be retained and restored.

6.5 Other Matters

6.5.1 Affordable Housing

Paragraph 63 of the revised NPPF (July 2018) advises that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas, where policies may set a lower threshold of 5 units or fewer. This site is not within a designated rural area and is for a replacement dwelling, and not an additional property. As such an affordable housing contribution is not required.

6.5.2 Ecology

An Ecological Appraisal was carried out on site in March 2018 by Greenscape Environmental. This was followed by bat activity surveys in May and June 2018.

The following bat activity was recorded on site:

- ☐ One bat dropping in one of the roof voids of the dwellinghouse
- ☐ On 7 May 2018 no roosting behaviour was recorded during an emergence survey, however 'common and soprano pipistrelles were recorded foraging along the lane to the rear of the property
- ☐ On 21 May a common pipistrelle was seen 'emerge from the ridge... No further emergence was observed, but bat activity was recorded along the lane to the north of the building. The pipistrelle bat foraged around the north side of the cottage between the trees and cottage for most of the evening'.
- ☐ A roost was potentially identified in an ash tree, however this is situated outside of the application site 'and should not be negatively impacted by the development'
- ☐ On 6 June a common pipistrelle was recorded emerging from a tile in the roof. A soprano pipistrelle was foraging 'up the lane' and a myotis 'was recorded and continued to forage low along the lane'.
- ☐ 'One common pipistrelle bat was recorded emerging from the ridge of the cottage. This was from a raised area on the northern aspect close to the trees'. The roost is considered to be a day roost for an individual common pipistrelle.

From the recordings listed above, works will require a European Protected Species Licence from Natural England. A European Protected Species 3 Tests Matrix has been completed and included at the end of this Report.

No evidence of nesting birds was observed in any of the buildings, however the buildings and hedgerows are considered to provide potential nesting opportunities.

Holes for field voles were observed, 'identified from feeding remains and latrines'.

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

Shropshire Council's Ecology team have accepted these findings and recommended the inclusion of a condition and informatics if the application is recommended for approval. With regard to the European Protected Species Test 1, the existing dwelling is in a poor condition that would require significant renovation in order for it to be brought to modern day efficiency and living standards. The building is of limited historic or architectural interest and as such the renovation of the building would not be appropriate financially. The replacement of the dwelling would ensure that living standards are raised and a greater level of sustainability and

efficiency can be achieved. With respect to test 2, there is no satisfactory alternative in this case. The site is located within the open countryside where new development is largely resisted. The Council has worked proactively with the agent to ensure that the replacement dwelling causes the least amount of harm on its environment. The proposal would ensure the longevity of appropriate living accommodation on this site.

6.5.3 Trees

It is noted that Shropshire Council's Trees team has requested a planning condition requiring details of a tree and shrub planting scheme. However, in this case Officers consider that it would be more appropriate to apply a broader landscaping condition to any approval notice. A landscaping condition would require additional details such as boundary treatments, which is particularly relevant given that a degree of hedgerow removal has already occurred on site. Such a condition would also be relevant in relation to the comments received from Shropshire Council's Ecology team, who specify that a 'landscaping scheme should include tree and shrub planting using native species of local provenance. Replacement hedgerow planting is recommended'.

7.0 **CONCLUSION**

7.1 Based on the information submitted against the above considerations, the proposal as amended is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.

7.2 Approval is therefore recommended subject to conditions.

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

Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev)
Plan policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

18/01952/FUL Erection of dwelling and detached 3-bay garage/workshop with plant room following demolition of existing building(s); formation of new vehicular access; erection of 6ft high boundary walls; siting of temporary building during construction WDN 6th July 2018

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PF0A4BTDGC900>

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

Building Surveyor Report

Structural Report

Ecology Report

Phase 2 Ecology Report

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Christian Lea

Cllr William Parr

Appendices

APPENDIX 1 – Conditions

APPENDIX 2 – European Protected Species – Three tests

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. No construction and/or demolition work shall associated with the replacement dwelling shall take place outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank or public holidays.

Reason: To protect the health and wellbeing of residents in the area.

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

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.

5. All demolition, conversion and development shall occur strictly in accordance with section 6 of the Phase 2 Surveys for Bats (Greenscape Environmental, June 2018).

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

6. 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 a separate planning condition). 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the commencement of development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any trees and hedges 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, measures for post-planting maintenance and replacement of losses and boundary treatments.

The approved landscaping scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. 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 is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

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

8. No development shall take place in relation to the cottage 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.

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

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

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

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

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, 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 and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken to the replacement dwelling hereby approved without express planning permission first being obtained from the Local Planning Authority:-

- Any extension or alteration to the dwellinghouse, including the insertion of any additional windows or dormer windows
- Any addition or alteration to its roof
- The erection of a porch
- The formation of additional hard surfacing
- The erection of any fences, gates or walls
- The construction of any free standing building within the curtilage of the dwelling

Reason: To enable the Local Planning Authority to monitor the amount of development occurring on site and to safeguard the character and visual amenities of the area.

Informatives

1. 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 by the National Planning Policy Framework, paragraph 38.

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

Central Government Guidance:
National Planning Policy Framework

Shropshire Council Core Strategy:
CS01 - Strategic Approach
CS05 - Countryside and Green Belt
CS06 - Sustainable Design and Development Principles
CS11 - Type and Affordability of Housing
CS17 - Environmental Networks

Shropshire Concil Site Allocations and Management of Development (SAMDev) Plan:
MD01 - Scale and Distribution of Development
MD02 - Sustainable Design

Contact: Tim Rogers (01743) 258773

MD03 - Delivery of Housing Development
MD07A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment

Type and Affordability of Housing Supplementary Planning Document (SPD)

3. RIGHTS OF WAY INFORMATIVE

It appears that Bridleway 6R in the Parish of Astley Abbots runs along the track to the north of the development area and access to the new property appears to be off this bridleway. Although not directly affected by development the bridleway will need to be taken into consideration at all times both during and after development and the applicant has to adhere to the following criteria:

- 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.
- 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.

The health and safety of users of this bridleway is paramount so please ensure all construction traffic allows for the safe passing of people on foot, bicycle and horseback at all times.

4. HIGHWAYS INFORMATIVES

Mud on highway

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

- undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

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.

5. DRAINAGE INFORMATIVES

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: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

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. Soakaways should be designed in accordance with BRE Digest 365. 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.

6. ECOLOGY INFORMATIVES

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged 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.

General site informative for wildlife protection

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

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

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

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

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

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

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

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

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

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

Landscaping informative

Contact: Tim Rogers (01743) 258773

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

APPENDIX 2

EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

18/04281/FUL
The Cottage Nordley Bridgnorth Shropshire WV16 4SX
Erection of one dwelling following demolition of existing buildings

Date:

16th October 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 existing dwelling is in a poor condition that would require significant renovation in order for it to be brought to modern day efficiency and living standards. The building is of limited historic or architectural interest and as such the renovation of the building would not be appropriate financially. The replacement of the dwelling would ensure that living standards are raised and a greater level of sustainability and efficiency can be achieved.

Test 2:

Is there '**no satisfactory alternative**'?

There is no satisfactory alternative in this case. The site is located within the open countryside where new development is largely resisted. The Council has worked proactively with the agent to ensure that the replacement dwelling causes the least amount of harm on its environment. The proposal would ensure the longevity of appropriate living accommodation on this site.

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 June 2018 identified a day roost for an individual common pipistrelle

under a ridge tile.

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 building is going to be converted.

Section 6 of the Phase 2 Surveys For Bats (Greenscape Environmental, June 2018) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- 'A pre-commencement check will be conducted by the RC using a strong torch and borescope where appropriate.'
- 'Removal of the roof will ideally occur when bats are least likely to be present, but as this is low impact there is no time constraint.'
- 'The RC will be present on site when the roof is removed carefully by hand, particularly the ridges and around gables.'
- 'The removal of the roof will not take place if the temperature has been below 4°C for 4 consecutive days and nights.'
- 'If a bat is found when the RC is not present then work will stop in that area IMMEDIATELY and the RC contacted for advice.'
- 'The bat can only be handled by the RC or authorised person unless it is in immediate danger. The bat must be carefully placed in a well ventilated lidded box with a small container (preferably a plastic bottle lid) with water in it. The container must be kept in a quiet and safe place.'
- 'Care should be taken to avoid rousing the bat whilst transferring to a suitable location, this may be a suitable hibernation box or alternative roost. This must provide a safe, quiet environment with stable cool temperature with relatively high humidity which is safe from disturbance.'
- 'If the bat is underweight or injured it will be cared for by a experienced bat carer until such times that is strong enough to be released into a suitable alternative replacement roost on site.'
- 'The bat compensation will be created following the instructions in the method statement and the client will agree that any bat box erected must stay in place for a minimum of 5 years post development.'
- 'Provision will be made for roosting opportunities for bats with the erection of one Schwegler 3FF bat box in the nearby trees.'
- 'There will be no external lighting to the north of the new dwelling so the integrity of the foraging area for bats remains intact'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Emma Bailey (dated 16th October 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;
- Erection of bat boxes; and
- Lighting plan.