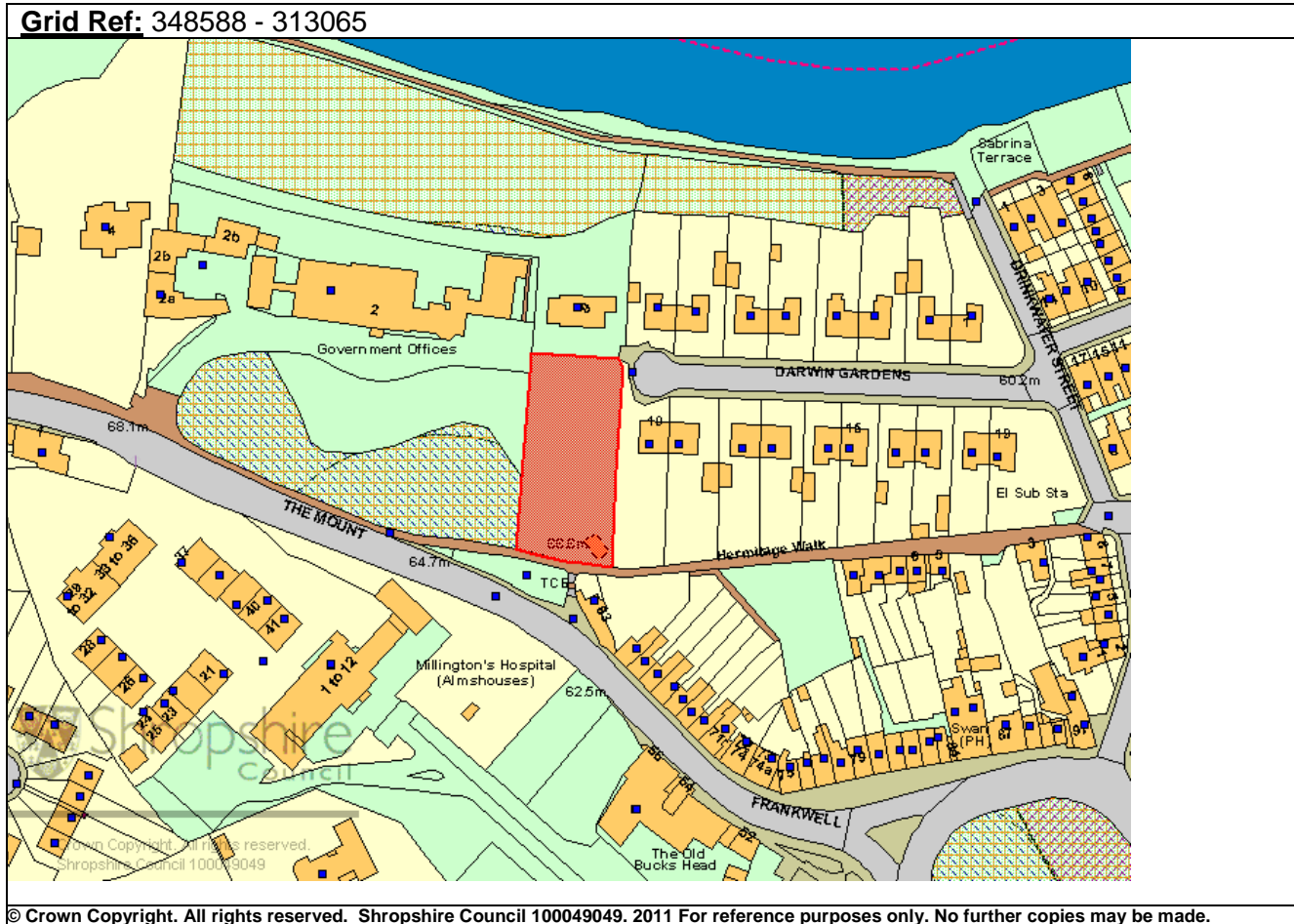


Development Management Report

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

Summary of Application

Application Number: 11/05219/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a two storey house with attached single garage following demolition of existing garage		
Site Address: 9 Darwin Gardens Shrewsbury Shropshire SY3 8QB		
Applicant: Mr A Marsden		
Case Officer: Joe Crook		email: planningdmne@shropshire.gov.uk



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

Recommended Reason for Approval

The proposed development of a dwelling within an existing built up area of Shrewsbury is considered acceptable in principle and it is considered to be of an appropriate design, scale and siting within a spacious plot. Further to this the proposed development is considered to be in keeping with character and context of the area with no adverse impact on the setting of the nearby grade II* listed building or the surrounding Conservation Area. Any adverse impact on the amenities of the neighbouring properties is considered to be minimal and there are not considered to be any adverse implications in terms of ecology, drainage or trees, or the surrounding highway network. As such the proposed development is acceptable in accordance with CS1, CS2, CS6, CS17 and CS18 of the Shropshire Core Strategy as well as PPS1, PPS3 and PPS5.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development is for the erection of a two storey house with attached single garage following demolition of existing garage. The land on which the development is proposed is the large front garden area of 9 Darwin Gardens.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed location of the site is within the spacious front garden of 9 Darwin Gardens within the Mountfields area of Shrewsbury to the north west of the Town Centre. The garden area is characterised by lawn, flower beds and a variety of trees as well as a tarmac drive leading to a single garage. Darwin Gardens is a cul-de-sac developed in the 1930s which was previously the garden to the Mount House where Charles Darwin was born, a grade II* listed property which sits above Darwin Gardens and is notable for its historic importance and architectural merit. The site is within the Mount Conservation Area and its topography is such that it is raised above the adjacent property, 10 Darwin Gardens, and this is in keeping with the topography of the street with each property stepping up in height as you approach the end of the cul-de-sac including the Mount House at the end. The site itself is flat with some minimal boundary treatments and landscaping including simple low timber fences. All the dwellings on Darwin Gardens are semi-detached with the exception of 9 Darwin Gardens across from the proposed development, which is detached.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications requested to be referred, by the Local Member, to the relevant Planning Committee within 21 days of electronic notification of the application and agreed 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. A Practice Note is available in relation to “material planning considerations”.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shrewsbury Town Council** - It must be acknowledged that this site has significant historical interest to the site and in particular a significant natural heritage context since much of the tree stock within the grounds were in existence long before the original dwelling was built. Generally the Town Council is not supportive of infill in mature gardens and whilst it may be perceived that the grounds are large enough to support such a development, measures should be in place to preserve and protect those tree species that are special.

SC Drainage – No objection subject to a condition in respect of soakaways and relevant porosity tests.

SC Highways – No objection subject to condition attached to any permission ensuring access, parking and turning is laid out in accordance with the approved plans.

SC Affordable Housing – Confirmed that the affordable housing contribution as indicated on the submitted proforma is correct.

SC Ecologist – No objections subject to relevant conditions and informatives.

SC Conservation – No objection subject to conditions.

SC Trees – No objection subject to conditions.

English Heritage – Awaiting response

SC Archaeology – No objection subject to appropriate condition of watching brief during groundworks.

Garden History Society – Awaiting response

4.2 Public Comments

- 4.2.1 Councillor Anne Chebsey – I have spent quite sometime studying the plans for this proposal. I appreciate that the garden of 9 Darwin Gardens is a very large plot and there is sufficient room for development on the site but I am concerned at what is proposed within this application. The new build appears to be larger than the present property on the site and although it reflects the design of nearby properties it is out of scale. I am also concerned that the eastern elevation will overlook 10 Darwin Gardens as the level of the land is higher where the new build is proposed than Darwin Gardens itself. The removal of some of the trees will also lead to a reduction in privacy for 10 Darwin Gardens. My main concern is the effect that the removal of the trees on the western side will have on the vista from The Mount which historically is a very important building in Shrewsbury. A great deal of care and consideration needs to go into anything that affects this property. I would like the application to go to committee please.

Darwin Birthplace Society - I write on behalf of the Darwin Birthplace Society (Registered Charity No: 1117996) to object to the above planning application to build next door to the historic property at The Mount, Shrewsbury.

The Mount is the former home of the Darwin family and the house where Charles Darwin was born and grew up. The gardens of The Mount were largely sold off in the early 20th century and were developed as Darwin Gardens, but the adjacent plot has retained a large garden and gives an open aspect across Shrewsbury as designed by Darwin's father. This aspect is important to the setting of the grade II* listed house and the plot contains trees and plants that may date from the time of the Darwin family. The application is for a large house to be built in the middle of the gardens of no 9, effectively blocking the view from the gardens of The Mount and seriously overshadowing the house and its remaining gardens. It is an inappropriate development on a sensitive site within a conservation area.

Objections to the scheme have been received from 5 addresses at the time of writing. The main planning considerations raised are as follows:

- The proposed development will have an adverse impact on the privacy of the adjacent dwelling, 10 Darwin Gardens, with proposed windows facing the side elevation of the property and a large landing window.
- The proposed development will have an adverse impact on the privacy of 8 Darwin Gardens. It will also have an overbearing impact.
- The proposed development will have an overbearing impact on the neighbouring property given its elevated position and will lead to the loss of natural light to the landing window on the west facing elevation.
- The proposed development does not fit in with the surroundings and the ethos of the conservation area and is an incongruous add on to the original carefully crafted planning of the street. The proposed development will therefore have an adverse impact on the character of the surrounding area.
- The proposal does not accord with policy CS6 or the Mountfields Conservation Area appraisal. This is because the proposal is oversized, badly sited and of an incongruous design which would radically alter the setting of the area.
- The proposed development will see the removal of trees which are subject to Tree Preservation Orders. These trees are an integral part of the character of the conservation area and the proposed Tree Root Protection Areas will not necessarily be sufficient to ensure other trees do not die, including species which have previously been refused permission to be removed.
- The proposal will have an adverse impact on the setting of Darwin's House, a grade II* listed building and a building of notable historical significance.
- The proposal will create subsidence through heave on the adjacent dwelling given the removal of large trees close to 10 Darwin Gardens.

- The proposed development will create an increase in traffic.
- The proposed development will have an adverse impact on wildlife due to the removal of trees.

5.0 THE MAIN ISSUES

Policy & Principle of Development
Design, Scale and Character
Impact on the Setting of Grade II* Listed Building and Conservation Area.
Impact on Residential Amenity
Highways
Impact on Trees
Ecology
Drainage
Other Issues

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 Policy CS1 of the adopted Core Strategy seeks to deliver around 27,500 new homes in Shropshire over the plan period and Shrewsbury is recognised as a sub-regional centre and growth point. The growth and development strategy for Shrewsbury is set out in Policy CS2 which also states that Shrewsbury is the primary focus for development in Shropshire including housing within the existing built up areas of the Town. Given that the development accords with the above policies, it is considered that the development is acceptable in principle subject to the making of an appropriate contribution to affordable housing under CS11, and a consideration of the suitability of the development, taking into account local context and character under CS6 and CS17.

6.2 Design, Scale and Character

6.2.1 The proposed dwelling is considered to be in keeping with the design and character of buildings within the surrounding area and utilises important design references including gables to its frontage, clay tile and brick materials, hipped roofs, bay windows and appropriate fenestration which includes stone heads and sills with brick 'eyebrow' detailing. It will also include a plain chimney, exposed rafter feet and flat roofed dormer windows. The proposed dwelling will be approximately 8.4 metres in height and will have a frontage width of approximately 14 metres.

6.2.2 Objections to the scheme have been received from both the Local Member and a neighbouring property which have commented that the development is of an inappropriate scale and its design will be incongruous with the surrounding area and will radically alter the character and setting of the area. However, the proposed development is considered of an appropriate scale for the site given that it will allow for a large garden area to the rear of the property, with 6 metres between the edge of the dwelling and the boundary of the site to the east as well

as appropriate parking and turning to the front. Further to this, it is acknowledged that the proposal is larger than most of the dwellings on Darwin Gardens but it will be opposite the only other detached dwelling on the street, 9 Darwin Gardens, with the other dwellings on Darwin Gardens all semi-detached. 9 Darwin Gardens is also larger than the other dwellings on the street and it is natural that the scale of the proposal reflects this dwelling rather than the semi-detached properties to the east given the size of the proposed site and its obvious relationship with number 9. Further to this, the elevation of the site above the adjacent property is noted but this is in keeping with the character of the area given that the dwellings along Darwin Gardens step up in height as the dwellings progress towards the end of the cul-de-sac. The design of the proposed dwelling is considered to take full consideration of the character of the buildings within the surrounding area and, as mentioned above, utilises the majority of appropriate design references and is therefore considered to be in keeping with the design and character of Darwin Gardens and the area of as a whole. As such it is considered that the proposed development is appropriate in accordance with CS6 and CS17 of the Shropshire Core Strategy.

6.3 Impact on the Setting of Grade II* Listed Building and Conservation Area.

- 6.3.1 The proposed site lies approximately 32 metres to the south west of the Mount House and objectors to the scheme have commented that the proposed development will have an adverse impact on the character and setting of this grade II* listed building as well as the surrounding Conservation Area. Objectors have argued that there should not be development within this location given that it will be seen from the Mount House and will be within an area of garden which includes a variety of original trees and artefacts from when the site was originally developed. However, following consultation with the Conservation department there has been no objection to the scheme subject to relevant conditions relating to external materials, joinery and landscaping and the Conservation Officer has commented that the proposed siting of the new dwelling within the front garden of No. 9 effectively completes the 1933-35 Darwin Gardens development, in line with and complementary to the existing dwellings on the cul-de-sac. Further to this, the Conservation Officer considered that the design and scale of the property was appropriate, reflecting the character and design features of the existing dwellings on Darwin Gardens without an adverse impact on the setting of adjacent buildings including the Mount House.
- 6.3.2 Objectors have stated that the removal of trees and other historic artefacts from the site will have an adverse impact on the historic value of the site and will be detrimental to the historical importance of the Mount House and its setting. However, following information being received from an arboriculturist and previous assessment of the site from English Heritage it appears that the site is of limited historical importance in relation to the Mount House with the arboriculturist commenting that the age of the trees are approximately 80 years old. This would suggest they were planted when Darwin Gardens was developed and not when the Mount House and its associated gardens were constructed. This will be discussed further in the Trees section of the report.
- 6.3.3 Correspondence with English Heritage from 2003 has been submitted by the applicant and this refers to the front garden of number 9 and other properties in

the area being redesigned since the 1930s with no obvious Darwin artefacts apart from a set of stone steps which have been moved from their original position as shown in 1882. It is therefore considered that the impact of the development on Darwin related elements of the site will be limited, with the Conservation Officer accepting that the moving of the stone steps again will be appropriate and therefore a plan will be submitted showing their revised location. However, we are still awaiting the official consultee response on the scheme from English Heritage and therefore the schemes recommendation for approval is subject to these comments being in line with those of the Conservation Officer.

6.3.4 Given the assessment above and the context of the development relating much more closely to the character and setting of Darwin Gardens as opposed to the Mount House, it is not considered that the proposed development will have an adverse impact on the character or setting of the grade II* listed building or the surrounding Conservation Area. As such it is considered that the proposal accords with policies CS6 and CS17 of the Shropshire Core Strategy as well as PPS5 and the Mountfields Conservation Area Appraisal.

6.4 **Impact on Residential Amenity**

6.4.1 There has been an objection to the scheme from the neighbouring property to the east of the site, 10 Darwin Gardens, on the basis that the proposed development will have an overbearing impact and will be detrimental to the sunlight and privacy of the neighbouring dwelling. The proposed dwelling will be approximately 7 metres from the boundary between the two dwellings and approximately 15 metres between the side elevations of the two properties. However, the proposed dwelling will have a hipped roof to the east facing elevation which is considered to reduce its overall impact on the neighbouring property and it is sited adjacent to the western boundary of the site, its farthest possible position from the eastern boundary which separates the two dwellings. Further to this, the sunlight will rise to the east of both dwellings and be at its highest point when to the rear of the dwellings. Given the position of the dwelling immediately to the west of the neighbouring property, any effect on the sunlight of the property will be minimal given that it will be when the sun is very low and setting to the west.

6.4.2 One of the main concerns raised by the neighbouring objector is that the proposed dwelling will have an adverse impact on the privacy of 10 Darwin Gardens due to the elevated position of the proposal which will lead to the ground floor bay window facing the side elevation windows of the neighbouring dwelling. However, whilst it is acknowledged that the elevated position will mean the ground floor windows will be more prominent, the east facing elevation of the proposal will include only a single first floor window which will be obscure glazed to serve a bathroom, with relatively limited ground floor glazing on this elevation other than the large bay window serving the kitchen/dining area. The objectors are concerned that this will be detrimental to their privacy given that they consider that it will face into their large landing window to the side west facing elevation. However, the proposed bay window will be set further back within the site than this landing window and therefore it is not considered that there will be a direct relationship between the two, with the angle at which the bay window faces the adjacent dwelling somewhat restrictive. Further to this, whilst the objector has stated that the landing serves both bedrooms and bathrooms as well as the stairs,

this window is still considered to be a secondary window given that it doesn't serve any habitable rooms and provides a staircase and corridor between rooms. It is not therefore considered that the relationship between the two windows will be detrimental to the amenities of the neighbouring property and it is therefore considered that the proposed development is acceptable in accordance with policy CS6.

- 6.4.3 There has also been an objection from number 8 Darwin Gardens on the opposite side of the street to the north east of the site. They have commented that the proposal will have an adverse impact on their privacy due to the windows facing the dwelling and the fact that it will be set higher than other dwellings will mean the dwelling will look down onto the neighbouring property. However, the proposed dwelling will be approximately 30 metres from 8 Darwin Gardens and given that the dwellings will not be facing one another it is considered that any impact on 8 Darwin Gardens will be minimal. It should also be noted that the distances between the existing windows of facing properties along the road are approximately 21 metres, far less than the distance between the proposal and 8 Darwin Gardens. The proposal is not therefore considered to have an adverse impact on the neighbouring amenities in accordance with policy CS6.

6.5 Highways

- 6.5.1 The proposed development has been amended following the initial submission to utilise the existing access to 9 Darwin Gardens to provide for both properties as proposed. This was following the initial submission which proposed a new access but following consideration of land ownership within the area it was ascertained that the proposed new access was on neighbouring land. Objectors have commented that the proposed development will create an increase in traffic to the detriment of the surrounding area. However, the proposed joint access is considered to be appropriate following consultation with Highways Development Control who have commented that they have no objections to scheme or the additional traffic, which is considered to be minimal, subject to a condition that the access, parking and turning is laid out in accordance with the approved plans. The development is therefore considered appropriate.

6.6 Impact on Trees

- 6.6.1 A number of objections to the scheme, including comments received from the Town Council and Local Member, have referred to the impact of the development on protected trees and that this will have an adverse impact on the character of the site and the surrounding area, and should not be removed given their protected status. However, as referenced above the importance of the trees in respect of their relationship with the historical significance of the site is limited given that the trees were assessed to have been planted in the 1930s, an assessment agreed with by the Council's Trees Officer. Indeed the Council's Trees Officer has not objected to the scheme and considers that the trees to be removed are not of such significance and merit to the character of the area that they should have to be retained, and further planting could mitigate their loss. He has further commented that the trees which are to be retained are the most significant in terms of their amenity value and impact on the character of the area and these should be protected in accordance with the submitted Tree Protection

Plan, which will be updated in accordance with the amended site layout. As such it is therefore considered that the removal of the trees, and the proposed tree protection for the remaining trees, is appropriate in accordance with policy CS17 of the Shropshire Core Strategy.

6.6.2 An objector to the scheme has commented that the submitted Tree Survey is out of date as it was completed in June 2010, and that no application should be considered until a fresh survey has been undertaken. However, the Trees Officer has not raised this as an issue and has visited the site himself, and within the submitted response he has referred to his agreement with the assessment of the age of the trees and the submitted information. In fact he has commented that the trees to be removed are possibly category B trees and not category A given their relatively limited impact on the character of the area and public visual amenity, compared with those protected. Given the above, it is considered that the submitted information is sufficient for the consideration of the impact on the trees at the site and the Trees Officer is satisfied with this assessment.

6.7 Ecology

6.7.1 Objections have been received in respect of the proposed removal of trees and the impact this will have on wildlife. However, there has been no objection to the scheme from the SC Planning Ecologist though it has been advised that conditions and informatives are required on any permission granted in respect of bats, wild birds and badgers following an assessment of the submitted Phase 1 habitat survey. These will be included as advised.

6.8 Drainage

6.8.1 An objector to the scheme has commented that the proposal will increase flooding at the site given the increase in hard surfacing. However, following discussions with the drainage department it was ascertained that they consider that the site can be adequately drained and that the applicant should consider the use of soakaways for the proposal, and this should be fully investigated and disregarded as unsuitable before proposing to utilise any existing mains drainage and attenuation on the site. Following discussions with the applicant it was determined that any approval granted would attach a condition asking for soakaway tests and details to be provided so this option can be fully explored in the interests of a sustainable drainage system for the site. As such it is considered that the site can be adequately and sustainably drained in accordance with policy CS18.

6.9 Other Issues

6.9.1 Objectors to the scheme has referenced that the removal of trees could have an adverse impact on the adjacent dwelling in terms of subsidence through heave. This would be the responsibility of the developer to ensure that the trees are removed appropriately with no adverse impact on the surrounding area and should there be an issue this would be a civil matter between the two parties.

6.9.2 Objectors to the scheme have commented that the proposed development will lead to construction traffic unsuitable for the surrounding highway, with inadequate access which would be detrimental to the property of the neighbouring dwellings.

However, there has been no objection from the highways department in this regard and the site is large enough to accommodate construction vehicles during the construction process. Further to this, it is the responsibility of the developer to ensure that there is no damage to adjacent properties as part of the build and if this is the case it would be dealt with as a civil matter between the two parties.

- 6.9.3 An objector from the neighbouring 10 Darwin Gardens has commented that the access to 9 Darwin Gardens was increased by 45cm in 2006 and this was on the land of 10 Darwin Gardens and therefore notice would need to be served. The applicant has therefore been informed and asked for an amended plan to move the part of the access that is affected in 45cm to ensure there is no doubt in this matter and the application only utilises land within the ownership of 9 Darwin Gardens.

7.0 CONCLUSION

- 7.1 The proposed development of a dwelling within an existing built up area of Shrewsbury is considered acceptable in principle and it is considered to be of an appropriate design, scale and siting within a spacious plot. Further to this the proposed development is considered to be in keeping with character and context of the area with no adverse impact on the setting of the nearby grade II* listed building or the surrounding Conservation Area. Any adverse impact on the amenities of the neighbouring properties is considered to be minimal and there are not considered to be any adverse implications in terms of ecology, drainage or trees, or the surrounding highway network. As such the proposed development is acceptable in accordance with CS1, CS2, CS6, CS17 and CS18 of the Shropshire Core Strategy as well as PPS1, PPS3 and PPS5.

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 - written representations, a hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of 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 dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

10. BACKGROUND

Relevant Planning Policies

Central Government Guidance:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

RELEVANT PLANNING HISTORY:

09/03742/TCA Remove or coppice 50 sycamore stems along the river NOOBJC 13th January 2010
10/00146/TPO To fell one Blue Spruce protected by SABC (Mountfields, Shrewsbury) TPO 2007 REFUSE 17th February 2010
10/03821/FUL Erection of a two storey side extension following removal of existing sun room GRANT 19th October 2010
10/04692/TPO To remove approximately 10 branches with a maximum 2.5cm diameter at point of cutting & no longer than 1.5 metres of 1 x Weston Red Cedar Tree Protected by Shrewsbury & Atcham Borough Council (Mountfields, Shrewsbury) Variation Tree Preservation Order 2007 GRANT 24th November 2010
SA/86/0006 Alterations and additions to provide enlarged utility room. PERCON 12th March 1986
SA/01/0006 Works to reduce in height the following:- Western Red Cedar (T1), Row of Lawson Cypress (T3), and group of Hazel, Sycamore and Ash saplings (T4), protected by Tree Preservation File 35, Mountfields, No. 1 1967 and within the Shrewsbury Conservation Area. PERCON 28th February 2001
SA/08/1370/TPO To fell one Holly tree protected by SABC (Mountfields, Shrewsbury) Variation TPO 2007 PPNREQ 7th November 2008
SA/08/1369/TRE To remove overhanging branches of 1 Parrotia Persica and 1 Yew tree within Shrewsbury Conservation Area NOOBJC 28th November 2008
SA/07/0153/TRE To fell and replace 2 Lawson Cyprus trees within Shrewsbury Conservation Area NOOBJC 28th February 2007
SA/06/1725/TPO Various works to trees protected by SABC (Mountfields No 1) TPO 1968 PERCON 9th January 2007
SA/06/0346/F Replace stone wall on front boundary, replace 9 fence panels, increase width of drive and replace existing entrance gates (Article 4 Direction) PERCON 21st April 2006
SA/06/0164/TRE Various works to trees within Shrewsbury Conservation Area NOOBJC 2nd March 2006
SA/04/0534/TPO Various works to trees protected by TPO ref. SABC variation of tree preservation order relating to (Mountfields No.1) 2002 PERCON 19th May 2004
SA/03/1212/TPO To fell and replant 1 no. Blue Spruce, protected by TPO ref The Shrewsbury & Atcham Borough Council (Mountfields No.1) TPO 1968 (Modified 2002) REFUSE 5th November 2003
SA/02/1259/TPO To fell 1 no. Western Red Cedar protected by The Borough of Shrewsbury (Mountfields No. 1) TPO 1968 (varied 2002) REFUSE 9th October 2002
SA/02/0301/F Erection of single storey side extension and conservatory, following demolition of existing utility and outbuilding (amended description) PERCON 25th April 2002

Appeal

SA/APP/02/1259/TPO To fell 1 no. Western Red Cedar protected by The Borough of Shrewsbury (Mountfields No. 1) TPO 1968 (varied 2002) DISMIS 11th July 2003

11. Additional Information

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

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Anne Chebsey
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Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until samples 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.

The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority.

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

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

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans

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

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

Implementation timetables

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

5. No development shall take place until soakaway tests and details have been submitted in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority and the agreed recommendations and details shall be

implemented in full prior to the first occupation of the development. Should it be determined that soakaways are not suitable, an alternative drainage scheme shall be submitted to the Local Planning Authority and carried out fully in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the site can be adequately drained.

6. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of the development until all tree protection measures detailed in the submitted tree protection plan have been fully implemented on site. All tree protection fencing and ground protection must be installed in accordance with the details of the tree protection plan and must comply with the specification for tree protection barriers given in BS 5837 (2005) Trees in Relation to Construction section 9.2 and Fig 2.

Tree protection fencing must be maintained in position until all construction and associated landscaping works are completed and must not be removed until consent to do so has been obtained in writing from the Local Planning Authority.

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

7. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The area is of archaeological potential and it is importance that any archaeological features and finds are properly recorded.

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

8. No windows or doors shall be installed on the development without details plans and sections at a scale of 1:5 and 1:20 having been first submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

9. Prior to the occupation of any buildings on site details of all walls, fences and hedges shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

10. Prior to the dwelling first being occupied, the access, parking and turning area shall be constructed in accordance with the approved drawing.

Reason: To ensure that the development does not result in vehicles associated with it being parked on the highway.

11. 1 Schwegler 2F bat box (or direct woodcrete equivalent) shall be erected on the site prior to first use of the building hereby permitted, in a location agreed with the local planning authority, and shall be retained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

Note: The bat box should be 4m or more above the ground and in a non-illuminated area as described in the manufacturers guidance or advice should be sought from an experienced ecologist.

12. Prior to the first use of the development hereby approved a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

13. In this condition retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any retained tree.

No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2011, Tree Work - Recommendations.

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.

14. No construction works shall be carried out on the site, which are audible beyond the site boundary, between 18.00 and 08.00 on weekdays or before 08.30 and after 13.00 hours on Saturdays. On Sundays and Public Holidays no works on site will be allowed.

Reason: In order to protect the residential amenity of neighbouring properties

15. The works on the site to which this consent applies shall be undertaken in line with the Mitigation Measures for Badgers within the Extended Phase 1 Habitat Survey by Star Ecology (2011).

Reason: To ensure the protection of badgers

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

16. The windows in the first floor of the east facing elevation shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation unless otherwise agreed by the Local Planning Authority.

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

Informatives

1. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

2. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: 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 cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

3. Where possible trenches on the site to which this consent relates 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 a means of escape should be provided in the form of a sloped board, plank or earth ramp. All open trenches should be inspected at the start of each working day to ensure no animal is trapped.
4. No works should occur within 30m of the badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).
5. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
6. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.