



Committee and date

South Planning Committee

13 February 2018

Development Management Report

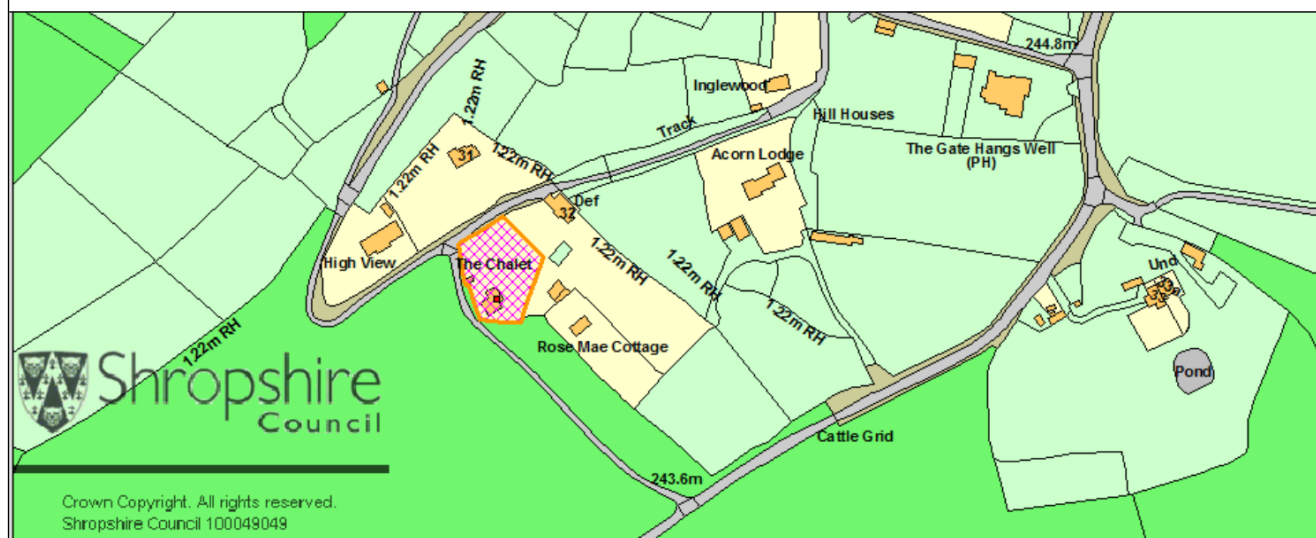
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 16/01608/FUL	<u>Parish:</u>	Hopton Wafers
<u>Proposal:</u> Erection of replacement dwelling		
<u>Site Address:</u> The Chalet Crumps Brook Hopton Wafers Kidderminster Shropshire		
<u>Applicant:</u> Mr & Mrs R Ireland		
<u>Case Officer:</u> Heather Bradley	<u>email:</u> planningdmsw@shropshire.gov.uk	

Grid Ref: 363203 – 278872



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a replacement dwelling.
- 1.2 The block plan submitted with the application indicates the replacement dwelling would be located in roughly the same position on the site as the existing property. The original proposal submitted sought permission for a 4 bed 1.5 storey dwelling. Following discussion with Council Officers an amended scheme has been put forward which reduces the number of bedrooms to 3 and amends the design of the upper floor, to include a step down in the ridge and eaves line in the west end of the dwelling.
- 1.3 The scheme as amended still proposes a dormer property to measure on the ground floor around 12m in width by approximately 7.6m in depth. With the upper floor set in the roof accommodation covering a slightly smaller floor area than the ground floor. The dwelling is proposed to be constructed of rendered walls under a slate tiled roof.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property known as The Chalet is a prefabricated timber framed single storey bungalow located at the western edge of a small grouping of dwellings known as Hillhouses. Access to the property is along a shared single width track which is also a public right of way, there is also access along a 'BOAT' which runs along the northern edge of the site.
- 2.2 The dwelling is set towards the front of its plot with mature tree and hedgerow planting defining the boundaries of the site. Neighbouring residential properties are adjacent to the north, east and south east side of the site.
- 2.3 Catherton Common, a Site of Special Scientific Interest (SSSI) lies to the west. The site itself is outside the SSSI, the access track which runs south from the site to the highway (Catherton Road) falls within the SSSI boundary. The whole site is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which runs along Catherton Road around 125m away.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have raised views contrary to officer recommendation. Following discussion with the Committee Chairman and Vice Chairman, it is considered that the material planning considerations in this case warrant assessment by the South Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Hopton Wafers Parish Council – Re-consultation - Amended plans:

Hopton Wafers Parish Council OBJECTS to this application as very little has changed from the original application which the Council also objected to. Council feel the replacement dwelling should be the same size as the original ie a single storey property only. Due to the large increase in size of the proposed dwelling the development is out-of-proportion for the plot, out-of-keeping in this area and would spoil the visual amenity. The proposed dwelling is not acceptable in terms of our Community Led Parish Plan nor meets criteria agreed in the SAMDev for this area. The site is not within either cluster of Hopton Wafers or Doddington but is in an area classed as Open Countryside and such development is contrary to this policy. There are concerns about the impact on the common and effects on the Rights of Way adjacent to the property. Council would look more favourably on a much smaller sympathetic replacement dwelling as stated above.

Hopton Wafers Parish Council - Original scheme 08.06.2016:

Hopton Wafers Parish Council OBJECTS to this planning application due to the large increase in size on the original property. Such a large property is entirely out-of-keeping in this area and would spoil the visual amenity as well out being out-of-proportion with the size of the plot. The proposed dwelling is not acceptable in terms of our Community Led Parish Plan nor meets criteria agreed in the SAMDev and goes against building in the open countryside (Core Strategy). This area is neither a hub nor a cluster and as Council recognise that the property needs updating we would look more favourably on a replacement dwelling similar in size only. Concerns have also been raised on the proposed use of Common Land for access and parking as well as effects on Rights of Way adjacent to the property.

4.1.2 SC Highways: No objection – recommend conditions regarding the installation of gates and visibility splays.

4.1.3 SC Ecologist – Final response – 18th January 2018 – No objection - recommend conditions regarding external lighting, bat and bird boxes, and informatives regarding protection of bats and nesting wild birds.

SC Ecologist – 03rd February 2017: Comments – The bat survey carried out on this building in June 2016 has found no evidence of roosting observed, although a house sparrow nest was found.

Note: Natural England have objected to this application in a letter dated 02 June 2016. They have requested further information in relation to drainage, access, parking and construction methods to ensure that the adjacent SSSI won't be adversely affected by the proposed development.

SC Ecologist – Initial response - 12th May 2016: Objection – Additional information is required in the form of a bat survey since the proposal includes the removal of

pre-1960s buildings and structures within 200m of woodland and/or water.

- 4.1.4 Natural England – Final response - 09th January 2018: Objection withdrawn – Satisfied that the issues raised in previous correspondence has now been resolved and there will be no significant adverse impacts on the adjacent Catherton Common SSSI.

Natural England – 09th November 2017: Object – Reiterate previous advice set out in 10th February 2017 letter.

Natural England – 10th February 2017: Object – The information submitted does not address all of the matters raised in original comments with the exception of the recommendation that no parking or other storage is undertaken on the SSSI.

Natural England – Initial response - 02nd June 2016: Objection - The application, as submitted, is likely to damage or destroy the interest features for which Catherton Common SSSI has been notified.

Further information needed as follows:

- Detail of foul drainage - in particular capacity and location of associated drainage field – in order to be satisfied that the existing tank provides adequate treatment for the new dwelling.
- Clarification in relation to access and parking during construction and once the dwelling is occupied – parking should not encroach onto the SSSI
- Details and methods for dealing with construction should be submitted including pollution prevention methods, material handling and storage locations.
- Ecology report to assess any potential impact on protected species.

- 4.1.5 SC Historic Environment (Conservation and Design): No comments.

- 4.1.6 SC SUDs: No objection – Recommend informatives regarding sustainable drainage system. Capacity of the existing septic tank is sufficient to serve a 3 bedroomed dwelling as proposed.

- 4.1.7 Shropshire Wildlife Trust: No response received.

4.2 - Public Comments

- 4.2.1 This application has been advertised for 21 days via site notice and direct in writing to 4 neighbouring properties.

1 objection received –

- House and garden will be overlooked and they currently are not.
- The proposed dwelling would be significantly larger than the existing bungalow in both floor area and height.
- It would effective be two storeys not 1 " as described.
- Too large and tall for the plot – visually intrusive in this small group of dwellings.

- Any planning permission granted must taken into account the ecological importance of the area.
- The replacement dwelling should be single storey dwelling.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact, Landscaping and the Shropshire Hills AONB
Residential Amenity
Biodiversity
Right of way

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
- 6.1.2 The National Planning Policy Framework (NPPF) advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.3 The application site is within a countryside location, the NPPF at paragraph 55 seeks to promote sustainable development in rural areas, stating Local Planning Authorities should seek to avoid new isolated homes in the countryside.
- 6.1.4 The rural location of the site means it is outside of any settlements identified by Shropshire Core Strategy policies CS3, CS4 and SAMDev policy MD1 as suitable for open market housing. As such the scheme is subject to Core Strategy Policy CS5 and SAMDev plan policy MD7a.
- 6.1.5 Both policies restrict residential development to affordable dwellings to meet a local need, and rural workers dwellings. Open market residential development is not acceptable. In all cases the policy is clear that residential development is only permissible when it is on appropriate sites which maintain and enhance countryside vitality and character. No specific reference is made to replacement dwellings, in policy CS5, however SAMDev Policy MD7a and the supporting Supplementary Planning Document (SPD) -Type And Affordability Of Housing does provide specific guidance.
- 6.1.6 SAMDev Policy MD7 states at point 3 that:

'Replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use.'

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.

- 6.1.7 One of the aims of the SPD is to maintain and provide an acceptable stock of smaller, lower cost market dwellings and therefore the SPD seeks to control the size of replacement dwellings. In the first instance replacement dwellings in rural locations will only be permitted provided the existing building has established and continuing residential use rights and the property has not been abandoned.
- 6.1.8 In considering a planning application for a replacement dwelling the SPD expects regard to the given to the following:
- The visual impact of the replacement dwelling or existing dwelling plus extension 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.
- 6.8.9 The dwelling in this case is of timber framed prefabricated construction and whilst currently vacant, the Council is satisfied that the residential use of the dwelling is firmly established and has not been abandoned at this site.

6.2 Siting, scale and design of structure, visual impact and Shropshire Hills AONB

- 6.2.1 The replacement dwelling is proposed to be sited in the same position as the original property, however the scheme would introduce a new style and form seeking to provide first floor accommodation in the roof of the proposed dwelling rather than containing the accommodation on the ground floor as in the existing dwelling. The ground floor footprint of the property is proposed to increase from around 79sqm to 102sqm. With the addition of the first floor accommodation, providing approximately 88.96sqm the level of available accommodation proposed would represent an increase over the original by around 139%. The development plan expects replacement dwellings to be sympathetic to the size, mass and character of the original building, however it does not rule out dwellings which are of a larger scale and form to the unit it replaces provided the scheme respects the local character of the area, taking account of bulk, scale, height and external appearance.
- 6.2.2 The current property is a pre-fabricated bungalow which is neither of particular design merit nor in the best state of repair. The grouping of existing housing around

the site is in the majority two storey red brick dwellings, a dormer style property sits to the north east of the site. Other than the low lying nature of the property the dwelling currently makes little positive contribution to the visual amenity of the area, and it could be argued that its single storey nature and materials are currently at odds with the general character.

- 6.2.3 The existing ridge height would be raised by approximately 3m to accommodate the first floor accommodation, although a notable increase, when the property is considered in the context of its immediate surroundings, set between 2, two storey dwellings the increase in height, is in this case not considered inappropriate. The amended plans also attempt to keep the bulk and mass of the property down, placing the proposed first floor accommodation within the roof and including a step down in the ridge height.
- 6.2.4 The property is set on the southern edge of the grouping of dwellings and is open to views across the common land and from the public highway and rights of way which run in close proximity to the application site. The scheme as proposed would inevitably be more visually prominent than the existing dwelling. However the proposed use of local vernacular materials coupled with more traditional cottage style design would represent an aesthetic improvement to the site and improve its visual relations to the existing group of properties.
- 6.2.5 Taking into account the above factors as a whole in the planning balance it is considered the increase in the size of the property is acceptable and the replacement dwelling as proposed would not detract from the scale or character of the site, surrounding area of character and natural beauty of this part of the Shropshire Hills AONB.
- 6.2.6 As this scheme proposed is larger than the original dwelling in accordance with policy MD7a, permitted development rights for any extensions and alterations to the dwelling would be removed via condition should planning permission be granted.

6.3 Residential Amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 The application site is surrounded on three sides by neighbouring properties. It is acknowledged that the increase ridge height and introduction of the first floor would alter the existing amenity levels between the properties. However it is noted that there are separation distances of between around 28m and 38m between the rear of the proposed property and the neighbouring dwellings and there is also a degree of mature tree and hedge landscaping which would provide partial screening to the rear. The impact on level of residential amenity therefore whilst may alter would not be to a level which would result in significant harm to residential amenity.

6.4 Biodiversity

- 6.4.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat in carrying out their functions. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev plan policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.
- 6.4.2 In line with the request of the Councils Ecologist and comments received from Natural England a Protected Species Survey Report by John Morgan, dated June 2016 was submitted to the Local Planning Authority at the end of December 2016. The report concluded that there is no evidence of bats or other protected species at the site. Conditions are recommended by the Councils Ecologist regarding the installation of bat and bird boxes to enhance the environmental network as encouraged in policy CS17 and MD12.
- 6.4.3 This application site is immediately adjacent to Catherton Common SSSI, the local authority has a statutory duty under the Wildlife and Countryside Act 1981 (as amended) to further conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is a SSSI.
- 6.4.4 Water quality is a significant factor on the Catherton Common SSSI as the high value habitats present are due to the presence of very clean water. As a result Natural England's initial objection (received in June 2016 requested the following additional information –
- Details of foul drainage - in particular capacity and location of associated drainage field – in order to be satisfied that the existing tank provides adequate treatment for the new dwelling.
 - Clarification in relation to access and parking during construction and once the dwelling is occupied – parking should not encroach onto the SSSI
 - Details and methods for dealing with construction should be submitted including pollution prevention methods, material handling and storage locations.
- 6.4.4 The Protected Species Survey Report by John Morgan, dated June 2016 which was submitted following receipt of these comments confirms that there shall be no parking or storage of building materials on the land within the SSSI. At this stage the applicants' agent confirmed the existing septic tank at the site is of concrete construction and the dimensions of the existing tank gives a capacity of around 5,544 litres. The Councils Drainage team confirm that for the size of the dwelling proposed (3 bedrooms) the minimum size of a septic tank should be 2,850 litres and thus in this case the existing septic tank is capable of taking the additional sewage. Whilst the comments in the Ecology report regarding parking and storage, and the information regarding the capacity of the septic tank were noted the lack of information on the location of the drainage fields and the quality of the treated effluent once left the tank resulting Natural England reiterating their objection to the scheme.

- 6.4.5 The applicants' agent in response submitted a new drainage scheme, proposing to replace the existing septic tank with a new system and placing the new drainage field to the north away from the SSSI. This additional information has been reviewed by Natural England, who have withdrawn their objection and are now content that subject to the installation of the new septic tank system the development would not result in adverse harm to the key features of the Catherton Common SSSI.

6.5 Access

- 6.5.1 The site is accessed along a rough track and it is not proposed to alter this as part of the scheme. The Council's Highways team also note there is also a Byway Open To All Traffic (BOATs) to the rear which serve a number of properties and from which the main access to this house also opens out onto. The Highways Team raise no objections to the proposed development, however recommendations have been made requiring conditions to prevent the erection of any fence or means of enclosure at the junction with the road, and requiring gates to be set back at a minimum of 5m from the highway. The NPPF at paragraph 206 states that planning conditions should only be imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this case conditions relating to the access when no alterations are proposed would fail to comply with these 'tests' as set out in the NPPF.

7.0 CONCLUSION

- 7.1 The site is within a rural location, however the development is acceptable in principle since it involves the replacement of an existing dwelling. Although the proposed house would be larger than the existing, on balance this is considered acceptable given its use of local vernacular materials and traditional design which would be more in keeping with the local character of the area than the present dwelling. The scheme as such would preserve and enhance the Shropshire Hills AONB and would not result in undue harm to residential amenity. Further the proposal would not be of detriment to protected species or the main character features of the Catherton Common SSSI. The application is therefore considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Core Strategy:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks

Site Allocations and Management of Development (SAMDev)Plan:
MD2 - Sustainable Design
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment

Supplementary Planning Document - Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=O5MO26TD07V00>

List of Background Papers Design and Access Statement Ecological Survey Drainage data
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Members Cllr Gwilym Butler & Cllr Madge Shingleton
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 approved amended plans and drawings and the Protected Species Survey Report dated 23rd June 2016, carried out by John Morgan.

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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

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

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

4. The dwelling hereby permitted shall not be occupied until the approved Foul Drainage Water Scheme as shown on amended block plan drawing number 1456/3A and set out in the letter dated 10th December 2017 from BM Evans, Ground Work and Drainage, Ludlow Drainage has been fully implemented and the existing septic tank system disconnected. The foul drainage system shall thereafter be maintained and retained in full working order for the lifetime of the development.

Reason: To ensure satisfactory drainage of the site and protect the water quality features of the adjacent Catherton Common Site of Special Scientific Interest (SSSI) in accordance with Core Strategy Policies CS6, CS17 and CS18 and SAMDev policies MD2 and MD12 from the Shropshire Local Development Framework.

5. Prior to first occupation / use of the dwelling, the make, model and locations of a bat box shall be submitted to and approved in writing by the Local Planning Authority. The box shall be installed prior to the first occupation/use of the dwelling and thereafter maintained for the lifetime of the development.

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

6. Prior to first occupation / use of the dwelling, the make, model and location of a bird box shall be submitted to and approved in writing by the Local Planning Authority. The box shall be installed in accordance with the details approved prior to the first occupation/use of the dwelling and thereafter maintained for the lifetime of the development.

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

7. Prior to the installation of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. 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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-
 - Extensions;
 - Additions or alterations to the roof, including dormer windows and rooflights;
 - Erection of porches;

Reason: To maintain the scale, appearance and character of the development and to safeguard visual amenities in accordance with SAMDev Plan Policy MD7a.

Informatives

1. Highway Informatives

Vehicular use of public rights of way

The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND

Protection of visibility splays on private land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

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:

- o construct any means of access over the publicly maintained highway (footway or verge) or
- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. 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.

2. BATS PROTECTED SPECIES

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

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

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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

NESTING WILD BIRDS

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, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, 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 when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

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

ECOLOGY CONDITIONS - FURTHER ADVICE FROM COUNCIL ECOLOGIST

BAT BOXES

A minimum of 1 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting.

BIRD BOXES

A minimum of 1 artificial bird box, of either integrated brick design or external box design, suitable for House Sparrow should be installed on site. The box should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

3. In determining this planning application the Local Planning Authority took into account the following policies: -

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Shropshire Council Core Strategy Development Plan Document
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks

Site Management and Allocations of Development (SAMDev) Plan
MD2 Sustainable Design

MD7a Managing Housing Development in the Countryside
MD12 Natural Environment

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

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