

Development Management Report

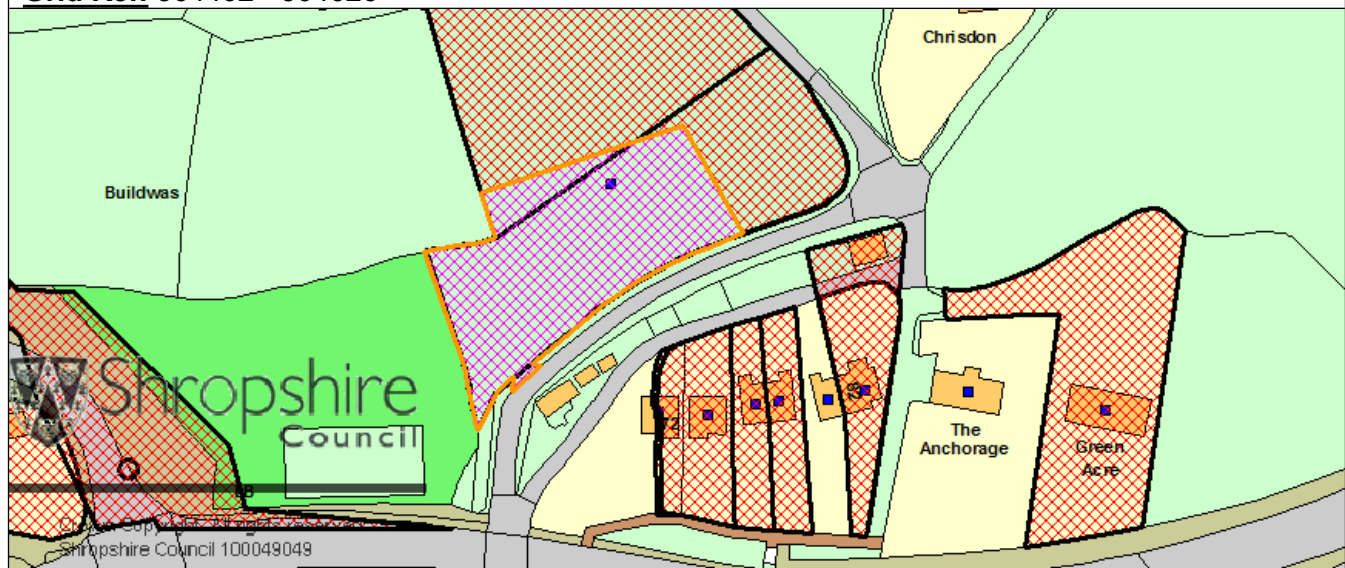
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/00186/OUT	Parish:	Buildwas
Proposal: Outline application (access for consideration) for the erection of 4No detached houses; formation of vehicular access		
Site Address: Land SW Of Home Farm Buildwas Shropshire		
Applicant: Mr D Reynolds		
Case Officer: Mandy Starr	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 364402 - 304626



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is an outline application for the erection 4No dwellings and associated access on land off the B4380 at Buildwas. Illustrative details submitted with the revised application show that the 4No detached houses with integral garage would be sited in modest sized plots and would be sited at the bottom of a field to the south west of a private concrete road that backs onto row of 6No dwellings; Access to the proposed dwellings would involve the opening up of part of the existing field hedgerow boundary off the private road.
- 1.2 The application includes details on the access, but the appearance, scale, layout and landscaping are reserved matters.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site of 0.2ha is situated on the north side of the B4380 to the west of The Anchorage and Numbers 72 to 82 Buildwas Road. There are two unadopted accesses leading off the highway to the north; one a concrete road leading up to Chrisdon, Home Farm, The Anchorage and Green Acre beyond, whilst the other which is slightly to the east and is unmetalled leads to the rear gardens of 72 to 82 Buildwas Road. There are several outbuildings including a garage that are sited on the land between the two tracks and which are used by the occupiers of the dwellings beyond.
- 2.2 The application site is positioned in the southwest corner of field used to graze horses which has a fenced and hedge boundary running along the north side of a concrete un-adopted road used as a farm track and access to several other dwellings. This road has a width of 3.5m and continues to the east of the site where it opens out to form a wider access to three separate dwellings and also turns into the back access to the dwellings to the south. The road also turns up to the north to Home Farm itself.
- 2.3 The field slopes down the hill from Home Farm. In addition there is a small coppice with a stream to the south west of the site. To the south east is a row of dwellings which are a mix of semi-detached and single dwellings that face onto the main road albeit raised above road level and set back behind a shrub bank. Access to these properties is via a private road just to the right of the concrete road and along the concrete road itself. Several of these dwellings also appear to benefit from a small patch of land sited between the two accesses which are used for the storage of sheds and other domestic paraphernalia.
- 2.4 Buildwas has been identified as a Community Cluster within SAMDev, so this allows for a limited amount of the development. However the village has no settlement boundary with the nearest dwellings being sited to the south east of the application site

2.5 Buildwas itself is on the north side of the River Severn with the majority of the dwellings being sited on the northern slope. The land on the south side of the B road is part of the functional flood plain and has few residential dwellings. Directly opposite the site on the other side road, the ground drops away to the River Severn and beyond this are the remains of Buildwas Abbey a Grade I listed building and Scheduled Ancient Monument with a large precinct.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to Officers and the local member also objects for the same material planning reasons. The application was presented to the Central Agenda Setting Meeting and the view was taken that this proposal should be determined by the Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

SuDS

Recommend Informative

SC Trees

No objections on arboreal grounds. A full application should have a landscape scheme including new tree planting for long term environmental gain.

SC Archaeology

The proposed developed site is located c.150m north of the Scheduled Monument of Buildwas Abbey (National Heritage List ref. 1015813), and c.500m north-west of the Grade I listed remains of the Abbey (National Heritage List ref. 1175126) and Abbey House (National Heritage List ref. 1366862). There are no records on the Shropshire Historic Environment Record that relate to the proposed development site itself and it is considered to hold low negligible archaeological potential.

SC Highway Authority

No objection subject to the development being carried out in accordance with the approved details and conditions/informatives.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.2 - Public Comments

Buildwas Parish Council:

(Original comments 06.03.2018)

The Parish Council objects to this application and wishes to highlight the following

concerns - single storey would be more appropriate due to overlooking, orientation of the houses needing to be considered to avoid overlooking, access arrangements on to the plots need to be reconsidered and moved to the southerly end. The site has not been previously identified as a preferred location for development by the parish. The issue of cumulative impact needs to be considered as Buildwas has exceeded its SAMDEV quota of 10.

(Revised comments 31.07.2018)

The Parish Council resubmits objection to this amended application on the same grounds as the original objection (below). Despite some amendments, the application still exceeds the agreed SAMDEV quota.

The Parish Council objects to this application and wishes to highlight the following concerns -

Single storey would be more appropriate due to overlooking, orientation of the houses needing to be considered to avoid overlooking, access arrangements on to the plots need to be re-considered and moved to the southerly end. The site has not been previously identified as a preferred location for development by the parish. The issue of cumulative impact needs to be considered as Buildwas has exceeded its SAMDEV quota of 10.

4.3 8 responses were received objecting to the proposal for 3No dwellings on the following grounds:

- ☐ Loss of privacy due to the elevated position of new houses so existing houses and gardens will be overlooked to such an extent as to remove all privacy into rear rooms and gardens of existing dwellings.
- ☐ New occupants of dwellings will be able to stare into existing properties especially when leaving site
- ☐ Large houses would be visually overbearing totally out of keeping with neighbouring properties which are mainly old farm properties
- ☐ Development by reason of its size, depth, width, height and massing would have an unacceptable adverse impact on the neighbour amenities adjacent to the site and surrounding area by overlooking loss of privacy and visual overbearing impact.
- ☐ There are two roads at site; one is an un-adopted track and then the main access road is not wide enough for 2 cars to pass being only 3.5m wide concrete road that serves Home Farm and 9No other properties with vehicles having to reverse back onto highway or using soft verges and it may not be strong enough to support weight of vehicles due to heavy clay soil. Also there is the issue of large potholes near the main road which would be made worse by extra vehicles.
- ☐ Traffic use to livery yard has increased dramatically which tends to lead to 2no vehicles meeting at the same point along concrete lane so one has to reverse.
- ☐ Caravan storage area has increased leading to extra traffic on lane

especially for vehicles towing caravans

- ☐ Current culverted brook and adjoining water course already at capacity and new development has the potential to cause instability and shift to immediate land mass which already has subsidence issues. New development will increase surface water run-off and would then impact on the neighbouring properties
- ☐ Issues with flooding as road becomes river during heavy rain and deposits stones and mud onto Buildwas Road with an existing water course that follows the path of the proposed access that runs over the road in times of high rainfall and is a hazard when it freezes.
- ☐ Refer to the SUDS comments that requires the applicant to submit details of flood routing to cope with storm events. Neighbour's property has already flooded three times in last 10 years.
- ☐ Even if a solution could be found to resolve the flooding issues, the foundations and drainage works required to stabilize the development and their surroundings would cause significant detriment to the current environment
- ☐ The proposed entrance to and exit from development is in unacceptable position as it will cause a constant nuisance to existing residents with vehicle headlamps shining into the rear windows of existing properties as well as new external lighting.
- ☐ Statement that this purpose built drive will be sufficient to support both development traffic and existing traffic is incorrect. Applicant already has had a continuous stream of HGV's visiting farm above depositing land fill proving that this route is inadequate and any further development will be horrific.
- ☐ Increase in noise levels from construction traffic that will have a negative impact on existing residents with increased dust and mess due to close proximity and once new houses are built, the noise levels will increase by 50% directly impacting on existing 6No houses.
- ☐ Direct effect on natural environment and the field is used for equine grazing and supports long-established wild-life including bats, birds, foxes, hedgehogs and badgers.
- ☐ Proposed site is near to Shropshire Hills Area of Outstanding Beauty.
- ☐ It is the Planning Committee's responsibility to protect the many species of wildlife in vicinity of River Severn and AONB.
- ☐ Statement that proposed site is 'effectively the corner of a grass field' is not accurate to describe a plot that would encompass three-quarter of the bottom part of the field and its wider impact on the environment
- ☐ No amount of landscaping – tree or hedgerow planting will mitigate the short-term detriment to wildlife from this development and those of Telford too.
- ☐ Applicant's submitted Ecological Assessment states that hedgerows are important and are considered to be an important ecological feature in the site context.
- ☐ Design and Access Statement states that Buildwas is a Community Cluster, but the SAMDev requirement has already been fulfilled by various

other developments in Buildwas village itself.

- ☐ Plans threaten village environment as residents face a threat of joining up with Telford, so refusing this scheme would be an important step in ensuring that Buildwas does not become a prime target of house builders to flout housing targets. Previous Council minutes of 4/09/2017 state that *“Buildwas is a community cluster which has the potential for circa 10 dwellings to 2026. The target of 10 dwellings has already been significantly exceeded”*. Therefore expect any additional dwellings outside of this target to serve an undeniably important purpose for all the village residents or to conserve or enhance the natural beauty of the landscape which is not the case here
- ☐ Proposal is a speculative exercise with a clear disregard for existing residents and the environment
- ☐ Application information from agent is unclear as the proposed number of dwellings refers to both 3No and 5No. If 3No dwellings unacceptable, 5No dwellings would only serve to compound the negative effects on the local residents and environment
- ☐ Far more suitable areas of Home Farm site that could be utilized for such a development without impacting on current occupant’s amenities, but access to the site would still need to be via concrete road.

8 further responses were received objecting to proposal for 4No dwellings (revised scheme)

- ☐ Same comments as before still apply but now development will cause greater impact
- ☐ New site entrance is now sited near to the only passing place on a blind corner and this passing place is required for good visibility for large trucks, refuse lorries and caravans use the lane. This has not solved the problem as the access is still only 3.5m wide and is inadequate with no widening now proposed.
- ☐ New development at ex-power station site will exceed any future requirements for new housing here and so there is no need for any additional housing in Buildwas
- ☐ Parish Council comments have been ignored by the Planning Agent in that there is no single storey option, no re-location of site and no re-orientation.
- ☐ Average height of a single storey dwelling is 2.3m and therefore there can be no argument that the upper storeys of this development will have a direct view into other resident’s dwellings.
- ☐ Previous applications for residential development have been declined or applicants have been made to change dwellings into single storey properties
- ☐ Photographs submitted by the agent of the supposed view across the existing properties have been taken from an unrealistic position because if the photos were taken from the correct location, then would show that the development would cause unacceptable overlooking.

- ☐ Also photo set out in Document HP J9949-02 apparently showing the view from the applicant's land is inaccurate, misleading and taken from a bias position. Also it appears to have been taken in April 2018, but the perspective looks up at an angle to the top of the hedge which is some 3m tall as of 31st July 2018 which is at the end of its peak growing season. This is inaccurate.
- ☐ Development is backland development that should be refused by Council
- ☐ A serious road traffic collision took place on 22nd X due to the narrow width of the lane and so the development would likely to increase the likelihood of similar incidents in the future.

4.4 Email comments from Cllr Wild:

17.03.2018

Issue with flooding on concrete road from Home Farm. Please can you bear this in mind when making your recommendations and please can you ensure that adequate conditions are attached.

28.08.2018

I support the comments of the Parish Council

- 4.5 The application for the 4No units was advertised by way of a site notice being displayed on 19 July which expired on 9 August 2018.

5.0 THE MAIN ISSUES

Principle of residential development

Siting, scale and visual impact

Residential Amenity and landscaping

Consideration of impact on setting of Scheduled Ancient Monument

Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under 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. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published twice and is a material consideration that needs to be given weight.

- 6.1.2 A key objective of both national and local planning policy is to concentrate most new residential development in locations which promote economic, social and

environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new open-market housing to sites within market towns, other ‘key centres’ and certain named villages (‘Community Hubs and Clusters’) as identified in the recently adopted Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 National Planning Policy Framework 2012 and 2018

6.1.4 The original NPPF 2012 at Paragraph 12 of the NPPF stated 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’.

With regards to the then housing development paragraph 49 of the NPPF stated that:

‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.

and that

‘Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

6.1.5 The revised NPPF was published on 24th July 2018 and this now replaces the earlier version, the emphasis regarding new housing is that there is a need to have regard to speeding up the delivery of housing. In addition, there is requirement that developments that makes efficient use of land should be supported taking into account the desirability of maintaining an area’s prevailing character and higher densities for housing development.

6.1.6 However the main premise still remains in achieving sustainable development and that under Paragraph 11 there is a presumption in favour of sustainable development. There is a still requirement to approve development proposals that accord with up to date development plans without delay.

6.1.7 In addition Section 5 is important here as this deals with Delivering a sufficient supply of homes.

Paragraph 59 states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of the groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

Paragraph 68 states:

Small and medium sized sites can make an important to meeting the housing requirement of any area and are often built out relatively quickly.

This paragraph goes onto to say that to “*promote the development of a good mix of sites local planning authorities should:*

Support the development of windfall sites through their decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.”

6.1.8 **Shropshire Council Adopted Core Strategy**

The strategic approach within LDF Core Strategy CS1 identifies that rural areas will become more sustainable accommodating 35% of Shropshire’s residential development over the plan period. It states that development and investment will be located predominantly in Community Hubs and Clusters and will contribute to social and economic vitality. Community Clusters are comprised of two or more small settlements where the combined settlements offer a range of service contributing to a sustainable community (CS4).

6.1.9 CS10 Managed Released of Housing Land. The Council has a duty to keep the availability of housing land under review and to maintain a continuous supply of suitable sites to deliver the overall housing target. New Housing sites will be identified within the Site Allocations and Management of Development (SAMDev) Plan with the need to maintain a five year land supply of housing land along with the priority for the re-use and development of brownfield sites on suitable sites in sustainable locations while considering the need to retain local employment and sites of historic or ecological value with the aim of achieving 60% of overall development on brownfield land and that a contribution will be made to improved infrastructure provision including affordable housing.

6.1.10 **Supplementary Planning Documents (SPDs):**

Type And Affordability Of Housing
Much Wenlock Place Plan

6.1.11 **Site Allocations & Management Of Development (SAMDev) Plan:**

MD1 Scale and Distribution of Development. This policy sets out where the pattern of new housing development will be within the County; namely Market Towns and other Key Centres, Community Hubs and Community Clusters and areas where exception schemes for local needs housing is acceptable.

This Policy identifies Buildwas as a Community Cluster and Settlement Policy S13 states that;

“The settlement of Buildwas in the Parish of Buildwas is a Community Cluster settlement where development by limited infilling and conversions may be acceptable on suitable sites. The housing guideline for the Cluster is around 10 additional dwellings over the period to 2026. The Parish Council have expressed a preference that development should be phased so that no more than 5 houses are developed in each half of the Plan period and that no more than three dwellings

should be developed on any single site.”

- 6.1.12 MD3 provides part of Shropshire’s local planning framework for the delivery of housing. The policy should therefore be applied alongside other policies of the adopted Local Plan (Core Strategy and the SAMDev Plan) in meeting the total housing requirement of 27,500 dwellings over the plan period. The policy applies to all types of housing development, including market and affordable housing, as well as dwellings for agricultural, forestry and other essential countryside workers.
- 6.1.13 Under 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. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published twice and is a material consideration that needs to be given weight.
- 6.1.14 Given the above and the fact that Buildwas is identified as part of a Community Cluster (as part of Much Wenlock) which has no defined settlement boundary, it is accepted that the location of the development would form part of a sustainable settlement. Whilst it is acknowledged that the proposed plot forms part of a field, this sits behind a row of existing dwellings and has a road access in front of it. Therefore the siting the proposed dwellings in this location would be acceptable in principle in accordance with current adopted planning policy and would contribute to the requirement to maintain a five year housing land supply.
- 6.1.15 With regard to concerns raised by the Parish Council on requesting that three houses only be considered at one time, the Local Planning Authority were concerned that the proposed units were overly large for the site and would be out of keeping with the row of dwellings beyond the access track and had the potential to dominate the hillside. So that is why 4No smaller units were considered preferable to the original 3No larger units.
- 6.1.16 The neighbours’ objections are also noted regarding a need to ensure that new housing does not join up with developments at Telford, but this site is contained within established boundaries where there is already development on all sides. Furthermore the comments regarding the proposed new development to replace the Ironbridge Power Station site are premature, because until the former power station has been demolished and the site has been the subject of remedial works to deal with the pollution, so that it capable of being developed, any new residential development here is likely to be in the future.
- 6.1.17 A comment has also been made about the fact that the landowner has other land that could be used for residential purposes and this can be considered instead. However the application only relates to this site. No other sites were suggested by the applicant as being an option here. The Local Planning Authority has to duty to determine what has been submitted.

6.1.18 The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach. The Council therefore considers the housing policies contained within the Core Strategy up to date and should be attached full weight

6.2 **Siting, scale and visual impact**

6.2.1 CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.

6.2.2 MD2 deals with Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site.

6.2.3 The proposal is now to erect 4No 80m² detached dwellings on land to the north west of an existing concrete farm track. The illustrative layout plan shows the position of the dwellings in relation to the concrete road and row of 6No dwellings to the south east. These dwellings centrally sited in their plots with gardens to the front and also to the rear. Beyond the unmade access track, some of the dwellings have a further small area of land each where there are garaging and sheds. This is separated from the concrete track way by a defined boundary including trees and a verge.

6.2.4 The comments of the neighbours were noted in respect increasing the numbers of units to four instead of three as originally proposed. The reasoning behind this was that illustrative layout for the 3no dwellings showed overly large footprints and garden land that did not reflect the row of dwellings in front. Smaller units were therefore suggested which resulted in the numbers rising to 4No units instead.

6.2.5 All matters are reserved for later approval apart from the access arrangements onto the B4380. However the agent has submitted illustrative drawings and documentation that would suggest that 4No one and half storey dwellings are now proposed on this site to be sited in reasonably spacious plots. The proposal is not considered to be 'backland' development as the existing row of dwellings are separated from the site by an un-adopted track, outbuildings and the applicant's own track in addition to the boundary hedge and nor is it development in existing residential gardens either. In addition there would also be quite substantial distances between the rear gardens of No 72 to 82 and the proposed dwellings.

- 6.2.6 From the submitted plans, it would appear that the dwellings would be positioned in a row and have an 'L' shaped footprint and set back from the existing boundary hedge by between 11m and 14m. One vehicular access would be provided off the concrete track near the southern end of the site. This would provide a communal access with separate driveways leading to each unit.
- 6.2.7 In terms of the pattern of development, the 6No dwellings to the south east are arranged in a row above Buildwas Road and have the typical arrangement of fairly narrow front and rear gardens. When the original proposal was considered this was for 3No dwellings but they were large and with large gardens. The proposal was not considered appropriate for this location given the small scale nature of the dwellings in front and so smaller dwellings and plot sizes were sought instead.
- 6.2.8 There is a need in this location to consider the visual impact that any new dwellings would have in this location where the ground rises up to the north. Although this application is only in outline, the position of where the dwellings would be sited and their ridge height is an important consideration as to whether the principle is acceptable.
- 6.2.9 Home Farmstead itself is considerably higher than Nos 72 to 82 Buildwas Road and is reached by a sloping track off the main concrete access track. The application field to the south of the farm buildings slopes to the south in an irregular fashion down to the boundary hedge. This is evidenced from the submitted photos of the site. It is considered essential that any new dwellings should be constructed at the lower ground level of the field at a similar height to the hedgerow to ensure a minimal visual impact compared to dwellings that might be erected further up the existing hillside.
- 6.2.10 A further issue is the proposed height of the dwellings. It is clear that the height of the dwellings and therefore the position of first floor windows is of great concern to the existing residents. The applicant was asked to consider single storey units here instead as that would also have the effect of helping to reduce overall bulk and massing of the dwellings. However it would appear that proposal is still for detached dwellings not bungalows.
- 6.2.11 The agent however has taken the view that because of the proposed distances between the existing dwellings and the proposed ones and because of the hedging between and them as well as a concrete roadway that two storey dwellings would be more acceptable here.
- 6.2.12 A new indicative site layout and site section was submitted on 18 September. The site layout now shows that a new drain will be installed adjacent to the road to control the flooding issue.

6.2.13 As for the proposed indicative site section, this shows that there would be a distance of some 39m between the dwellings and that the new dwellings would be set back by some 16m away from the existing field hedge. This site section also shows that the units would be slightly higher than the existing dwellings by around 1700mm. It would also appear that the eaves for the new units would be some 4m high and the ridges some 6.9m high. Both of these measurements are lower than the typical existing dwellings which are indicated to have eaves of 5.8m high and ridges of 7.3m high.

6.3 Residential Amenity and Landscaping

6.3.1 CS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.

6.3.2 Policy MD2 also seeks to ensure that new development should be in character and seek to safeguard residential and local amenity.

6.3.3 As this is an outline scheme, there are no details of what the appearance of the units would look like. However from the layout plans, it is clear that there would be some first floor windows.

6.3.4 The revised submitted plans for the 4No units show that there would be a distance of between 11m and 14 between the frontage of the units to the existing boundary hedge. Whereas the dwellings to the south east are sited beyond this and are between 31m and 41m away.

6.3.5 The comments of the objectors have been noted with regard to the potential for overlooking from the new dwellings directly into the rear gardens and rear bedrooms of the existing dwellings causing loss of privacy and amenity. Good Practice requires that separation distances between habitable room windows should be in excess of 21m between dwellings in order to prevent loss of amenity and this would be achieved here and would be further mitigated by ensuring that the slab level of the dwellings reflected the access road and not the existing hillslope.

6.3.6 The Parish Council asked that consideration be given to single storey units only and the applicant was asked to consider changing the units to single storey only. However he has declined to change the dwellings to single storey ones as he has taken the view that with a typical separation distance of 39m, there is sufficient gap between the units to justify two storey dwellings here. This is reflected in the submitted illustrative cross section drawing now shows that these dwellings would be set back from the boundary hedge by some 16m and that there would be some 39m separation distance between the two rows of dwellings.

- 6.3.7 The ridge heights of the proposed units are also of importance too. Although no formal details of the eaves or ridges have been submitted, the indicative site section does suggest that that typical eaves would be 4m high and ridges would be 6.9m high. These figures when measured against the eaves and ridge height of the existing dwellings, the new units would appear to indicate that the proposed dwellings would be slightly smaller than the existing dwellings, thereby reducing their overall bulk and were this proposal considered to be acceptable, then a condition could be imposed restricting the height of the eaves and ridge accordingly.
- 6.3.8 The ridge heights of the proposed units are also of importance too. No details of the eaves or ridges have been submitted, so there is concern that 4No two storey dwellings would be more prominent on the hillslope compared to the neighbouring properties and also create a discordant appearance that would be out of character here too. It is also acknowledged that the applicant has not agreed to bungalows here, but appropriately designed one and half storey dwellings are considered the compromise here that would give the most suitable type of dwelling in this location.
- 6.3.9 In terms of landscaping for the site, the requirements of CS17 and MD12 are relevant here. There is always a need for appropriate landscaping for housing developments. However as this is only an outline scheme will all matters reserved apart from the access arrangements, so there is no requirement here for a full arboriculture survey, but such an Assessment as required by BS 5837 2012 "*Trees in relation to Design, Demolition and Construction recommendations for tree protection*" must be provided as part of the Reserved Matters or any full application.
- 6.3.10 In this case, the existing hedge and coppice features are considered of paramount importance here so there is a need to ensure that any proposed development makes provision to retain as much of the boundary hedges as well as ensuring the protection of the adjoining coppice and hedgerows beyond to maintain its biodiversity. Whilst the field would be used by passing animals, due to the use of the field for grazing, there would be limited habitats on this grassland compared to the coppice, watercourse and existing hedgerows.
- 6.3.11 Nevertheless it clear that a section of this roadside hedge will have to be removed to provide the vehicular access and appropriate sight lines and it may also have to be trimmed back to facilitate the construction of the new surface water drain by the road. It will therefore be appropriate to seek additional landscaping within the site with appropriate native species trees being planted behind the hedge to enhance the overall appearance of the development and to provide additional screening as part of any reserved matters approval. New hedge planting or post and rail fencing should also be used for the new rear boundaries to the site and will be conditioned accordingly and it will be necessary to ensure the protection of the coppice and watercourse to the west from development.
- 6.3.12 There is also a need to ensure that as part of the development, construction vehicles, plant and machinery would not prevent access/exit of vehicles to the

neighbouring properties beyond and therefore a Construction Management Plan will be required as a condition too.

6.4 **Consideration of impact on setting of Scheduled Ancient Monument**

- 6.4.1 CS17 is relevant here in that it requires that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and that the proposal should not adversely affect the values and function of any designated heritage assets such as Buildwas Abbey
- 6.4.2 MD13 also deals with the historic environment in the SAMDev. This requires that all of the County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm. There is also a need to encourage development which delivers positive benefits as set out in the community led plans.
- 6.4.3 Although there are no designated heritage assets in the immediate vicinity of the proposed site, due to the field being on a south facing hill slope and facing towards Buildwas Abbey which is a Grade 1 and Scheduled Ancient Monument, it means that an assessment must be made as to whether the proposal would harm the setting of this designated heritage asset.
- 6.4.4 With regard to the setting of the Scheduled Monument (SAM), Historic England have raised no objections to the proposed development in their consultation response.
- 6.4.5 With regard to the setting of the Scheduled Monument of Buildwas Abbey, and in relation to Paragraph 193 of the NPPF and MD13 of the Local Plan, it is considered that the proposed development would be largely, if not completely, be screened from it by the topography and the existing tree cover. When visible in wider views towards the monument, it would be likely to be read in relation to the existing built form of the settlement.
- 6.4.6 It is the Council's opinion that the proposed development would have a limited impact on the setting of the Scheduled Monument so as to be considered to be negligible. Therefore this proposal will not result in any harm to the significance of the remains of Buildwas Abbey and grounds.

6.5 Other Matters

6.5.1 **Assessment of Access Arrangements**

The proposal seeks outline consent with access as a determined matter and all other matters reserved for residential development on land to the south west of Home Farm, Buildwas. The site is served by a private road leading from the B4380 Shrewsbury to Telford Road, which currently serves Home Farm and several other

properties. The principle of the development is considered acceptable from a highways perspective subject to the provision of a suitable access and parking and turning within the site to enable vehicles to exit in a forward gear.

- 6.5.2 A shared access drive should be a minimum of 4.2m in width and be maintained for the first 6 metres, this may need to be longer if agricultural vehicles will also be using the access. If it is bounded by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is to allow a vehicle to enter at the same time as a vehicle leaving the premises without obstructing the adjoining highway. As part of the proposed development the provision of passing places along the private road should be considered to aid current and proposed users of the road and to reduce the likelihood of vehicles reversing out onto the public highway.
- 6.5.3 From the submitted plans, the proposed revised width to access into the site is shown in excess of 4.2m wide being nearer 4.9m wide. The proposed access location would also appear to be in close proximity of an existing passing area and therefore would provide additional space for vehicles to pass.
- 6.5.4 Consideration should also be given to the unloading/loading base for deliveries of material and removal of material, parking for construction workers and others requiring access to the site and transport of materials to the site with for unloading/loading bases would need to be considered as part of the reserved matters application.
- 6.5.5 This is considered to be an important matter due to the restricted width of the concrete access and the amount of existing vehicle movements along it on a regular basis and will be conditioned accordingly.
- 6.5.6 From the potential householders view, the length of driveway is the trip which they will have to make, weekly, to put refuse and recycling bins out for emptying. The recommended maximum distance is 25m. The more houses that are built off one driveway, the larger the smooth level space is required at the roadside for temporary storage of refuse bins and recycling boxes which must not be allowed to obstruct the highway or the visibility splay of the access. Collection is made from the roadside and plans should show the location of the refuse and recycling bin storage area as part of the reserved matters application.
- 6.5.7 The applicant should consider the installation of secure gate-side post and paper boxes for dwellings that share a communal access.
- 6.5.8 In this case, it would appear that refuse collection takes place outside of the properties that access the concrete road already.
- 6.5.9 The Highway Authority have raised no objections to this proposal subject to the imposition of appropriate conditions and informatives.
- 6.5.10 The comments of the neighbours regarding the access track and its limitations have been noted. It is important at the outset to confirm that this is a private road and not an adopted highway and therefore the standard carriageway widths would not apply here. However any new access that was created off this apparently well-

used concrete road would have to comply with highway requirements hence the need to ensure that it had a width of 4.2m. With regard to the surface of the private road, that is a matter for the landowner to deal with.

6.5.11 As regarding the revised proposed access, this was requested because the previous location was likely to have resulted in too much of the important boundary hedge having to be removed and because it would have been difficult to turn into the site given the limited width of the concrete road. This new location near the existing passing area would increase the passing provision on the track by allowing vehicles to pass either side of the track here by using the enlarged access as well.

6.5.12 **Affordable Housing**

CS9 Infrastructure Contributions This policy deals with CIL and affordable housing contributions with the appropriate levels of contributions set out in the SAMDev or in the Community Infrastructure Levy Charging Schedule at a level that is economically viable for the majority of development and this is assessed regularly to reflect changes in market prices, costs of construction and alternative land values over time.

6.5.13 CS11 Type and Affordability of Housing. This seeks to ensure that there is a mixed and diverse range of accommodation by way of seeking to ensure that all housing development is designed to be capable of adaption to accommodate lifestyle changes to achieve the Lifetime Homes Standard and ensuring that all open market housing makes the appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target rate set out in the Shropshire Viability Index and the viability of developments taking into account the requirements of Core Strategy Policy CS9.

6.5.14 Prior to May 2017, all new developments for open-market dwellings were required to complete a S106 agreement to secure an requisite affordable housing contribution as set out under the adopted Shropshire Development Plan policy (This comprises the Shropshire Core Strategy and the SAMDev Plan). However, account must now be taken of the Court of Appeal judgement of 11th May 2016 in the case of **Secretary of State for Communities and Local Government (1)West Berkshire District Council(2)Reading Borough Council [2016] EWCA Civ 441**

6.5.15 The effect of this judgement was to confirm that the Written Ministerial Statement (WMS) of the 28th November 2014, announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas, still applies in considering development proposals.

6.5.16 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not automatically require an AHC for applications for 10 or less dwellings and less than 1,000sq m floor area in the majority of cases.

6.5.17 In this particular case for the erection of 4No open market dwellings, it is considered that an affordable housing contribution could no longer be justified and therefore no weight has been given to this in the overall planning balance.

6.5.18 **Ecology**

MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness.

6.5.19 In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas.

6.5.20 An Ecological Assessment was required as part of this application and it was carried out on this site in November 2017 by Churton Ecology. The survey covers a larger area than the current planning application boundary.

6.5.21 Habitats

Habitats on the site consist of poor semi-improved grassland, hedgerows and fencing. The southern hedgerow is species-poor hedgerow due to its age. The western boundary of the site is more species-rich and probably classes as Important under the Habitats Regulations 1997.

6.5.22 *A gappy section of remnant hedgerow also runs for a very short distance along the north boundary (west end) before turning north and continuing as an intact trimmed (likely) 'Important' hedgerow.*

6.5.23 It is important that all the hedges including the western hedgerow and the section of hedgerow that runs northwards should be protected during the works.

6.5.24 *It is recommended that a protective fence (e.g. post and rail) is erected along the south ... hedgerow at a distance of 0.25m from the hedgerow drip-line. This will allow for a wider, denser hedgerow structure to develop which will be beneficial for birds, bats, newts and hedgehogs. It is likely that development will be well clear from the west hedgerow but this guidance may still be applicable.*

6.5.25 New native species hedgerow planting (using species of local provenance) should be included in the landscaping scheme to increase connectivity and biodiversity value.

6.5.26 Great crested newts

There is a pond approximately 50m to the north-east of the site boundary. A Habitat Suitability Index assessment calculated this pond as having 'Average' suitability to support great crested newts.

6.5.27 *'Given the pond's small size, average breeding habitat suitability and isolation from the next nearest potential breeding habitat (525m to the NE) it is highly unlikely that the pond would be able to support anything other than a small population – if GCN is present'.*

6.5.28 If great crested newts are present in the pond, there is the potential for them to traverse the site during the works, particularly since 'the area of scrub to the west of the site likely represents an area of high terrestrial interest for any population potentially present in the pond. It is notable that the south section of hedgerow (base) requiring removal provides a small area of low quality terrestrial habitat since it is modern, grazed and lacks the exposed root structure typical of older banked hedgerows.

6.5.29 To remove the risk of harming great crested newts, section 5.1.2 of the report contains a reasonable avoidance measures method statement. The method statement includes the following elements:

- The site should continue 'to be grazed as it is currently in the lead up to the construction phase.' 'Where relevant, grassland may also need to be regularly mown during the construction period also.'
- 'Hedgerow removal must be restricted to the newts' active period between March and October inclusive.'
- 'All other ground-works/site preparation activities will be restricted to the winter period between November and mid-February when newts are unlikely to be moving around much beyond their core hibernation habitats. During this time all excavations and trenches that can be reasonably completed during this time must be completed. This would typically include the laying of services, pouring of floor-slabs and construction of the first course/s of wall masonry.'
- 'The ground-works period must be carefully planned to run in a quick and orderly succession with the absolute minimum of delays incurred.'
- 'Ground disturbances will be limited solely to unsuitable or pre-sterilised habitats within the site. No spoil or other materials will be pushed into more suitable fringe habitats (e.g. the adjacent hedgerows) and there will be no associated damage to these areas (through the manoeuvring of heavy machinery etc.)'.
- 'Excavated spoil will be removed from the site immediately – unless it is

backfilled, sealed or compacted before nightfall in its permanent location. Alternatively excavated spoil can be stored in raised skips, trailers or containers on raised palettes (e.g. in tonne bags, on boards or tarpaulins folded up and secured around the edges).'

- 'Trenches and pits will be opened, closed and/or backfilled during the same day where possible. Alternatively, excavations will be carried out in achievable daily sections with all soil backfilled before nightfall. Where this is not possible (and only in the very short term), any loose soil lining the trench or pit base will be compacted before nightfall e.g. using the underside of a digger bucket, tamper or vibrating plate. Gently sloping dirt ramps or sloping diagonal scrapes will be created regularly to ensure trapped animals have a means of escape.'
- 'Pits or trenches that remain open for extended periods of time will be avoided. Where smaller excavations are to remain open for longer periods (i.e. at terminals or manifold junctions) the trench lip should be rebated and a covering board slotted in so that this lies flush at ground level. Once complete the board edges will be covered with a layer of fine pea shingle or a single course of sand bags.'
- 'All open excavations will be inspected at the start of each day to check for the presence of trapped amphibians.'
- All 'construction materials will be brought to site daily or, if stored over time, then on a) raised palettes or timber bearers b) in trailers or in raised containers c) in raised tonne bags or tarpaulins folded up and secured around the edges. No storage will take place on heavily vegetated areas in close proximity to the pond. Instead a storage compound must be created either on hardstanding to the north or grazed/cut grassland near the west end of the site.'
- 'Where an MOT or hardcore sub-base is required, this will be spread and compacted before nightfall in achievable daily sections. These materials will be brought to site daily and not stockpiled (unless stored in a suitable area or a suitable manner).'
- 'If newts are encountered at any point works will cease immediately and a licensed ecologist will be contacted'.

6.5.30 *'There must be no steep kerbing within the site. Instead splay kerbs would be appropriate where kerbs are absolutely necessary e.g. at the highways access. If gully pots are proposed to manage surface water discharge then these must be located 100mm away from any impoundment (kerb) barrier. This will minimise potential (entrapment) impacts on all amphibian species in the area including newts.'*

6.5.31 *'All property boundaries must be soft (e.g. hedge or post and rail/wire). No obstructive hard barriers such as walls or gravel boards must be incorporated into the design scheme.'*

6.5.32 Bats

There are no potential bat roosting opportunities on the site.

The site boundaries are likely to be used by foraging and commuting bats. *‘The removal of a short section of the south hedgerow could have a negative impact on commuting bats and any operational phase illumination of the south and west hedgerows and area of scrub could result in the deterioration of foraging and commuting habitats.’*

- a) ‘Mitigation measures will include: reducing hedgerow loss to a threshold below which bats can comfortably cross, providing a canopy hop-over in the long-term, planting additional hedgerow integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

6.5.33 The Council’s Ecologist is now satisfied with the submitted document and has recommended conditions and informatives. The recommended conditions include a Landscaping Plan, a Clerk of Works requirement and the installation of the bat and bird boxes.

6.5.34 **Drainage Matters**

CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.

6.5.35 The submitted application form states that the arrangements for the new foul drainage is currently unknown and that a soakaway would be provided for surface water drainage.

6.5.36 The Council’s Drainage Engineer has no objection to the scheme and has recommended an informative. A condition is also considered important to require full details of the foul and surface water drainage.

6.5.37 During the processing of this application, there was a heavy rain event that resulted in stones and mud running down the concrete road and onto the public highway. The matter was raised by Cllr Wild following a complaint.

6.5.38 The agent was asked to provide confirmation additional drainage provision would be provided at the site to ensure that future surface water flooding onto the highway would be reduced. The applicant has now agreed to this requirement. Although it is acknowledged that the concrete road is actually outside of the red edging. Nevertheless, landowners are required under the Highways Act 1980 to ensure that there is no drainage from their property onto a public highway, so this is a matter that should be resolved whatever the outcome of the current proposal.

6.5.39 **Noise Issues**

Noise levels have been raised by the objectors and that they would increase during the development and occupation stage. It is considered necessary in this location to impose a working hours condition on any permission to ensure that noise from the construction process is restricted to specified hours

7.0 CONCLUSION

The proposed development is considered to represent sustainable development in having regard to the three objectives of sustainable development and is therefore acceptable in principle along with the benefits of CIL. Following the submission of the additional information to support two storey units in this location by siting the proposed dwellings further away from the boundary hedgerow, it is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. The 4No dwellings are considered appropriate in principle and it is therefore considered that the proposal accords with Shropshire Core Strategy policy CS1, CS4, SAMDev policies MD1, S13 and the aims and provisions of the NPPF. The recommendation includes conditions requiring the submission of a tree/hedgerow survey, levels plan, construction management plan, highways requirements, landscaping plan including appropriate planting, a Clerk of Works condition, working hours condition, details of surface water and foul drainage and a condition limiting the eaves and ridge heights.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS10 - Managed Release of housing Land

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S13 - Much Wenlock

RELEVANT PLANNING HISTORY:

PREAPP/11/01519 Erection of a detached dwelling with a detached garage PREAMD 28th November 2011

PREAPP/17/00306 Outline application for 5no. Open market houses PPPIAZ 23rd August 2017

18/00186/OUT Outline application (access for consideration) for the erection of 4No detached houses; formation of vehicular access PCO

11. Additional Information

[View details online:](#)

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 R. Macey

Local Member

Cllr Claire Wild

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until a scheme of foul drainage, and surface water drainage including measures to deal with the surface water flooding adjacent to the concrete road have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

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

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

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

- o The parking of vehicles of site operatives and visitors**
- o Loading and unloading of plant and materials**
- o Storage of plant and materials used in constructing the development**
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
- o Wheel washing facilities**
- o Measures to control the emission of dust and dirt during construction**
- o A scheme for recycling/disposing of waste resulting from demolition and construction works**
- o Construction Traffic Management Plan, to control plant, construction vehicles and delivery access to the site.**

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

8. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

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

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

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

9. Prior to the above ground works commencing on site details of the proposed ground floor slab levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details shown.

Reason: In the interests of visual amenity due to the height of the site in relation to the highway.

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

10. Prior to first occupation of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in 5.1.2 of the Ecological Assessment (Churton Ecology, November 2017).

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species.

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

A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (32mm hole, terrace design) and/or starlings (42mm hole, starling specific).

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 15 of the NPPF 2018.

12. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under 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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

13. No construction (and/or demolition) works shall take place before 0800 am on weekdays and 0800 am on Saturdays nor after 1800 pm on weekdays and 1300 pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

14. The dwellings hereby permitted shall have eaves of no more than 4m high and ridge heights of no more than 6.9m high.

Reason: To ensure that the dwellings do not result in an overly dominant development and to minimise any loss of amenity to the neighbouring properties.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Informative: Any works/activities carried out either by, or on behalf of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act (TMA) 2004 and licensed accordingly by the Street/Highway Authority in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Shropshire. Developers must also inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Any such works or activities commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Shropshire Council Street Works Team. To allow effective co-ordination contact must be made with the Street Works Team at least three months in advance of the commencement of the works and any subsequent applications must be in line with the noticing requirements of the NRSWA 1991, TMA 2004 and Highways Act 1980. The developer must particularly ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time and using the same Traffic Management measures.

For more information please contact Streetworks@shropshire.gov.uk or <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

3. 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 and/or scrub removal 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 for active bird nests should be carried out. If vegetation 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. No clearance works can take place with 5m of an active nest.

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

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:

www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

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

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

5. 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

6. 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.

7. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

8. This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Council's 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.

9. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days' notice is required to enable proper consideration to be given.

10. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

11. Central Government Guidance:
National Planning Policy Framework 2018
National Planning Practice Guide 2018

Shropshire Council Adopted Core Strategy:
CS1 - Strategic Approach
CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS10 - Managed Release of Housing Land
CS111 - Type and Affordability of Housing
CS17- Environmental Networks
CS18 - Sustainable Water Management

Supplementary Planning Guidance
Type & Affordability of Housing
Much Wenlock Place Plan

Site Allocations and Management of Development (SAMDev) Plan
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Housing Development
MD12 - Natural Environment
MD13 - Historic Environment

Settlement Policy: S13 - Much Wenlock