

## Development Management Report

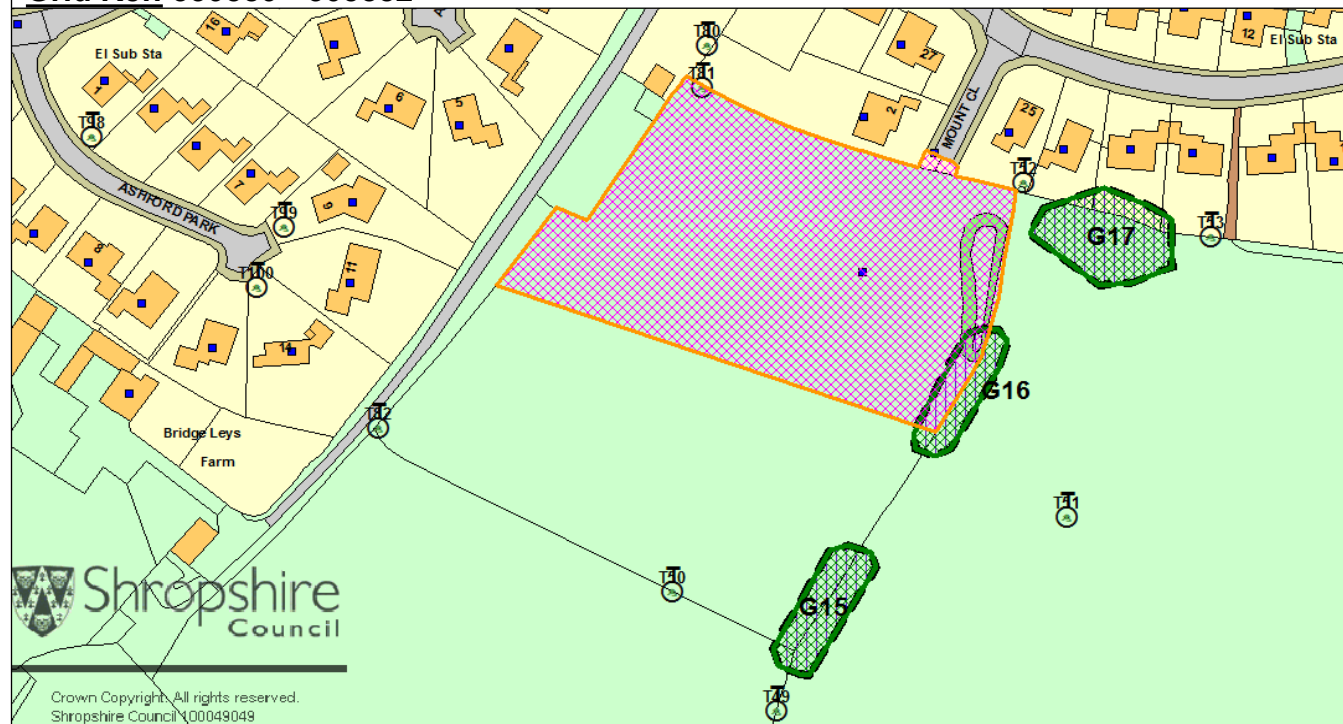
Responsible Officer: Tim Rogers

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### Summary of Application

|  |   |            |
|--|---|------------|
| <b><u>Application Number:</u></b> 18/05670/FUL   | <b><u>Parish:</u></b>   | Pontesbury |
| <b><u>Proposal:</u></b> Erection of 18No. affordable dwellings and associated works                    |   |            |
| <b><u>Site Address:</u></b> Proposed Development Land Off Mount Close Pontesbury Shrewsbury Shropshire |   |            |
| <b><u>Applicant:</u></b> Severnside Housing  |   |            |
| <b><u>Case Officer:</u></b> Shannon Franklin   | <b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a> |            |

**Grid Ref:** 339589 - 305882



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**Recommendation:- Recommendation:- Approval of the application is delegated to the Head of Service, subject to the conditions recommended in appendix 1 and any modifications to these conditions deemed necessary, together with the signing of a Section 106 agreement to secure the affordable housing in perpetuity.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of 18no. affordable dwellings and all associated works as a rural exception site immediately adjacent to the settlement boundary of Pontesbury. The proposal seeks to provide 4no. one bedroomed bungalows, 2no. two bedroomed bungalows, 8no. two bedroomed houses and 4no. three bedroomed houses all accessed via a new road adjoining the existing Mount Close to the north.
- 1.2 The purchase of the application site has been partially funded by the variation of a previous permission within Pontesbury (18/00644/VAR) to allow for the sale of three dwellings at market value. Members determined this variation application at committee on 2<sup>nd</sup> August 2018, on the assurance that Severnside Housing (the applicants) were able to confirm that they had recently legally exchanged the conditional contract for the site subject to this current application subject to the receipt of planning consent for a number of affordable homes and that a planning application submitted in due course.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located to the southern edge of the village of Pontesbury, a village extending either side of the A448, located 11.3km to the southwest of Shrewsbury, 5.4km southeast of Hanwood and Hanwood Bank and 2.6km northeast of Minsterley. The site lies outside the Shropshire Hills Area of Outstanding Natural beauty, the nearest boundary of which is 630m to the southeast of the site. Pontesbury contains a variety of services and facilities including primary and secondary schools, shops, restaurants and doctors.
- 2.2 The site currently occupies a grassed field used for agriculture. The field is regular in shape and orientated on a slight northeast-southwest access. The sites boundaries to all four sides are formed of established field hedges with some mature trees located along the southeastern edge. The access to the site is via a field gate to the northeast boundary onto Mount Close. A second field gate in the sites southern most corner leads into the subsequent agricultural field to the southwest.
- 2.3 Adjoining the site to the southeast and southwest sides are open fields used for agriculture. To the northeast boundary are a number of residential properties and their rear gardens, accessed via Mount Close and Brook Road. Similarly, to the northwest are residential properties and their rear curtilages, accessed via Ashford Drive. Between the site boundary and those dwellings to Ashford Drive is a loosebound aggregate track, known as Bridge Leys Lane, which also forms a public footpath. Additionally, a footpath runs through the field to the east and then diagonally through the field immediately to the southwest boundary of the site.
- 2.4 In a wider context the site is bounded in the northern direction by Pontesbury and

the southern direction by open countryside. Dwellings within the area of Pontesbury Hill but outside the defined settlement boundary of Pontesbury run southward 160m to the east of the site.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have provided views contrary to the Officers recommendation and the Local Member commented as part of the application objecting to the scheme. The Area Planning Manager, in consultation with the Chair and Vice-Chair of the Central Planning Committee, consider that the material planning considerations raised require a committee determination of the application.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 - Consultee Comments**

##### **4.1.1 Pontesbury Parish Council – Objection – 15.01.2019**

1. Pontesbury Parish Council strongly object to this application for the following reasons;

- i) The previous application and Planning Inspector's report emphasised that development on this site was not sustainable and there is no evidence in the present application to override this;
- ii) Considerable concern about the adverse impact on the landscape character of this area which forms part of the immediate setting of the village and is near the AONB;
- iii) Little evidence of benefit of reduction in grade 3 agricultural land;
- iv) An unsuitable location on the edge of the village for social housing with the distance from local facilities for elderly residents or families with young children;
- v) Very considerable concerns about increased flooding risks and drainage issues associated with the proposed development. The present system in place for dealing with surface run-off and sewage is inadequate as evidenced by recent floods to support such a development;
- vi) Considerable concerns about increased pedestrian traffic accessing the site along Brookside. The local policing team are aware of a number of near misses recently concerning children walking to school along this route;
- vii) Shropshire Council are currently reviewing the suitability of potential development sites in the parish as part of the Local Plan review. More appropriate sites in terms of position and capacity for this type of development, have been put forward as part of the current consultation. The Parish Council supports more affordable homes but this is an unsuitable location for the above reasons;
- viii) Insufficient evidence is provided to support the need in Pontesbury for this scheme in terms of its size and types of tenure.

##### **4.1.2 SC SUDS – No Objection – 26.02.2019**

Following submission of a revised drainage scheme and calculations for the foul and surface water drainage provisions on site, SC Drainage confirmed the scheme

is acceptable and no pre-commencement conditions are required.

Pre-occupation conditions regarding the implementation of the approved scheme are recommended.

**Additional Information Required – 10.01.2019**

Following submission of a drainage plan and calculations, the SC Drainage consultee requested amendments to the plans and additional calculation to be submitted. Pre-commencement conditions recommended.

**No Objection - 03.01.2019**

Pre-commencement conditions recommended.

**4.1.3 SC Conservation – No Objection – 11.03.2019**

Further to our earlier consultee comments, a short heritage statement has been prepared for this application with respect to above-ground built heritage resources and this is acknowledged. We have no additional comments to make on heritage grounds however we would direct you to the comments submitted by the archaeology side of our Team as well as our earlier comment on landscape character issues where relevant.

No conditions are recommended.

**Additional Information Required – 03.01.2019**

The application site comprises a rural field on the south edge of Pontesbury. While a desk-based assessment of historic Ordnance mapping does not appear to indicate the presence of historic buildings on or in close proximity to the site, this should be assessed and confirmed by the applicant. I would also note that in considering this planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the revised National Planning Policy Framework (NPPF) and Historic England Guidance Notes where applicable. As the application site is part of a largely rural landscape we would add that this type of development can have a significant impact on the landscape character of an area and while this is not something that our Team can advise on, obtaining the opinion of a qualified landscape professional should be considered.

**4.1.4 SC Highways**

The application is for 18 affordable dwellings and associated works, these works will include the construction of the highways. The proposed highway works will extend the existing Mount Close carriageway and will lead to two proposed private drives.

The extension to Mount Close complies to the Shropshire design criteria for a highway to be adopted. The design of the private drives is also acceptable. It should be noted that refuse vehicles will not enter on to a private drive to collect the refuse, alternative arrangement will have to be made.

This development would have to utilise Brookside and Brook Road to gain its access to Mount Close. Brookside is a highway that is narrow in sections, where drivers have to slow down and often give way to oncoming vehicles. There are short sections of Brookside that has no footways, where pedestrians and motorists have to share the road. Features such as these can be seen as potential hazards, however it is noted that in the last five years there have been no recorded accidents with injury along Brookside.

If the application is successful a planning condition is recommended that would obligate the applicant to provide a traffic management plan that would include controlling construction traffic to outside the peak use times of these local roads. The number of trips generated by the residents of the 18 dwellings will not have an unacceptable impact on the current highway network.

Pre-commencement/occupation conditions are recommended.

#### 4.1.5 **SC Archaeology (Historic Environment)**

Background to Recommendation: The Shropshire Historic Environment Record contains a record for an area of 18th or early 19th century coal workings (HER PRN 06712) which covers much of the proposed development site. Upstanding remains associated with these workings are present immediately north-eastern corner of the site and immediately beyond the site boundary. It is also understood that arable ploughing, together with the installation of the water main across part of the site, has since removed any other above ground archaeological remains associated with the workings which may have existed on the proposed development site itself. However, there is potential for below ground structures, features and deposits associated with the coal workings to survive on the proposed development site itself. As a consequence, it is deemed to have moderate to high archaeological potential.

Recommendation: Given the above, and in line with Paragraph 199 of the NPPF and Policy MD13 of the Local Plan, it is advised that a phased programme of archaeological work be made a pre-commencement condition of any planning permission for the proposed development. This should comprise an initial field evaluation, consisting of a geophysical survey and targeted trial trenching, followed by further mitigation as necessary.

#### 4.1.6 **Severn Trent Water – No Objection – 12.02.2019**

In October 2014 we had a similar enquiry for this site (12 dwellings); at the time we commented that further investigation would be needed to determine the impact on the sewer network. For this proposal of 18 dwellings, we would envisage the additional foul flows wouldn't have an adverse effect on the network (it creates 0.28 litre/second at twice dry weather flow). With regards to the proposed surface water flows as soakaways have been demonstrated to not be suitable for site due to ground conditions, a restricted 5 litre/second discharge to the public surface water sewer shouldn't have an impact on the existing sewer before it discharges to the nearby ditchcourse. Having checked our sewer records, there are no recorded incidents of flooding in the area, and we encourage residents to report any flooding issues to our Customer Services team (0800 783 4444). Unfortunately, we do not hold the details of the sewer capacities in this area. As a regulated Water

Company, we are tasked by OFWAT to ensure there is adequate capacity available in our sewer network to cater for growth developments.

Conditions regarding the submission of a foul and surface drainage scheme for approval by the Local Planning authority are recommended however these have already been submitted and approved by SC SUDS and are therefore unnecessary.

**No Objection – 11.02.2019**

Severn Trent Water have no objections to the proposals subject to the inclusion of conditions regarding provision of a drainage scheme and its implementation.

**4.1.7 SC Regulatory Services – No Objection – 02.01.2019**

The site has been subject to a previous application 14/03034/OUT and Regulatory Services commented previously. No new information has been submitted and therefore our comments remain largely unchanged.

Regulatory Services have looked back at our database of historical land use and the following is a record of potentially contaminative land uses on and near to the proposed development site:

- The 1842 Tythe Map identified the site as field No.1950 - Near Five Acre.
- To the north-west was field No. 1953 Tower New Leasow and 1952 Tower & Waste.

The latter was most likely the location of the chimney associated with a historic lead (Pb) smelter located on the Minsterley Road some 175 metres away. This site of the smelter was remediated under the Councils EPA 1990 Part IIA responsibilities.

The Pre & Post WWII maps show what looks like a spoil mound in the north-east of the site dating back to at least 1902. There are a number of other similar features on adjacent sites are indicative that maybe some form of mining took place in this area or waste was deposited.

The site therefore is regarded as potentially contaminated land and therefore pre-commencement conditions are recommended if permission is granted.

**4.1.8 SC Ecology – No Objection – 28.03.2019**

An irrigation ditch, approximately 1.5ft in width and 2.5ft in depth, is situated along the south-western hedgerow boundary. The applicant has confirmed that the ditch will be retained;

*‘The Ecological Consultant (Pearce Environment Ltd) recommends that the ditch to the SW boundary be retained as part of the development of the site. The ditch is located at the side of the large garden of plot 12. Fortunately, the garden will have sufficient space to accommodate the ditch without compromising the usable area of garden. We therefore propose to retain the ditch’.*

It is currently understood that no trees are to be affected by the proposed development. The impacts of the works are considered to be minimal and no

vegetation removal is foreseen. If this changes, and trees are likely to be affected, then an ecologist must be notified. It is recommended that 3 bat boxes are installed to enhance the ecological value of the site.

The site offers 'high' nesting bird potential within the surrounding hedgerow and trees. Bird box provision is recommended to enhance the ecological value. A minimum of three bird boxes are to be installed within, or close to, the application boundary.

Conditions and informatives are recommended.

**Additional Information Required – 03.10.2019**

Additional information regarding the irrigation ditch, approximately 1.5ft in width and 2.5ft in depth, situated along the south-western hedgerow boundary as shown in the existing plans, is required.

**4.1.9 SC Affordable Housing – No Objection – 05.02.2019**

This proposal seeks planning permission for 18 affordable dwellings and is submitted as an exception site scheme for local needs affordable housing under the relevant planning policies.

The scheme comprises; 4 no. x 3 bed houses 2 no. 2 bed bungalows, 4 no. 1 bed bungalows and 8 no. 2 bed. Houses. Four of the dwellings will be shared ownership tenure and will be offered with initial shares of between 25 and 75% with rent and service charges applied to the remaining share. This tenure provides an excellent opportunity for households to obtain a foot on the property ladder. The advantages of this tenure is that it requires a mortgage and deposit that is commensurate with the percentage purchased. The maximum share that can be acquired by the household will be 80%, which ensure that the dwelling will remain as affordable in perpetuity. There will be households whereby there will be no opportunity or indeed desire to purchase even a small percentage of a dwelling and therefore rented tenure will support this household group. The remaining 14 dwellings are proposed to be rented tenure, whereby the rent is based on 80% of the open market rent or the Local Housing Allowance (whichever is the lower). The properties will be let in accordance with the local connection criteria imbedded in the SPD Type and Affordability of Housing together with a Local Letting Plan. The Housing Enabling and Development Team welcome and support this proposal.

- 4.1.10** Additional consultations to the following external and internal consultees have also been sent; West Mercia Constabulary, SC Landscape and Projects, SC Learning and Skills, SC Parks and Recreation, SC Trees and The Coal Authority have also been sent however none responded prior to the expiration of their relevant consultation periods, nor in the time since. It is therefore assumed that no issues sufficient to warrant refusal of the site are raised by these consultees.

**4.2 - Public Comments**

- 4.2.1** This application was advertised via notice displayed at the site and the residents of fourteen neighbouring properties were individually notified by way of publication. While a number of representations from local residents have highlighted that this

advertisement was insufficient, or that the site notice was not prominent enough, the notifications and consultation undertaken by the Council comply with statutory requirements and are considered to be acceptable. In response to the publication of the application, 30 letters of objection have been received.

4.2.2 The reasons cited within the 30 letters of objection received have been summarised as follows:

- Impact upon existing surface water drainage and foul water drainage network resulting in an increased risk of flooding to existing properties.
- Increase in demand from additional residents on existing oversubscribed village services such as schools and doctors surgery.
- Impact on traffic within the immediately adjoining Brook Road and the wider village network. Particular concerns include risk of further deterioration of road surfaces, the inadequacy of the narrow lanes leading to the site, particularly Brookside and Brook Road in allowing access to construction traffic and additional residential traffic and the lack of footways along Brookside which will pose risk to additional pedestrians walking into the village. Concerns have also been raised regarding the potential increase for on street parking along Mount Close and Brook Road.
- The development site is located outside of the development boundary and some residents consider that the need for affordable housing in Pontesbury has been met within other developments in the village. Additionally some consider that insufficient evidence on need for affordable housing has been provided.
- There will be an unacceptable noise impact upon existing residents through the construction phases and from additional residents and their cars accessing the site.
- The field access to Mount Close has only recently been created resulting in the loss of hedging. The proposal will have Impact upon wildlife and surrounding ecology network More appropriate sites will come forward as part of the local plan review with a reduced distance to services at the village centre.
- Planning permission has previously been refused on the site for housing and the overall number of dwellings permitted within Pontesbury already is unacceptable. The proposal clearly shows the subsequent filed to the south will be developed which raises further concerns.
- Visual impact of the proposal on the area, together with its impact on the character of the area which is near to the AONB where residents state encroachment into the rural landscape is unacceptable
- The loss of viable Grade 3 agricultural land is considered to be unacceptable by some residents as the land has only been out of use for this year. Additionally, concerns are raised with regards to contamination issues on site from its historic use and previous use of nearby land for mining.
- Some residents consider that the size of the proposed dwellings is inappropriate and out of character with the existing development in the village. Additionally, concerns over the two storey dwellings overlooking existing properties is raised.
- A resident has also raised concerns over the maintenance of the field boundary hedges to be retained between existing properties and the new



dwellings within the proposal.

4.2.3 Some of the letters of objection summarised above also raised concerns over the implications of the development on house prices in the immediate area and the loss of views from neighbouring properties however whilst these comments are noted they do not constitute a material planning consideration and therefore have not formed part of the consideration of the application in this instance.

4.2.4 Additionally, a letter of representation from the local councillor and resident have been received and is summarised as follows:

- Application is outside the recognised settlement boundary;
- Significant concerns over surface water and foul drainage implications;
- Safety implications for pedestrians walking to the village centre via Brookside;
- Current development within the village boundary will provide sufficient affordable housing.

## 5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
  - **Layout, scale, design, character and appearance**
  - **Impact on neighbouring properties**
  - **Access and parking**
  - **Landscape, ecology and trees**
  - **Drainage**
  - **Other Issues**

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The proposal relates to the provision of 18no. affordable dwellings on a site immediately adjacent to the development boundary of the village of Pontesbury.

6.1.2 The NPPF seeks to ensure the delivery of a sufficient supply of homes and advises at paragraph 61 that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies'*. Paragraph 77 of the NPPF states that *'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs'*. Paragraph 78 goes on to states that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'* Paragraph 79 of the NPPF also recognises that the creation of isolated homes within the countryside should be avoided with a number of exceptions including the subdivision of existing residential dwellings.

6.1.3 The application site is outside of the development boundary of Pontesbury

Pontesbury; a Key Centre linked with Minsterley within Policy CS3 of the adopted Core Strategy, identified within Site Allocations and Management of Development (SAMDev) Policy S12 and is therefore classed as open countryside where open market housing would not be supported. However, the Type and Affordability Housing Supplementary Planning Document (SPD) and Core Strategy Policy CS11 allow for the provision of affordable housing as part of an 'exception site' in accordance with criterion (f) of paragraph 145 of the National Planning Policy Framework. 'Exception sites' are in locations that would not normally obtain permission for open market housing development but an exception is made (subject to satisfying certain criteria) for proposals that relate to development of affordable housing for local people.

- 6.1.4 Within the Shropshire Local Development Framework, Core Strategy Policy CS11 permits *'exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements subject to scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity'*.
- 6.1.5 Policy CS5 allows such homes in the countryside *'on appropriate sites which maintain and enhance countryside vitality and character'*, while MD7a of the SAMDev states that *'Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements'*.
- 6.1.5 The SPD requires that any affordable housing provided should be proportionate in scale to meets the needs of the settlement and be reflective of the size of the existing community. The housing enabling team have confirmed that there is an identified need for affordable housing within the parish and that currently no sites have comes forward as 'exception sites'. While it is noted that there are existing developments currently ongoing within Pontesbury, these were allocated as part of the local plan review process. The main development currently ongoing at Hall Bank will provide housing for the general housing register. The housing team have confirmed the need for this proposal which will provide 18no. additional affordable homes and supports the scheme. The proposal is therefore supported from a housing need perspective and it is considered that the number of homes in addition to that which will be provided as part of development on open market sites is suitable and is reflective of the size of the community.
- 6.1.7 While the comments of local residents regarding the existing level of development within Pontesbury, the existing provision of affordable housing and the sites location outside of the development boundary are noted, it is not considered that any of the aspects raise significant concerns. As outlined above no other affordable housing has been provided via an exception site outside of the development boundary and the proposed allocated housing sites, and sites within the existing development boundary would not be developed for affordable housing when higher value open market housing on these sites would comply with policy. The application site at Mount Close site is suitably located immediately adjacent to the boundary and will provide 100% affordable housing in line with the criteria of adopted policy, will be close to existing housing and in close proximity to the

facilities and services within the village centre to be accessed on foot or by bicycle, and wider public transport connections via the regular bus services running through the village.

- 6.1.8 Further comments from residents regarding the pedestrian access links to the village centre and its services are noted however the SC Highways consultee does not consider that these routes, particularly along Brookside do not raise significant concerns. The siting of affordable housing closer to the village centre would be preferential however sites within the development boundary command a use of higher market value and due to policy this is not possible and its therefore considered that the location of the development as an exception site and the need for the affordable housing meets the policy criteria.
- 6.1.9 Policy MD2 requires all residential development, both open market and affordable, to provide on-site open space however the SC Parks and Recreation Team have not commented on the proposal. Development providing 20 residential units or more, should provide an area of functional recreational space for play, recreation open space – provided as a single recreational area in order to improve the overall quality and usability of the provision whereas developments under this 20 houses threshold, as per the submitted application, should consider on site provision but also have the opportunity to provide a financial contribution for the provision of off-site public open space. The development of 18no. houses proposed equates to 36 bedrooms and therefore generates a requirement of 1080m<sup>2</sup> of open space. In order to provide this open space within the development at least one unit of affordable housing would be lost. Given that the proposal is located within countryside with public footpaths within 100m of the site providing connection to this outdoor space, that each dwelling has a generously proportioned rear and, in some cases, front gardens, and the proximity other recreational facilities within the village, it is agreed that the benefit of providing more affordable homes on this site far outweighs the shortfall in public open space. The scheme makes the most effective use of the land while providing affordable dwellings of an appropriate scale while utilising existing landscaping to minimise the visual impact of the proposal.
- 6.1.10 The primary concerns of the Parish Council relate to the site's sustainability and the distance for potential residents to access essential services. A key objective of both national and local planning policies is to concentrate new residential development in 'sustainable' locations which are easily accessible, while offering a range of services and community facilities.
- 6.1.10 The development is located within countryside for the purposes of policy however it is immediately adjacent to the development boundary of a recognised Key Centre settlement in Policy CS3 and therefore has access to the facilities and services within this settlement. Pontesbury has been identified as a sustainable location for development with a suitable level of services to support additional residents and visitors within Policy S12. There is a recognised need for the type and scale of housing proposed; affordable one to three bedroomed dwellings, in the village as confirmed by the SC Affordable Housing consultee and the current waiting list for properties, provision of which as an exception site would be in line with the SPD and CS11. Within Pontesbury there are a variety of services available including

specialist shops (570 to 630m) and a convenience store (505m), a doctors surgery (750m), and primary and secondary schools (970m) all of which are within 1.0km walking distance from the site utilising the existing highways network. Additionally, the nearest bus stop which has a twice hourly service to Bishops Castles and Shrewsbury is 480m from the site. It is therefore considered that in terms of proximity to services the site is sustainable and within walking and cycling distance of everyday needs of residents while larger services and provisions can be accessed via the existing public transport network or use of private cars.

- 6.1.11 It is considered that the development would score positively against the mutually dependant three dimensions of sustainability set down in the NPPF; Economic, Social and Environmental; whereas a similar development for open market housing would not score sufficiently in the social limb in order for concerns over conflict with policy due to its siting outside the development boundary, and can therefore be supported as an exception site in line with the policies set out above.

## **6.2 Layout, scale, design, character and appearance**

- 6.2.1 SAMDev Policy MD2: Sustainable Design and Core Strategy Policy CS6: Sustainable Design and Development Principles, require developments to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character while safeguarding residential and local amenity. MD13: Historic Environment and CS17: Environmental Networks seek to ensure that development protects and enhances the local character of the built and historic environment, together with protecting environmental assets within Shropshire and creating a network of natural and historic resources for residents and visitors to access and benefit from.
- 6.2.2 The proposal seeks planning permission for 18no. dwellings to include 4no. one bedroomed bungalows, 2no. two bedroomed bungalows, 8no. two bedroomed houses and 4no. three bedroomed houses. The properties are arranged such that they are in semi-detached pairs accessed via a continuation of Mount Close and two cul-de-sacs forming private drives, one either side of the Mount Close spine road. The houses are sited such that all have generous gardens to the rear and two parking spaces to the front with some also benefitting from front gardens. The scale of the dwellings and their curtilages is slightly smaller than those neighbouring properties along Mount Close and Brook Road, which are also cul-de-sacs, but not succinctly different that any concerns regarding layout or siting are identified.
- 6.2.3 The neighbouring dwellings along Mount Close and Brook Road are a mixture of bungalows and two storey dwellings, most of which accommodate their first floor within the roof space and are constructed of brick, coloured render and in places tile details to their facades. The proposal seeks to respond to this mix of development including bungalows of varying scales, both one and two bedroomed and two storey dwellings. The proposed houses are sited to the south and west of the site in order to ensure that there is no overlooking to the immediate neighbours on Mount Close and to ensure that the scale of the development reflects the layout of the existing village.
- 6.2.4 It is recognised that the proposal will extend the boundaries of the village

southwards into existing agricultural land however the proportions of the land to be lost is not considered to be excessive. With the exception of the southern boundary which is to be formed of new native species hedge planting, the proposal will be contained within the boundaries of the existing field hedging, which is to be retained together with the trees interspersed along these hedgerows, minimising any visual impact the proposal has. Additionally, the existing housing surrounding the site to the north and to the west extends to the southern end of the site boundaries such that the site will appear in context with this existing development.

- 6.2.5 Local residents have commented in their representations that the scale of development; 18no. dwellings, would result in a significant increase upon the demand for services in the village including schools and doctors' surgeries. While it is accepted that demand will increase, this will be proportionate to the development and the existing projections for the wider village expansion. It is not considered that this small-scale development would significantly impact provision of services in the village and it is recognised that other developments which do not constitute exception sites for affordable housing, will incur financial contributions through the Community Infrastructure Levy (CIL) to provide additional and improved services within the village, catering for long term expansion and an increase in residents.
- 6.2.6 The proposed layout, scale, design and appearance of the development is considered acceptable and would have no significant adverse impact on the character and appearance of the locality and any perceived negative impact is far outweighed by the social and economic benefits of providing much need affordable housing. The proposal is therefore considered to accord with CS6, CS17, MD2 and MD13.

### **6.3 Impact on neighbouring properties**

- 6.3.1 As part of the consultations process a number of residents within the surrounding area have raised concerns over the impact of the proposals on their privacy through overlooking together with concerns over the impact future residents will have on their amenity through noise disturbance.
- 6.3.2 The neighbouring properties immediately adjoining the norther site boundary are No.2 Mount Close and No.25 Brook Road. The rear elevations of plots 13, 14, 15, 16 and the side/rear elevation of plots 18 and 1 are orientated to face the shared boundary to these properties.
- 6.3.3 Given that plots 1 and 18 are single storey bungalows and that the mature field hedge forming the boundary is to be retained, it is not considered that any negative impact upon residents' privacy will arise from these dwellings. Likewise, due to their scale and the distance from the existing dwellings no adverse impact through overshadowing or overbearing will arise. Plots 13 to 16 are orientated such that their outlook will encompass the western end of No.2 Mount Close' garden. All four dwellings are a sufficient distance from the shared boundary, again formed of mature field hedging to be retained that no overlooking issue is considered to arise, additionally, plots 15 and 16 are single storey and a mature tree to the rear of plot 13 and 14 screens views into the garden of No.2. With regards to plots 1,13 and 18 it is also recognised that their side elevations are closet or orientated to have the

most direct impact upon existing neighbouring dwelling, but no windows which can overlook neighbours are included within these elevations.

- 6.3.4 The garden serving the dwelling known as The Leys, accessed via Bridge Leys Lane, is located to the western boundary of the site and beyond this are additional residential dwellings, No.1, 3 and 5 Ashford Close. The nearest point of the rear elevations of No.1, 3 and 5 Ashford Close is in excess of 29.0m from the site boundary, it is therefore considered that no impact upon the residential amenity of these properties through overbearing, overlooking or overshadowing, will arise as a result of the development. In terms of the garden to The Leys, this property benefits from a substantial rear curtilage of which the norther half will be screened from plots 13 and 14 by the mature tree on the boundary and the existing outbuildings within this garden. Given that the dwelling is well in excess of 25m from the rear elevation of the proposed dwellings and that over 50% of the existing garden is unaffected by the scheme, no adverse impact to this dwelling's residential curtilage sufficient to warrant refusal of the development is considered to arise.
- 6.3.5 The hedgerow retained to the northern, western and eastern boundary will be maintained and the new or existing residents can maintain the boundary at a height of up to 2 metres to afford additional privacy within the gardens. While the southern boundary hedging established there are no neighbouring properties in this direction whose privacy will be compromised during this period.
- 6.3.6 Should the development be approved, a condition requiring a construction management plan will be imposed ensuring that vehicle deliveries and movements within the site are at appropriate hours thereby minimising disturbance to both the immediate neighbours and those within the wider village. Although residents have concerns over the noise of vehicles passing their houses once the dwellings are occupied this is not considered to result in any adverse noise of impact and therefore no objection is raised in this regard.

#### **6.4 Access and parking**

- 6.4.1 The proposal includes two off-road parking spaces for each dwelling, which given the modest scale of the dwellings between 1 and 3 bedroom is considered to be proportionate to the need generate by this scale of development. Parking spaces are appropriately located in front of the dwelling or in close proximity to the side of each dwelling such that there is unlikely to be a demand for on street parking within the development site and neighbouring streets.
- 6.4.2 The SC Highways consultee have confirmed that the road layout proposed; a continuation of Mount Close in a southern direction and two cul-de-sacs one leading east and one west is appropriate and meets the appropriate design requirements although more details of the specific construction technique will be required at discharge of conditions stage. No concerns in relation to the width of Mount Close or its continuation are identified and no concerns over the volume of traffic generated by 18no. dwellings using this junction is identified. Refuse vehicles serving the dwellings will not access the private roads however provision of a pedestrian footpath has bene indicated and as such sufficient storage off the highways for bins and recycling boxes will be provided on collection days without

significantly compromising pedestrian safety.

- 6.4.3 In terms of the wider implications on the highways network through the village, the movement of construction traffic will be dealt with via the construction management plan to be submitted at conditions stage. In terms of movements from residents occupying the site following completion of the development, they will need to utilise Brook Road and then Brookside in order to exit the residential area onto the Minsterly Road (A488). While it is accepted that Brookside is narrow in sections, where drivers have to slow down and often give way to oncoming vehicles and short sections has no footway, in the last five years there have been no recorded accidents with injury along Brookside. It is therefore considered that the increase in vehicle movements and pedestrians along this stretch of road proportionate to a development of 18no. dwellings is unlikely to result in a severe increase in risk and highways safety, therefore no objection is raised.

## **6.5 Landscape, ecology and trees**

- 6.5.1 The application site is located approximately 620m to the northwest of the nearest edge of the Shropshire Hills Area of Outstanding Natural Beauty. Given the distances involved and the existing views into and out of the AONB which encompass the large village of Pontesbury and the mixed uses within it including housing it is not considered that the 18no. dwellings proposed together with highways access and their curtilages will appear out of context or have any negative visual impact upon the AONB.
- 6.5.2 The SC Conservation consultee has highlighted the need to consider the impacts of the proposal on the wider landscape setting. The site will be bounded to the east and south by agricultural fields through which run a number of public footpaths. The nearest footpath runs along Bridge Leys Land to the western boundary of the site and a second; which runs northeast-southwest, at its closest point is approximately 65m from the sites southern boundary. While the close proximity of these footpaths is acknowledged, given that the public viewpoints already encompass the rear elevation of residential housing along Mount Close, Brook Road, Ashford Park and Ashford Close, this outlook will not significantly alter although the development will be closer. The intervisibility between users of the footpaths and the proposed dwellings will be screened in places by the retention of existing field boundary hedges and the mature trees interspersed along these boundaries, together with additional planting proposed to the southern site boundary.
- 6.5.3 In a wider context the landscape slopes gently from the south down towards the site. As such receptors on the footpaths which extend in a southern direction looking towards the site will get some long-distance views of the proposals. Given the scale of the dwellings proposed; 1 to 3 bedroomed houses and bungalows, the boundary treatments to both existing fields and the development site and the extent to which existing residential development is clearly visible within the landscape, it is not considered that the proposal will result in a demonstrable negative impact upon to landscape or visual amenity receptors utilising public rights of way.
- 6.5.4 The application has been accompanied by a Preliminary Ecology Appraisal which confirms that development of the site would not have a significant impact upon

biodiversity subject to certain criteria such as retaining the hedgerows on site and conducting the minor hedgerow removal required for provision of the site entrance from Mount Close, outside of the bird nesting season. Following clarification as to the retention of an existing drainage ditch to the western boundary within the garden of plot 12, SC Ecology has confirmed that scheme is acceptable subject to the imposition of appropriate conditions and informatives on any subsequent approval, with regards to its ecological impacts.

- 6.5.5 The arboricultural report prepared by Old Oak Tree Care, submitted alongside the proposal has identified 8no. mature trees ranging from category A to C and three category C hedges all of which are along the north, east and west boundaries of the development site and shown within the submitted plans. Some of the mature trees identified are subject to individual Tree Preservation Orders (TPO's) and a group to the southeast corner of the site are subject to a group protection order. The submitted plans indicate that all building works which require substantial ground excavation (foundations, provision of adopted roads etc.) will take place outside the root protection area (RPA) of the trees identified and none are to be felled as part of the scheme. The existing access will be utilised to enter the site however it will be widened from its existing width of approximately 4.0m to approximately 9.0m resulting in the loss of an additional 5.0m of category C hedging.
- 6.5.6 The arboricultural report confirms that throughout the development all trees and hedges can suitably be protected and that the work required to facilitate the development; partial removal of a category C hedge to provide the site access, crown reduction of a category C oak tree as its dying back and partial incursion into the RPA of oak 3 to provide the access road and parking area, is acceptable and will not result in harm to any trees retained, and the minor hedging loss can be mitigated through provision of additional trees and hedging on site. None of the trees identified are in close enough proximity to a dwelling to cause issue through overshadowing of the windows to the dwellings habitable rooms or their gardens which could result in future pressure to fell these trees. Together with the provision of additional trees on the development site, along the southern boundary and to the frontage of the street scene to mitigate for the loss of a short section of hedging, the retention of the existing mature trees is considered to be appropriate and no objection is raised in this regard.

## **6.6 Drainage**

- 6.6.1 As part of their initial consultation SC Drainage requested that a drainage layout and calculations were provided by condition. The applicant has provided this additional information at application stage demonstrating that the proposed foul and surface water drainage scheme is acceptable. The drainage layout indicates that the foul and surface water from each of the 18no. dwellings will be directed to the central spine road which continues from Mount Close where it will adjoin the existing mains drainage running through the site. A 12m easement to the Severn Trent water main is maintained through the centre of the site.
- 6.6.2 As residents have commented on the capacity of the existing foul and surface water drainage within the village, and the likelihood of it failing to accommodate the



demand from an additional 18no. dwellings, Severn Trent Water were also consulted as part of the scheme. Severn Trent have confirmed that additional foul flows from this scale of development wouldn't have an adverse effect on the network. Similarly, the flows of surface water drainage based on the number of dwellings and the area of hard surfacing proposed, would not have a significant impact upon the network prior to discharge into existing ditch courses. Sufficient soft landscaping space has been included within the development to reduce surface water run-off and enable sustainable drainage in places through percolation.

- 6.6.3 As neither SC Drainage nor Severn Trent raise any objection to the proposal, and the drainage layout and calculations have demonstrated the sites capability to effectively drain 18no. dwellings, no objection is raised in this regard.

## **6.7 Other issues**

- 6.7.1 As part of the consultation process a number of local residents commented in relation to the sites previous use and the potential for the land to be contaminated. The applicant at the point of submission provided a Coal Mining Risk Assessment which confirmed the presence of historic mining activity on or near the site but that those risks are capable of being fully addressed such that the development can go ahead. The SC Regulatory Services consultee has recommended the imposition of a condition regarding contaminated land, details of which are to be required prior to development commencing.
- 6.7.2 The Archaeology consultee has also requested that a phased programme of archaeological work be made a condition of any planning permission for the proposed development due to the potential for below ground structures and features associated with the historic use of the site for mining and coal workings.

## **7.0 CONCLUSION**

- 7.1 There is an identified need for affordable housing in the village of Pontesbury and the location of the proposed dwellings is considered to be acceptable and in compliance with the terms of the exception sites policy outlined in the housing SPD and accords with CS5 CS11 and MD7a.

The scale, design and appearance of the 18no. proposed dwellings and the layout of the development are appropriate and would have no adverse impact on the character and appearance of the locality including the wider landscape, nor on neighbouring residential amenity. The proposal is acceptable from a highway perspective as there would be no severe highway safety implications and a satisfactory access and adequate parking and turning space will be provided. The trees to be retained will be protected and the removal of the hedgerow will be mitigated by additional hedge and tree planting and there will also be ecological enhancement of the site.

The proposal is therefore considered to accord with Shropshire LDF Policies CS6, CS17, MD2, MD12 and MD13 and officer recommend the approval of the application is delegated to the Head of Service, subject to the conditions

recommended in appendix 1 and any modifications to these conditions deemed necessary, together with the signing of a Section 106 agreement to secure the affordable housing in perpetuity.

## **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  
SPD Type and Affordability of Housing

CS3 - The Market Towns and Other Key Centres  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks

MD7A - Managing Housing Development in the Countryside  
MD2 - Sustainable Design

Settlement: S12 - Minsterley - Pontesbury

### RELEVANT PLANNING HISTORY:

14/03034/OUT Outline application for the erection of 12No dwellings (all matters reserved)  
REFUSE 29th July 2015

18/05670/FUL Erection of 18No. affordable dwellings and associated works PDE

### Appeal

16/02412/REF Outline application for the erection of 12 No dwellings (all matters reserved)  
DISMIS 6th July 2016

## 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 Nick Hignett

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 plans and drawings.

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

3. 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.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

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

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

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

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

**5.**

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.**
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.**
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.**
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.**

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

**Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:**

**<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>**

**6. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of**

**archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.**

**Reason: The site is known to hold archaeological interest.**

**7. No development shall take place until details of the design and construction of any new roads, footways, accesses and the service margins being identified, together with details of the disposal of highway surface water have been submitted to and approved by the Local Planning Authority.**

**Reason: To ensure a satisfactory highway is provided within the site.**

**8. 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:**

- a traffic management and HGV route plan
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

**9. 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. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.**

**Reason: To minimise disturbance to bats, which are European Protected Species.**

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

10. Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

A minimum of 3 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. The boxes shall 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 175 of the NPPF.

11. The proposed surface and foul water drainage schemes shall be installed in accordance with the approved Engineering Layout Drawing No: J01879/A1/001 REV.A dated 19 February 2019 prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

12. Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

A minimum of 3 artificial bird boxes, of either integrated brick design or external box design, suitable for House Sparrow, Swallow & Wren should be installed on site. The boxes should be sited in an appropriate location 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 175 of the NPPF.

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

### **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. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

3. 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.

4. 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](http://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.

5. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

6. a) Nesting bird informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, 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.

b) Bats and trees informative

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.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

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.

c) Great crested newts informative

Great crested newts 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 great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

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

d) Landscaping informative

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

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