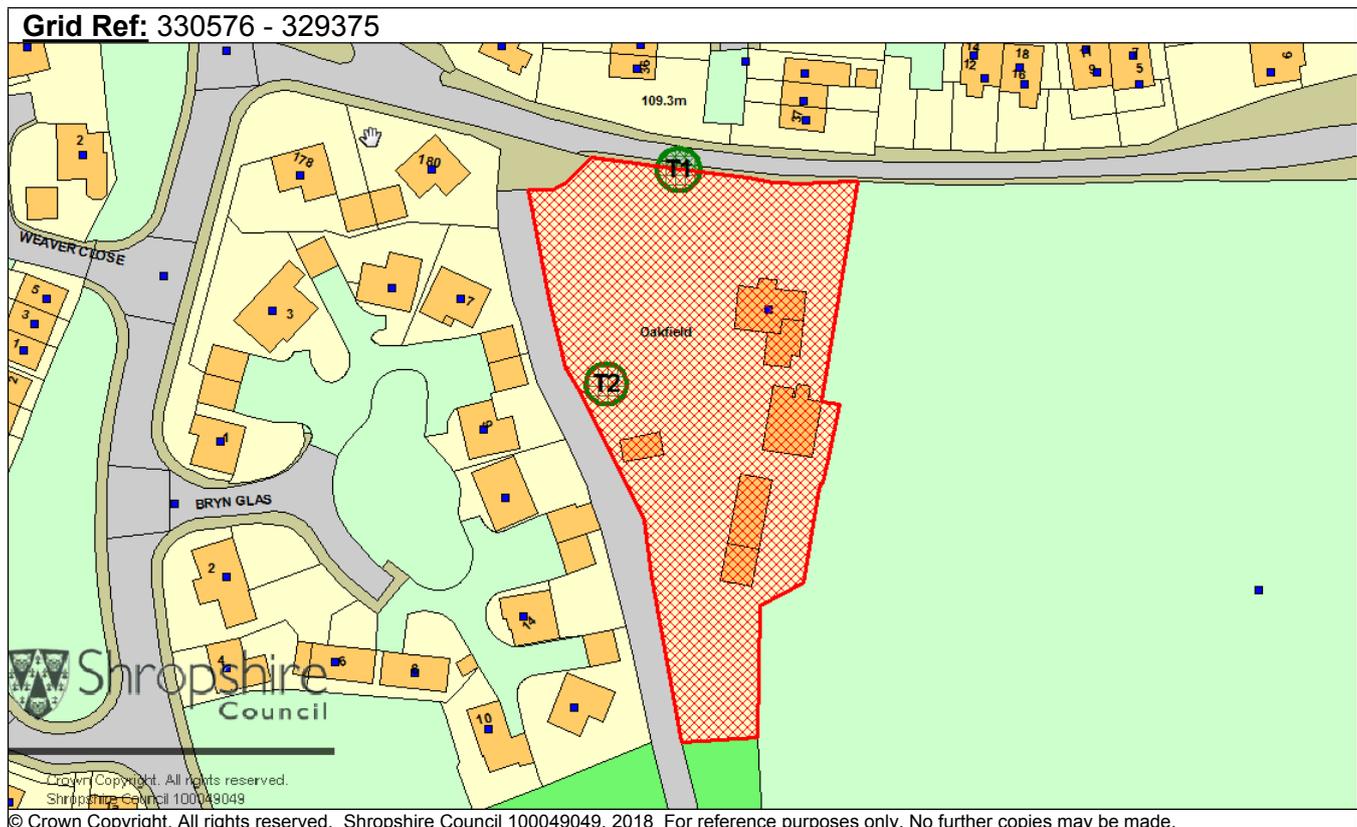


Development Management Report

Responsible Officer: Tim Rogers
Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/05057/FUL	Parish: Oswestry Town
Proposal: Erection of 3no. detached dwellings following demolition of existing structures; Formation of new vehicular access	
Site Address: Oakfield Middleton Road Oswestry Shropshire SY11 4LU	
Applicant: Mr Roger Roberts	
Case Officer: Shannon Franklin	email: planningdmne@shropshire.gov.uk



Recommendation:- Approval subject to the conditions as set out in appendix one attached to this report.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 3no. detached dwellings following demolition of existing. The scheme will result in 4no. dwellings being accommodated within the site boundary which currently accommodates a single dwelling know as Oakfield.
- 1.2 During the determination of the application the scheme has been amended in accordance with both Officers comments, together with the SC Highways and the SC Trees consultee comments.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the western edge of Oswestry on the southern side of Middleton Road. The site, which is roughly triangular in shape narrowing to the southern end, is accessed from the northwest corner with the existing dwelling located to the north eastern side.
- 2.2 The sites boundaries are formed of mature tree and hedge planting to the north, southwest and southeast, with additional mature trees contained within the site. In a wider context the site is bounded to the north and west by existing residential development, and to the south and east by open countryside. The land to the east and south is allocated as Oswestry Sustainable Urban Extension for development under SAMDev Policy S14.1

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council object to the scheme and following discussion between the Principal Planning Officer, together with the Chair of the Committee, it was concluded that the decision should be made via committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Oswestry Town Council – Objection – 19.11.2018

The Council wish to object to this planning application citing the loss of trees and a hedgerow as a result of the development. The additional traffic onto a busy road would increase concerns regarding safety - Middleton Road has been identified as a site of community concern by Oswestry Town Council. The entrance/exit onto the site is on a bend this again raises concerns regarding road safety.

4.1.2 SC SUDS – No Objection – 07.11.2018

Conditions and informatives recommended.

No objection subject to the implementation of appropriate conditions and

informatives.

4.1.3 **SC Trees – No Objection – 09.05.2019**

Conditions recommended.

I have reviewed the revised site layout and consider that it provides a better relationship between the retained trees and the proposed dwellings, although I note that the canopy of the oak tree appears to have shrunk! However, I think that on balance the layout is sustainable and would withdraw my objection providing appropriate tree protection measures and landscape planting are provided. It is recommended that Permitted Development Rights allowing the construction of extensions, garages, conservatories or other structures be removed, to ensure that retained trees are not put at risk by future alterations to the buildings.

Additional Information Required – 04.04.2019

There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 31 individual trees and 3 hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The majority of the trees on the site are small, relatively young, ornamental specimens and I would agree with the sentiments of the AIA that, whilst attractive in their own right, they lack the prominence to be considered as significant elements of the landscape or character of the wider area. The AIA has identified six trees within the site that it considers significant, both in terms of current and future visual amenity and ecological value and has proposed that these be retained and incorporated into the site layout along with all the boundary hedgerows.

This is a reasonable proposition, as it would retain the significant trees on the boundary of and to the front of the site and maintain connectivity with the area of trees to the south and the network of existing hedgerows.

I would raise significant concerns about the proximity of tree T7 to the proposed dwelling on plot 2, and also the potential for this tree to cast shade over the dwelling and the garden areas of both plot 2 and plot 3. The tree is still in early maturity and can be considered to become significantly larger. The site layout needs to take account of this, as recommended in the AIA.

In its current incarnation would create a situation that would in the future lead to the loss of a significant tree and the consequence of this would be a substantial degradation of the character of the area. It is advised that the site layout be

redesigned to accommodate the tree

Landscape planting of trees forms an important element of a development of this type and will help to reinforce the screening provided by the retained trees, mitigate the loss of canopy cover and provide an attractive and appropriate setting for the development. In my view there is insufficient planting indicated for the site, particularly on the west boundary. This needs to be considered and the application should also be supported by a landscape proposal including trees planting prepared in accordance with BS8545: 2014.

4.1.4 **SC Highways (Mark Wotton, Area Manager – North & Central Developing Highways) – No Objection – 15.05.2019**

Following submission of revised plans, and as per our previous discussions on this application and with the applicant, I consider the access proposals are acceptable and an improvement upon the previous access proposals. Conditions regarding the implementation of the scheme and to provision of visibility splays are recommended.

No Objection – 29.11.2018

In principle there is no objection to the development of the site. The site however sits adjacent to the Mosaic housing application for 150 houses. As part of that application (17/06025/OUT) widening works are shown along Middleton Road, across the frontage of Oakland. My understanding is that it falls under the same ownership. On the basis that the improvements shown to Middleton Road in respect of the adjacent land application submission, are shown in relation to this application then highway matters would be satisfied.

4.1.5 **SC Ecology – No Objection – 26.11.2018**

No objection subject to the imposition of appropriate conditions and informatives.

4.1.6 **SC Affordable Housing – No Objection – 28.11.2018**

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre-dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site and the residents of eight neighbouring properties were individually notified by way of publication. At the time of writing this report, one representation had been received in response to this publicity, objecting to the scheme.

4.2.2 The reasons cited within the response for objecting are summarised as follows:

- Negative impact on amenity of the area and neighbouring properties;

- Traffic and highways network implications;
- Visual and ecological impact from the removal of trees and hedging;
- Detrimental impact upon the character of the area.

5.0 THE MAIN ISSUES

- **Principle of development**
- **Siting, scale and design of structure**
- **Visual impact, trees and landscaping**
- **Highways**
- **Residential amenity**
- **Other matters**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy CS1 of the adopted core Strategy outlines the strategic approach to development across Shropshire indicating that within the north west area 5,775 dwellings are to be constructed within the plan period up to 2026.
- 6.1.2 Subsequently, Policy CS3 identifies Oswestry as a Market town which will provide a focus for major development including provision of an additional 750+ dwellings within a Sustainable Urban Extension, alongside employment and infrastructure provision.
- 6.1.3 SAMDev Policy S14 reiterates this position stating that Oswestry will accommodate 2,600 dwellings to 2026 and new housing development will be delivered through the allocation of a combination of existing brownfield sites within the town and a range of new greenfield sites, together with an allowance for windfall development which reflects available opportunities and past rates.
- 6.1.4 The application site is located within the development boundary, as identified in the SAMDev policy maps and within the development boundary, where Policy CS3 supports residential development. The development will be situated in an established residential area within the urban development boundary of Oswestry. It is close to essential services and facilities that could be accessed by foot or by cycle and the Town Centre is readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS3.
- 6.1.5 In terms of design and the layout of the proposal Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; seeks to ensure development is sympathetic to the size, mass, character and appearance of the surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.1.6 Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring design policies to

reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.

- 6.1.7 Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.8 Due to the size of the development the applicant is not required to pay an Affordable Housing Contribution as per Policy CS11 of the Core Strategy, however the development will be liable for a Community Infrastructure levy.

6.2 Siting, scale and design of structure

- 6.2.1 The application seeks to provide three additional dwellings within the curtilage of the existing property known as Oakfield. Currently the site comprises of a single dwelling, a large garden area, driveway and turning space together with a number of outbuildings used for domestic storage.
- 6.2.2 The three additional dwelling to be formed will be sited to the west and south of the existing dwelling, serviced by an extension of the existing driveway to form a central access road running south through the site. Plot 1 is located to the rear of the site comprising of a single dwelling and a detached double garages and plots 2 and 3 to the western boundary of the site, again with detached garaging.
- 6.2.3 The siting of the individual dwellings within the plots are considered to be acceptable, with each retaining a generous rear curtilage and sufficient space for parking and turning. It is not considered that a linear layout is appropriate in this instance taking into account the siting of the existing dwelling on site and the layout and orientation of the neighbouring dwellings to the west.
- 6.2.4 In terms of scale it is recognised that the dwellings are generously proportioned, with each dwelling being four bedroomed, however given the scale of the existing house and the properties to the west, the overall bulk, ridge heights and number of dwellings proposed on site is considered to be proportionate.
- 6.2.5. The design of the dwellings is reflective of neighbouring dwellings; brick built two storey and 1 and a half storey dwellings. No concerns with regards to the design features or detailing is identified at this stage.
- 6.2.6 The siting, design and scale of the proposed development of three dwellings, within the exiting curtilage of Oakfield is considered to be acceptable.

6.3 Visual impact, trees and landscaping

- 6.3.1 The main viewpoint of the proposal will be from Middleton Road to the north. The hedging fronting this boundary will be retained with some cutting back and reduction in height required to provide the appropriate visibility splays. Resultantly, view of the development will be limited to those into and out of the site entrance in the northwest corner of the site. Plots 1 and 2 will be clearly visible to receptors passing the site entrance but are considered to be in character and of an appropriate appearance taking into account the context of the existing street scene and the neighbouring dwellings approximately 16.5m to the west. Plot 1 will be screened from views form the road frontage buy the existing and proposed dwellings.

- 6.3.2 Neighbouring residents occupying the dwelling to the west on Bryn Glas will have some views of the proposal from the windows to their upper floors however given the orientation of the dwellings, the separation of the properties by mature hedging and an access track it is not consider this will have any significant negative impact on the locality. Additionally, some trees will be retained within the site to reduce intervisibility between dwellings and neighbours.
- 6.3.3 The site currently comprises of a landscaped garden, lawns and trees. The proposal will see a number of trees removed and fencing installed to form the boundaries between the new plots to be created. The gardens to the three properties will be laid to grass with the outer boundaries to the site retained. Within the site the most valuable and mature tree specimens including an Oak Tree and a Lime Tree; which are both subject to a Tree Preservation Order, will be retained and protected throughout the course of the development.
- 6.3.4 While the comments of the Parish Council with regards to tree loss are noted, and it is accepted that the loss of trees should be avoided where possible, the SC Trees consultee has confirmed that the proposal is acceptable in this regard. As the gardens to the three dwellings created establish additional ornamental planting, including tress and hedging, will establish therefore improving both the visual appearance and the provision of trees on site.

6.4 Highways

- 6.4.1 The prosed highways access to the site has been altered throughout the course of the development to accord with the comments of the highways consultee and the planning officer. It is proposed that the existing highways access will be widened to 5.0m and all four properties on site; the existing Oakfield and three proposed dwellings, will utilise this main entrance.
- 6.4.2 The applicant has demonstrated that the required visibility splays can be accommodated while retaining the majority of the hedge and that parking and turning areas proportionate to each four bedroomed dwelling can be provided within each plot. It is therefore considered that the highways arrangement proposed is acceptable and no significant concerns are raised.

6.5 Residential Amenity

- 6.5.1 Officers have considered the implications of the proposed development on neighbour residents amenity and conclude that the scheme is acceptable. The separation between each of the four dwellings on site and the placement of their windows ensure that no concerns over privacy or amenity arise internally within the site. When considering the neighbours at Bryn Glas, the orientation of the proposed dwellings to face north and the separation distance of in excess of 19.0m from the nearest elevation ensure that any overlooking would be negligible. In addition the mature hedging forming the site boundary which is to be retained and the access track between the site and the neighbouring dwelling ensure that the developments will not have a shared boundary thereby mitigating any amenity impact further.

6.6 Other Matters

- 6.6.1 The proposed development site lies immediately west of land allocated as Oswestry Sustainable Urban Extension for development, under SAMDev Policy S14.1. Should

the current pending application on this site be granted then the site will be bounded on all sides by residential development.

6.6.2 It is noted that part of the Oswestry SUE site application considers the widening of Middleton Road to provide access and therefore the neighbouring developer has an option to purchase a strip of land to the front of the current application site. As a result of this the applicant has ensured that all development required to facilitate the provision of the three dwelling on site occurs outside of this land.

6.6.3 While Officers note that alterations to the highways arrangements and loss of additional trees and hedging may occur as a result of the neighbouring development, this current application is determined on its own merits and the information supplied.

7.0 CONCLUSION

7.1 The provision of three dwellings on a site within the development boundary of Oswestry is acceptable in principle and supported by Officers. The works are judged to be in scale and character with the original dwelling on site and of no demonstrable harm in terms of visual impact. No impact upon neighbouring residents is identified and the highways and trees considerations are appropriate. As such the proposal is in accordance with the determining criteria of the relevant policies including CS3, CS6 and MD2 and as such approval is recommended.

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:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD12 - Natural Environment
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

OS/99/10696/FUL Erection of replacement garage and implement shed GRANT 2nd August 1999
 OS/77/7902/FUL Alterations and extensions to provide a lobby and greenhouse GRANT 14th September 1977
 OS/93/8091/FUL Alterations and additions to existing dwelling GRANT 11th February 1993
 18/05057/FUL Erection of 3no. detached dwellings following demolition of existing structures;
 Formation of new vehicular access PDE

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 John Price Cllr Clare Aspinall
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 works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no nett loss of trees from the urban area and to provide natural landscape features that help to integrated the development into the local environment

5. No development shall take place until a scheme of the surface and foul water drainage has 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.

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

6. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

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

7. Prior to the development hereby permitted being first occupied, the access, access road and parking areas shall be implemented in accordance with the approved plans.

Reason: To provide a satisfactory means of access to the site.

8. Prior to the development hereby permitted being first occupied, 2.4 x 90 metres visibility splays shall be provided in an easterly direction and 2.4 x 43 metres in the westerly direction, all growths and/or obstructions in advance of the visibility splays shall be lowered to and thereafter maintained at a height not exceeding 0.3 metres above the level of the adjoining highway carriageway.

Reason: In the interests of highway safety.

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

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.

10. All demolition, conversion, site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Ecological Appraisal prepared by Greenscape Environmental Ltd (September 2018), unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, D and E; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard the retained trees on site.

12. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

13. No construction (and/or demolition) works shall take place before 7am on weekdays and 9am on Saturdays nor after 6pm on weekdays and 1pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

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 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. Ecology Informatives

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) 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.

C) 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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