



Committee and date

South Planning Committee

28 August 2019

**Development Management Report**

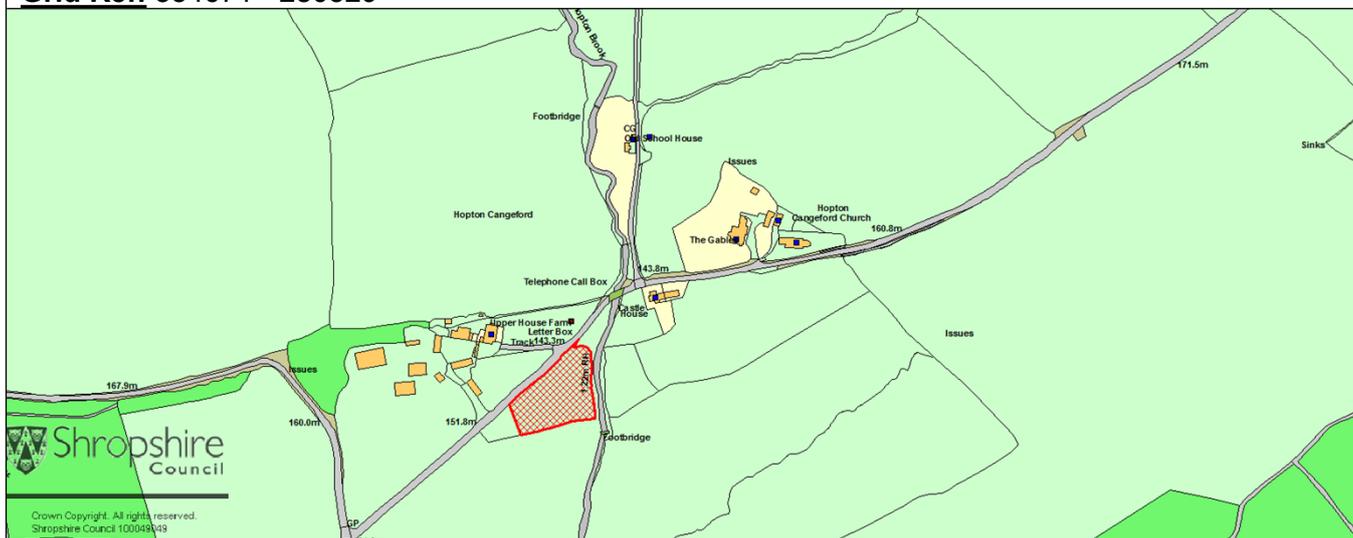
Responsible Officer: Tim Rogers

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**Summary of Application**

<b>Application Number:</b> 18/02529/FUL	<b>Parish:</b>	Stanton Lacy
<b>Proposal:</b> Erection of three dwellings in a courtyard arrangement with access drive and parking		
<b>Site Address:</b> Proposed Residential Development Land East Of Upper House Farm Hopton Cangeford Shropshire		
<b>Applicant:</b> Mr Wiggin		
<b>Case Officer:</b> Heather Owen	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 354671 - 280329



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Contact: Tim Rogers (01743) 258773

**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of three dwellings, a three-bay carport, alterations to an existing access and formation of a parking area.
- 1.2 The dwellings as proposed would provide one, two bed unit of approximately 57sqm of accommodation, and two, three bed units (providing approximately 79sqm and 89sqm of accommodation respectively). The adjoining car port is proposed to provide 3 parking bays one for each dwelling. The proposed design of the dwellings and car port is to appear as a converted set of traditional barns around a courtyard arrangement giving the buildings a U shaped footprint. The proposed car port and two bed unit would be set within the single storey part of the proposal with the remaining accommodation set over two floors.
- 1.3 The dwellings are proposed to be constructed in the main with red facing brick, the upper storey being clad in feather edge timber boarding under a plain clay tiled roof.
- 1.4 This proposal is an alternative proposal to planning application 17/04427/FUL on the land opposite this application site, which was subsequently withdrawn following discussion with the Conservation Officer and the Parish Council on alternative schemes.
- 1.5 The design and access statement which accompanies this application advises that the purposes of these dwellings are as starter units for tenants of the Downton Estate. This application also has links with another planning application from Downton Hall Estate which is on land adjacent to The Old School House, Hopton Cangeford, reference 17/04421/FUL.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is a parcel of land, peppered with fruit trees and located opposite to a farm house and group of farm buildings known as Upper House Farm to the south east of a single track 'C' classified road which runs through Hopton Cangeford. Access to the site is via an existing farm gate located towards the north west part of the field, where a public right of way runs through and across the north east part of the site and down to a footbridge to cross Hopton Brook which runs along the eastern boundary of the site. The site boundaries are defined by mature tree and hedge boundaries.
- 2.2 The site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), approximately 65m to the north-east lies a grade II listed dwelling and a grade II listed telephone kiosk. Further afield at approximately 179m to the north east lies The Old Church, a grade II\* listed building.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This case is presented for committee determination as the Local Ward Member has “called in” this application within 21 days of it being validated. Following discussion of the reasons for call in with the Chair and Vice Chair of Planning Committee it was agreed that the reasons are material planning considerations and the call in request complies with the terms of the scheme of delegation as set out in Part 8 of the Councils Constitution.

### 4.0 Community Representations

#### 4.1 Consultee Comments

4.1.1 Stanton Lacy Parish Council: The councillors do not object to this planning application. They do however have concerns about road safety with an increase in traffic on very narrow roads.

4.1.2 SC Rights of Way: It is reassuring to see that the public footpath UN4 that runs across the development area has been accurately identified in the Design & Access Strategy and accommodated within the planning design.  
Recommend informative regarding the developers responsibilities to ensure the right of way remains open and safe for users during construction works.

4.1.3 SC Conservation (Historic Environment): No principle objections to this proposal, where it is considered that the proposal would have a negligible impact upon the setting of the adjacent heritage assets, where the proposal demonstrates appropriate and sensitive/restrained design.  
Recommend conditions with regards to joinery (fenestration and roof verge details), along with other external facing materials (samples) and finishes, including a specification for the proposed flush fitting conservation rooflights.

4.1.4 SC Archaeology (Historic Environment): No comments to make on this application with regards to archaeological matters

4.1.5 SC Affordable Housing: There are no affordable housing obligations associated with this proposal.

4.1.6 SC Ecologist – 04<sup>th</sup> July 2019 - Final comments following receipt of bat and dormice reports by Teme Ecology: Recommend conditions relating to design of external lighting and the installation of ecological enhancements through bird, bat and hedgehog boxes and informatives relating to wildlife protection during development.

SC Ecology – 09<sup>th</sup> October 2018 - Comments on submitted Ecological Assessment by Teme Ecology: Additional information required relating to bat and dormice surveys as recommended within the Ecology report.

SC Ecology – 03<sup>rd</sup> July 2018 – Initial comments: Additional information is required in the form of an Ecological Assessment.

4.1.7 Shropshire Wildlife Trust: 09<sup>th</sup> July 2018:

- There have been reports of priority species (hedgehogs) on the development site.
- The site appears to be an old orchard site, so may potentially be considered as priority habitat (traditional orchards)
- Proximity of the Hopton Brook – potential high ecological interest including presence of species such as otter.
- Site falls within the Shropshire Environmental Network.

No ecological assessment appears to have been submitted and given the issues listed above there is insufficient information on which to base a planning decision.

4.1.8 Shropshire Hills AONB Partnership: Standing advice regarding need to be considered the impact of development on the AONB designated. This standing advice does not indicate either an objection or no objection to the current application.

4.1.9 SC Highways: No objection, recommend conditions regarding parking and turning, installation of gates and informatives on the use of a public right of way for vehicular traffic and works to a highway.

4.1.10 SuDs: Recommend surface water and foul drainage condition and informatives relating to the design of surface water drainage.

4.2 Public Comments

4.2.1 This application has been advertised for 21 days via site and press notices and directly in writing to two adjoining properties.

2 objections have been received:

- Location not part of the community cluster - The proposed development states that Hopton Cangeford is "a community cluster" and that "limited infill" is approved. To define the boundaries of the Hopton Cangeford cluster you need to draw a line between Castle Cottage and Upper House Farm. The proposed development is outside this line and "new housing in open countryside is unacceptable".
- Highway Safety – there is limited visibility of road users leaving the proposed development. The site entrance opens on to a narrow single-track lane and vehicles would need to pull out into the middle of the lane to check for oncoming traffic.
- Objections raised on the previously withdrawn application still apply and even more so as number of homes on this scheme has increased from 2 to 3.
- No activity in Hopton Cangeford which warrants doubling the housing stock and population.
- Led to believe the homes will not be offered for sale on the open market but rather tenanted houses on the Downton Hall Estate.
- Detrimental to the Shropshire Hills AONB.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Historic Environment  
Visual impact and landscaping – Shropshire Hills AONB  
Biodiversity  
Highway Safety  
Residential Amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.2 For new housing development, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in policy CS3; CS4 and set out in detail in the Council's SAMDev Plan, policy MD1.
- 6.1.3 Hopton Cangeford is identified as a community cluster alongside Stoke St Milborough, Cleestanton and Cleedowntown where settlement policy S7.2(iii) of the SAMDev plan allows for limited infilling and conversions on small scale sites which will meet local demand for housing. This policy aims to deliver around 10 additional dwellings in the period up to 2026. It is acknowledged that Hopton Cangeford is a small settlement with little in the way of services and facilities of its own. However its inclusion as a component of a Community Cluster under SAMDev Policies MD1 and S7 implies broadly that the location is sustainable, and this carries significant weight. National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date local plan should be approved without delay.
- 6.1.4 Whilst Core Strategy Policy CS4 confirms that new housing must be located within the settlements themselves and not on adjoining land or in the countryside in-between. The SAMDev Plan does not define development boundaries around these Cluster settlements and provides no definitive definition of infill, as such the question of whether or not specific schemes constitute infilling is a matter for judgment in each case.
- 6.1.5 As noted above Hopton Cangeford is a small settlement with a rather dispersed and irregular development pattern, due to many of the properties being separated by existing fields and spread out either side of the highway. As such there is little opportunity for infill in the traditional sense (i.e. The dictionary defines 'infill' as 'the act of filling or closing gaps'). It is also noted that the applicants have spent some

time considering alternative locations within the settlement for the proposed dwellings. These alternative sites were dismissed as inappropriate and less viable options for reasons including poor drainage, access and land level concerns. In terms of the application before members it is noted that there is existing built development opposite the site in the form of Upper House Farm, which it is considered marks the western edge of development the Hopton Cangeford settlement. To the north east lies the residential property known as Castle House. Whilst the application site does not share a contiguous boundary with these properties, they are partially visible from the site, in particular the built structures of Upper House Farm. As such it is considered that the site does relate spatially and visually to Hopton Cangeford and would on balance represent infill in this case.

6.1.6 In terms of housing numbers, the Councils most recently published Five Year Housing Land Supply Statement, March 2019 includes analysis of completions and commitments and sites with planning permission as at 31st March 2018. In the case of the community cluster within which Hopton Cangeford part of the statement advises that there have been 2 completions and 7 sites are with planning permission. It is acknowledged that should this application and its associated scheme both gain permission the number of houses with permission would be over the 10 recommended within the settlement policy. However SAMDev Policy MD3 explains that the settlement housing guidelines are not absolute maxima and provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:

- i) The increase in number of dwellings relative to the guideline; and*
- ii) The likelihood of delivery of the outstanding permissions; and*
- iii) The benefits arising from the development; and*
- iv) The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
- v) The presumption in favour of sustainable development.*

6.1.7 The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five year supply. It would provide some local benefit in terms of construction work and additional residents who in turn will spend money within the wider local area, albeit it is acknowledge that for small scale developments these benefits are small. Hopton Cangeford has been identified as an appropriate location for residential development and the Local Planning Authority is satisfied that this designated has been made taking into account the long term sustainability of the settlement and county as a whole. There have been no planning permissions for new dwellings within Hopton Cangeford itself and thus there is currently no cumulative impact of new housing developments within this settlement. As such it is judged that the erection of these dwellings would not cause demonstrable harm to the character of the settlement in terms of delivering excessive housing to which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy.

6.1.8 Objection is raised that the development of both this site and the site to the north (17/04421/FUL) would lead to the overdevelopment of the village and detract from

the character of the settlement. It is noted that if both sites are permitted and subsequently built the size of the village would increase by 5 houses, which would effectively double the number of properties. Whilst the settlement policy provides a guideline to the number of new dwellings across the cluster as a whole it does not set a limit to the number of properties which should be built within each settlement named within the cluster. In this case the two application sites are almost at opposing ends of the settlement, which would spread the development out which retains the existing dispersed character of the settlement. Further it is noted this application in particular seeks to introduce a number of smaller units to the settlement, which would assist with the policy aims of rural rebalancing. Overall on balance it is considered that the development of both sites would not significantly alter the character of the settlement to justify refusal of this application.

## 6.2 Affordable Housing Contribution

6.2.1 Core Strategy Policy CS11 and an accompanying Supplementary Planning Document require all market housing schemes to make an affordable housing contribution (usually a payment in lieu of on-site provision where a small number of dwellings is proposed). However the revised version of the NPPF published in February 2019, incorporated the 2014 Written Ministerial Statement which announced that planning obligations should not be used to secure such tariff-style contributions below certain thresholds, the stated intention being to boost housing supply by removing “disproportionate burdens on small-scale developers”. Paragraph 63 of the NPPF states, that affordable housing provision should not be sought in connection with small-scale residential developments (i.e. those comprising fewer than ten dwellings, or five or fewer in ‘designated rural areas’), without any reference to developer burden or other motives. This application is for 3 dwellings and given the above circumstances it must be accepted that the Council’s policies in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution should be sought here.

## 6.3 Siting, scale and design of structure, Visual impact and landscaping – Shropshire Hills AONB

6.3.1 Both national and local plan policy seek to ensure developments are of a high quality of design which seeks to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place.

6.3.2 Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy the more general design requirements under Policy CS6 and SAMDev Policy MD2. Both these latter policies seek to ensure that all development is appropriate in scale, density, pattern and design, taking into account the local context and character. The relevant SAMDev settlement policy at S7.2(iii) also states with regard to new development that it is expected to be sympathetic to the character and setting of the settlements.

6.3.3 Part 15 of the NPPF at paragraph 172 states that great weight on conserving landscape and scenic beauty Areas of Outstanding Natural Beauty. Policies CS17

and MD12 support these national policies seek to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.3.4 The proposed design of these dwelling units is based on a traditional 'barn', with the applicant's agent advising design inspiration has been taken from Wormsley Barn, a barn conversion scheme permitted under 15/03350/FUL which is located some 1.1km to the west of Hopton Cangeford. The detailing of the scheme proposed here has been kept relatively uncomplicated using simple roof forms and keeping elevational treatments relatively plain, with side hung timber casement windows. Red brick and clay tiled roofing are a local vernacular material and the use of timber cladding is not an unusual feature within a rural area.

6.3.5 It is acknowledged that the site would be visible from public view points, both from the public highway and from the right of way which runs through the northern part of the site. Sectional drawings of the proposal have been provide to demonstrate how the dwellings would sit within the site, including views of the site from the highway, where the design and orientation of the dwellings is such that the single storey sections of the proposal would run alongside the boundary with the road resulting a partly low lying development to reduce the visibility of the built form at this view point. From the public right of way, more of the development would be visible, however the scheme would be viewed with the backdrop of existing mature landscaping and the built development of Upper House Farm. Further the 'barn' style design is judged to help retain the rural character of this part of the settlement. The scheme would include the removal of approximately 10m of hedgerow along the north boundary of the site to enable the access improvements, to mitigate this loss a new native hedge is proposed to be planted behind the line of the visibility splay. Overall it is judged that the development would not detract unduly from the generally open character or scenic beauty of the wider landscape.

#### 6.4 Historic Environment

6.4.1 As identified with the site description of this report the site is adjacent to a number of heritage assets, including 3 listed structures. The Conservation Officer also identified a number of non-designated heritage assets including Upper House Farm, Old School House and The Gables (former Vicarage). The wider landscape setting forms part of the historic Downton Estate where that should be considered as a non-designated heritage asset in its own regard. Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities must pay particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings. This is reflected by Part 12 of the NPPF, CS17 and SAMDev Policy MD13, which require great weight to be given to conserving designated heritage assets in particular.

6.4.2 A Heritage Impact Assessment and Heritage Asset Plan has been submitted as part of this planning application in accordance with paragraph 128 of the NPPF and policy MD13 of SAMDev. The assessment concludes that there shall be no significant detrimental impact of the proposal(s) upon the setting of the respective heritage assets, where many of them are screened by existing planting and hedgerows. The Councils Conservation Officer has reviewed this and concurs with

the conclusions, considering that the impact upon the respective settings of the designated and non-designated assets shall be negligible.

## 6.5 Biodiversity

6.5.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible.

6.5.2 In support of this application Ecological reports have been submitted in the form of an initial Ecological Assessment (Teme Ecology, September 2018), followed by more detailed Bat and Dormouse Assessments (Teme Ecology, May 2019). The Councils Ecologist has reviewed the information submitted and is content with the level of survey work which has been carried out and is satisfied that Ecological interests can be safeguarded by conditions and informatives.

## 6.6 Highway Safety

6.6.1 Paragraph 109 of the NPPF states that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.6.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.

6.6.3 The scheme seeks to utilise an existing field entrance, as noted above alterations are proposed to improve visibility from this access. The Councils Highways Team have reviewed the proposals and raise no objection to the proposed access itself and are content that the wider highway network can accommodate the additional traffic which maybe generated by the proposal. A condition is recommended to secure the precise design and surfacing of the parking, turning area. Due to the narrow nature of the surrounding highway network it is also considered that a Construction Management Statement should be provided to ensure that vehicles associated with the construction works are managed in an appropriate way to prevent congestion within the surrounding area and to protect amenity.

6.6.4 The Highway team's comments raised regarding the size of car ports, or the impact of the length of driveways on the convenience of occupiers of the property or for those making deliveries are not material planning considerations that would compromise highway safety and thus are not factors which could justify refusal of a planning application. Further the site is within rural South Shropshire where the presence of long access drives to properties is not untypical.

## 6.5 Residential Amenity

6.5.1 Policy CS6 requires that development should safeguard residential and local amenity. As already discussed within this report there are neighbouring properties to both the north and the west of the application site. Both of these properties are set away from the application by some distance, approximately 50m for Upper House Farm and around 96m from Castle House. At such distances it is considered that the proposed development would not result in a detrimental loss of light, overbearing impact or loss of privacy to harm the residential amenity of these properties and warrant refusal of this application.

6.5.2 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed through conditions on the hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays) to mitigate the temporary impact.

## 7.0 CONCLUSION

7.1 The application site is situated within the settlement of Hopton Cangeford which is part of a nominated community cluster, the principal of open market housing development is therefore acceptable on suitable sites in accordance with policies CS4 and MD1. In this case on balance it is considered that the site would represent infill as it does relate spatially and visually to Hopton Cangeford.

7.2 The design and scale of the proposed dwellings are considered to respond to the site constraints, taking into account the location of the public right of way and proposing a design which is of rural character and materials reflective of the existing settlement whilst still introducing its own individual character to enhance the distinctiveness of Hopton Cangeford. It is acknowledged that the site would be visible from public view points, however its design and location in proximity to other existing built development would mean the scheme should not result in the loss of the generally open character of the countryside or the natural beauty of this part of the Shropshire Hills AONB.

7.3 There are a number of designated and non-designated heritage assets within the area, however the Conservation Officer is content that the scheme would not result in the loss of these assets or unduly harm the setting. Further the proposal can be carried out without harm to highway safety, the biodiversity of the area, drainage or residential amenity.

7.4 The scheme is considered to comply with the main objectives of the relevant development plan policy and it is recommended that planning permission is granted subject to conditions.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

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

## **9.0 Financial Implications**

There are likely financial implications if the decision and / or imposition of

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

## 10. Background

### Relevant Planning Policies

#### **Central Government Guidance:**

National Planning Policy Framework

National Planning Practice Guidance

#### **Core Strategy:**

CS1 Strategic Approach

CS4 Community Hubs and Community Clusters

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

#### **Site Allocations and Management of Development (SAMDev) Plan:**

MD1 Scale and Distribution of Development

MD2 Sustainable Design

MD3 Managing Housing Development

MD12 Natural Environment

MD13 Historic Environment

#### Settlement Policies

S7 Craven Arms

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

### RELEVANT PLANNING HISTORY:

17/04427/FUL Erection of two link detached dwellings; formation of new vehicular access  
WITHDRAWN 3rd July 2018

## 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P9T8SGTDLUL00>

List of Background Papers

Cabinet Member (Portfolio Holder)  
Councillor Gwilym Butler

Local Member  
Cllr Cecilia Motley

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. All site clearance and landscaping shall occur strictly in accordance with section 4.2.3 and 4.2.5 of the Ecological Assessment (Teme Ecology, September 2018).

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

4. The development shall carried out in accordance with the approved method statement for works set out within Section 5.2 of the Dormouse Assessment (Teme Ecology, May 2019). Prior to first occupation / use of the dwellings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the dormice RAMMS, as set out in section 5.2 of the Dormouse Assessment (Teme Ecology, May 2019).

Reason: To demonstrate compliance with the dormice RAMMS to ensure the protection of dormice, which are a European Protected Species.

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

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.

6. 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:

- 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
- a Traffic Management Plan

Reason: This is a pre-commencement condition to avoid congestion in the surrounding area and to protect the amenities of the area.

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

7. 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.

8. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the character of the development and setting of nearby Heritage Assets.

9. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the character of the development and setting of nearby Heritage Assets.

10. Prior to first occupation / use of the buildings, the following boxes shall be erected on the site:
- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
  - A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific).
  - A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
  - A minimum of 1 hedgehog box.

The makes, models and locations of bat and bird boxes shall of first been submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be retained in position and maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

11. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK.

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.

12. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

13. Prior to the first occupation of the dwellings hereby approved details of the parking and turning area for vehicles shall be laid out in and surface in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area be kept clear and maintained at all times for that purpose.

Reason: To ensure adequate parking and turning area is are provided to avoid congestion on the highway network in the surrounding area.

14. Prior to the first occupation of the dwellings hereby approved the alterations to the existing access shall be carried out in full accordance with the approved site layout plan, drawing number FL17/06/12A.

Reason: To ensure a satisfactory means of access to the highway.

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

15. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

16. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure satisfactory form of access is provided in the interests of highway safety.

### **Informatives**

1. This permission does not entitle the developer to obstruct a public right of way. Development insofar as it affects a public right of way should not be started and the right of way should be kept open unless and until any necessary statutory orders have been made and confirmed. The applicants should ensure that:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

2. General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

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.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

#### Nesting birds 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 and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist

should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

### 3. SURFACE WATER DRAINAGE

Percolation tests and sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

### FOUL DRAINAGE

The foul water drainage system should comply with the Building Regulations H2.

If main foul sewer is not available for connection, British Water Flows and Loads: 4 should be used to determine the number of persons for the proposed development and the sizing of the septic tank/ package sewage treatment plant and drainage fields should be designed to cater for the correct number of persons.

### 4. Access via public right of way

Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving

motor vehicles elsewhere than on roads. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the

Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire

Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

### Vehicular use of public rights of way

The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should

be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

### Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

6. 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.

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