

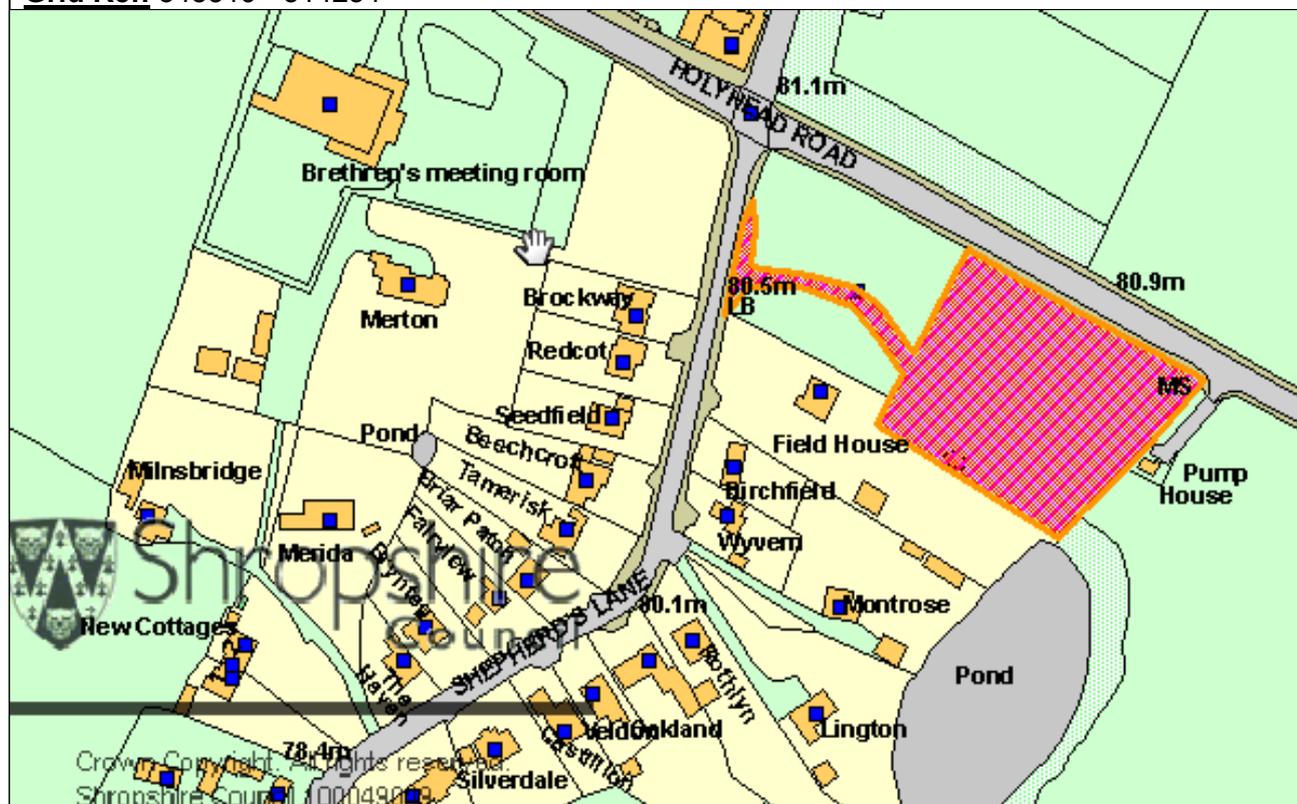
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/01105/FUL	Parish: Bicton
Proposal: Erection of 6 No dwellings and formation of access	
Site Address: Land Adj. Field House Shepherds Lane Shrewsbury Shropshire	
Applicant: Hawk Homes (Bicton) Limited	
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk

Grid Ref: 345519 - 314234



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Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and a S106 agreement to secure the relevant AHC.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of 6 dwellings and the formation of an access via a recently approved development for three dwellings (13/02988/FUL).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a field adjacent to and to the North of the rear garden of Field House. To the West and to the front of the site is a field which already has planning permission for 3 houses to be accessed off Shepherds Lane, and work on this development has commenced. There is a mature boundary hedge and trees along the Northern boundary with Holyhead Road, there is a field and ST pumping station to the East and to the South is the garden of Field House.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Committee Chair in consultation with the Area Planning Manager agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **SC Drainage** – Recommends conditions and informatives.

- 4.1.2 **SC Ecologist** – Has provided standing ecology advice on the survey requirements for planning applications. Provided the following comments on the site approved for 3 dwellings in November 2013:

There is a pond within 100m of this proposed development which Jackie Underhill (2012) concludes is unlikely to host Great Crested Newts. The Addendum to the Preliminary Ecological Appraisal by Jackie Underhill (September 2012) contains a Habitat Suitability Index for the pond which is 0.53 below average. The confirmed presence of carp, roach and pike in the pond make the presence of Great Crested Newts unlikely. Jackie Underhill (September 2012) recommends some basic precautionary methods of working to protect amphibians. The site has potential for foraging and commuting bats though none of the trees on the site or in the adjacent hedgerows have potential for roosting bats according to Jackie Underhill (2012). The site has the potential to support common reptiles. The Ecology Survey Update Summary Report conducted by Dr Jackie Underhill (July 2013) recommends reptile precautionary measures. The site has the potential to support nesting birds. Recommends conditions and informatives regarding all of the above

- 4.1.3 **SC Affordable Houses** - The affordable housing contribution pro forma accompanying the application indicates the correct level of contribution and therefore satisfies the provisions of the SPD Type and Affordability of Housing.
- 4.1.3 **SC Highways** - The proposed scheme uses the private driveway and highway access approved in application 13/02988/FUL for 3 dwellings and extends the driveway into an adjacent field, where permission is now being sought for a further 6 houses. Considers that the previously approved highway access and private driveway are satisfactory to provide a means of access to dwellings from the public highway. Although the vehicle movements at the previously approved access onto Shepherds Lane will be significantly intensified by the scheme, considers it has the capacity to accommodate all those now likely. Considers that a standard refuse vehicle would not be able to turn within the layout shown and recommends that this is amended to correspond with the example shown in the County's Specification for Industrial and Residential Estates. The highway authority raises no objections to the granting of consent but raises concern about the layout of the proposed turning head at the end of the private driveway.
- 4.1.4 **SC Public Protection** – Specialist - Public Protection has identified the development site as potentially contaminated land as a planning permission was granted on 2nd April 1957 for the use of land as a refuse tip at Field House, Shepherds Lane, Bicton. The permission stated that 'top soil shall be removed from the site before tipping operations commence and stored in order that it shall be spread over the site upon completion of the operations'. There is a plan but unfortunately it is impossible to identify exactly where tipping took place. The implication is it is in Field 505 (that corresponds to the proposed development site), but field boundaries have changed since then'. Full conditions in respect of contaminated land were recommended on all previous applications because of not only the potential for landfill gas but also contamination within the landfill material. Application 12/03553/FUL was withdrawn but 13/02988/FUL was approved. However, unfortunately a Phase I Desk Study was submitted and the conceptual site model identified the landfill site as detailed on the GIS (Environment Agency). This however does not correspond to where the historical planning application showed it. The condition was discharged on the basis of gas protection only as the landfill was shown to be off the site however this may not be the case. Therefore if this application is approved a detailed site investigation will be required. Full contaminated land conditions are recommended if this application is granted approval.

In order to make the properties ready for EV charging point installation, isolation switches must be connected so that a vehicle may be charged in the garage or driveway and a condition regarding this is recommended.

4.2 - Public Comments

- 4.2.1 **Bicton Parish Council** - Strongly objects to this application for the following material planning considerations:

The proposal is unsustainable because;

- 1, The access is too near to Four Crosses cross roads.
- 2, Vehicles break the speed limit on the B4380 and will continue to do so until engineering works force traffic to slow down. These engineering works depend on finance becoming available and this is not likely to happen for some time. This alone makes this application unsustainable.
- 3, This is ribbon development. It has long been accepted that ribbon development is unsustainable.
- 4, An environmental impact assessment will reveal that more than 1000 houses are in the pipeline in this locale, this is unsustainable.
- 5, This land was once landfill, it is contaminated land.
- 6, There are serious drainage problems which already have a detrimental effect on neighbouring properties. This alone makes this proposal unsustainable.
- 7, It is agreed, between BPC and Shropshire Council planning policy department that this area should be kept as a green belt between Shrewsbury and Bicton. This alone makes this proposal unsustainable.
- 8, Although the SAMDev is 'out of date' this proposal is outside the SAMDev area and the SAMDev will soon pertain. The SAMDev proposals were drawn up as sustainable development. This evidence of the unsustainability of this proposal is incontrovertible.
- 9, The plans show a turning place that is not big enough for a dust cart to turn. This would mean such vehicles, (delivery truck, oil tankers, etc,) would have to back on to the B4380. This is unsustainable.
- 10, One of the houses would be 1 metre from the boundary of The Fields. This is too close. The plan states that the boundary is a hedge, it is not, it is a post and rail fence.
- 11, The proposed design of the houses is not suitable for the Bicton setting.
- 12, There is no provision for affordable housing, which is what Bicton needs.

BPC requests that before any decision is made, or recommended by an officer, that an Environmental Impact Assessment is carried out.

BPC further requests that if the officer recommendation is for approval then this application should go to the planning committee.

4.2.2 Three letters of objection received from local residents summarised as follows:

- ☐ Did not object to the three already approved but objects to a total of nine
- ☐ Bicton is desperately short of affordable housing, so young people can remain in the village, this development only offers large houses.
- ☐ The access to the site was designed for 3 houses not 9 and will be too narrow and congested at peak times.
- ☐ The development will involve a lot more vehicle movements not only of residents but tradesmen, delivery vehicles, utilities etc, thus increasing the movement of traffic out of the narrow access on to Shepherds Lane in close proximity to the accident black-spot at the crossroads at Holyhead Road.

- ② Has any thought been put towards the creation of a mini roundabout at this junction and should the developer contribute towards traffic calming measures to counter issues that they are creating.
- ② Shepherds Lane is a narrow road with no pavements or street lighting and a weight limit for heavy vehicles, and local residents who wish to walk or cycle already find it hazardous.
- ② Local children wait for the school bus opposite the new entrance to Shepherds Way, increased traffic will cause major safety issues for them and cars pulling into Shepherds Lane from Holyhead road.
- ② Concerned there is insufficient parking.
- ② This land is outside the boundary of the Four Crosses Cluster agreed between BPC and SC has been designated 'open countryside' by Bicton Parish Council.
- ② The neighbouring pond and fields are rich in wildlife and building so close will result in degradation of this natural environment.
- ② The proposal represents ribbon development along Holyhead Road
- ② Residents of Bicton have made it clear they wish to retain their separate, distinctive village status, rather than become a suburb of Shrewsbury.
- ② This development will change the building line and set a precedent for further development for building on other green fields and gardens in the area which is not in keeping with the character of the lane.
- ② The site does not front on to Shepherds Lane, as the Phase 1 development does, but is a back-land development that requires a new access road to service the site.
- ② There is a major drainage problem on the site and the land is waterlogged which already causes flooding to the neighbouring property and the road. Concerned about the drains and flooding and whether adequate assessment has been made of the impact of nine extra nine dwellings in terms of sewerage and run off from what was once a green field.
- ② There is evidence that this site was a former refuse tip and disturbing the ground may result in pollution. This issue should be thoroughly investigated before planning is considered so that risks to users, variety of wildlife, fish and fowls on the pools, ecological systems are minimised.
- ② The turning head shown on the submitted drawings is inadequate for larger vehicles such as refuse collection vehicles and oil tankers and the recommendation to enlarge the turning head will impact severely on the privacy of the neighbouring property, accompanied by noise, dust and smell from these vehicles next to what is currently a residential garden.

- ❑ Privacy of the land at Field House will also be severely affected by siting of Unit 9 so close to the post and rail boundary fence which would result in loss of amenity and enjoyment of the property. The comment in the Planning Statement that ' no habitable room has windows facing the garden ' is not true. The annex is occupied by a disabled person who has views over the fields and this would be completely obscured by this development.
- ❑ The proposal gives no consideration for the existing community and will detract from the rural character of Bicton village and reduce the value of existing properties, thus rendering the development unsustainable.

5.0 THE MAIN ISSUES

Principle of development
Layout, scale, design and appearance
Highways/Access
Impact on Residential amenity
Drainage
Ecology
Contaminated land
Trees and Hedges

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that '*Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise*'

6.1.2 With regards to housing development paragraph 49 of the NPPF is relevant and states that:

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

and that

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

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the 'Pre-Submission Draft Plan (or Final Plan) stage' and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

6.1.4 Bicton and Four Crosses is coming forward as a 'Community Cluster' and the Draft SAMDev DPD indicates a development boundary. This site is outside the development boundary and therefore allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within Bicton. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Bicton.

6.1.5 Bicton is a small close knit community predominantly situated to the North of the B3450 but is also associated with the Four crosses / Shepherds Lane area to the East. There are a range of services and facilities within the village and within 1 mile of the site and it is serviced by a regular bus service (No 70) which runs between Shrewsbury and Oswestry every 30 minutes. The following services, facilities and employment opportunities are in close proximity and within easy walking or cycling distance of the site:

1. Bicton Church of England Primary School
2. Bicton Pre School
3. New Reflexions Evolution Centre
4. Holy Trinity Church
5. Bicton Village Hall
6. Bicton Toddler Club
7. Four Crosses Public House
8. Car Garage and Mace Convenience Store
9. Bus Stops
10. Isle Court Care Home
11. Bicton Business Park

It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance on the private motor car.

6.1.6 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is '*about positive growth – making economic, environmental and social progress for this and future generations*'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ② *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ② *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ② *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of six additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.1.8 Social role – Small villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations.

6.1.9 Environmental role – The site is a field with no heritage, cultural or ecological designation. It is agricultural land with little ecological value with the only feature of any ecological value being the roadside mixed hedgerow that will be retained and

enhanced. The proposal would have no adverse impact on protected wildlife and the ecological value of the site will be improved by conditions requiring the provision of artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Oswestry.

- 6.1.10 It is therefore considered that the proposed development is sustainable having regard to the three dimensions of sustainable development. It is considered that the settlement can accommodate additional dwellings outside the development boundary identified within the Draft SAMDev, subject to a satisfactory scale and design, and that the development would be acceptable in principle and should be supported provided there are no adverse impacts that would outweigh the benefits.

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

- 6.2.1 The submitted Design and Access statement provides an assessment of the context of the site and architectural styles of nearby properties. The site is situated off Shepherds Lane which mainly comprises large detached houses and bungalows situated within large plots that display a variety of architectural styles and building materials. The proposed plot sizes reflect the plot sizes of surrounding houses and the scale and design of the proposed dwellings will be the same as those already approved for the front of the site which are similar in size and height to the existing house (Field House) immediately adjacent to the site. It is therefore considered that the proposal will not appear cramped within the site and although comments have been made that smaller more affordable homes are needed a denser development of smaller houses would not have been appropriate for this site and would have resulted in a further intensification of traffic at the access. It is also considered that the design and appearance of the proposed dwellings is acceptable and as outlined in the Design and Access statement will pick up architectural features of buildings in the locality including steeply pitched roofs with varying heights and timber detailing on the front projecting gables, stone heads and cills, chimneys, and traditional window designs. It is therefore considered that the scale, design and appearance of the proposed dwellings are appropriate and will complement the surrounding properties and would have no adverse impact on the character and appearance of the locality. Comments have been made that the proposal is 'ribbon' development and 'backland' development. However it is not considered that the proposal is ribbon development as it does not extend in a long line fronting and accessed off Holyhead Road. The boundary hedge along Holyhead Road will remain intact and the site will be accessed via the existing development site and the rear boundary of the site is in line with the rear gardens of the houses accessed off Shepherds Lane. The development could therefore be described as 'backland' development but there is no presumption or policy against development behind existing development provided there would be no adverse impact of doing so. The impact on the adjacent house 'Field House' will be considered in 6.4 below and in any case houses situated behind existing houses are already a feature in Shepherds Lane.

6.3 Highways/Access

6.3.1 The access to the site will be via the new access to serve the previous approval for three dwellings. Concerns have been raised about road safety due to increased traffic and the proximity to the busy crossroads junction with Holyhead Road. However Highways considers that the previously approved highway access and private driveway are satisfactory to provide a means of access to the additional dwellings and that although the vehicle movements will be intensified, considers it has the capacity to accommodate the additional vehicles. It is not considered that the proposal would have any highway safety implications. There was initial concern that a standard refuse vehicle would not be able to turn within the layout shown but amended plans have been received that indicate a turning head at the end of the private driveway sufficient to allow the turning of refuse vehicles. The proposal includes provision of adequate parking areas for each new dwelling and conditions will be imposed to ensure that these are adequately formed and drained and maintained.

6.4 Impact on Residential amenity

6.4.1 The main dwelling that this proposal could affect is Field House to the South of the site. This is a large detached dwelling fronting Shepherds Lane with a long garden that extends to the rear. A single storey annex to the main house has a secondary bedroom window facing the site that currently provides views of the field. However there is no right to a view and it is not considered that the nearest dwelling on plot 9 would appear overbearing or obtrusive or result in a loss of light. The nearest part to the boundary of this proposed dwelling will be a single storey garage and the proposal includes the erection of a 2 metre high fence along the boundary between Plot 9 and the garden of Field House. The proposal would therefore not result in overlooking to or from the windows in the annex of Field House. The house on plot 9 has also been designed to have only bathroom windows at first floor level in the side elevation that will face Field House and its garden and provided a condition is imposed to ensure that no additional first floor windows are added to these elevations the proposal would not result in overlooking or a loss of privacy for this existing property. Residents of Field House are concerned that the traffic on the access drive and particularly the turning head will result in noise and disturbance. However the proposed drive is not adjacent to the boundary and the drive will be separated from the boundary with Field House by the house and garden on plots 1 and 9.

6.5 Ecology

6.5.1 An ecological report based on a survey undertaken in 2012 and an updated survey and report undertaken in summer 2013 has been submitted which concludes that the site has limited ecological value. The proposed development will result in the loss of 0.5ha of semi-improved grassland which has low/moderate local value and is not a protected or priority habitat. There is a pond within 100m of the proposed development site and the previous and revised ecological report submitted confirms no evidence of protected species including newts. The site has potential for nesting wild birds and for foraging and commuting bats though none of the trees or hedgerows has potential for roosting bats. It is therefore considered that the

proposal will not cause an offence under the Conservation of Habitats and Species Regulations but it is recommended that informatives regarding precautionary methods of working and the protection afforded to newts, bats and wild birds are included on the decision notice.

6.6 Drainage

6.6.1 Concerns have been raised about existing drainage problems and that the buildings and hard surfacing on the site will make the drainage problem worse. The Councils drainage engineers have confirmed that full drainage details can be subject to conditions and submitted later for approval prior to commencement of any development. Full details of the surface water and foul drainage will be considered as part of building regulation approval, and informatives can be imposed advising what is required. A condition will be imposed regarding surface water drainage of any non-permeable driveways and to ensure that the finished ground levels fulfil the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers to ensure that the development would not result in surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. The proposed conditions combined with compliance with Building Regulations approval will ensure that the surface water drainage from the new roofs and hard surfaced areas will be undertaken in a sustainable manner and will not risk flooding of neighbouring properties or the highway.

6.7 Contaminated land

6.7.1 Public Protection have confirmed that part of the site was previously landfill and therefore recommends full contaminated land conditions are imposed on any approval. The PC has requested an environmental assessment but the proposed development does not trigger the need for an Environmental Impact Assessment under the Town and Country Planning (EIA) Regulations.

6.8 Landscaping/Trees and Hedges

6.8.1 The site is currently an overgrown field with mature trees and hedgerows predominantly to the Northern Boundary with Holyhead Road. The proposed layout indicates that this will be retained and additional native trees and hedgerow planted to all boundaries. The proposal (and the construction phase) has potential to impact on the RPAs of the existing hedgerow and trees. A tree protection condition will therefore be required to be imposed on any permission.

6.9 Developer contributions

6.9.1 The agent has signed the S106 pro forma confirming that the applicant is willing to enter into a S106 agreement to secure the relevant AHC of £81,000 and the scheme is also liable for a CIL payment of £102,872 which will provide financial contributions towards infrastructure and opportunities identified in the Bicton and Four Crosses Place Plan.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Council's wishes by allowing development outside the development boundary being promoted within SAMDev. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the proposal represents sustainable development as the site is within Bicton and Four Crosses where there are a range of local services and facilities within walking and cycling distance and a regular bus service to Shrewsbury and Oswestry. The development will therefore not result in over reliance on the private motor car and it will provide six additional dwellings and would help support existing facilities and services. The existing infrastructure is sufficient to support the proposed development and the proposal will provide an AHC and will be liable for the required CIL payment. It is considered that the scale, design and appearance of the development is acceptable and would not adversely impact on the character and appearance of the locality, would not impact on highway safety and would have no adverse environmental or ecological implications. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure an AHC in accordance with the Councils adopted policy.

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 three months 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 1970.

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: NPPF

Core Strategy and Saved Policies: CS4, CS5, CS6, CS11 and CS17

RELEVANT PLANNING HISTORY:

13/02988/FUL Erection of 3 Dwellings with formation of new access GRANT 20th November 2013

11. Additional Information

List of Background Papers: File 14/01105/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr John Overall
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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the commencement of development a contoured plan of the finished ground levels should be submitted for approval to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. The development shall proceed as approved.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

4. A) No development 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 competent person and be 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.

5. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to ensure no damage to any existing trees or hedgerows within or adjoining the site. The submitted scheme shall include the provision of chestnut pale or similar form of protective fencing to BS5837 : 1991 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. The fencing shall be located at least 1.00 metre beyond the line described by the furthest extent of the canopy of each tree/tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works

Reason: To prevent trees or hedgerows on site from being damaged during building works.

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

6. The means of access, including the layout, construction and sightlines, and the turning and parking areas indicated on the approved plans shall be fully implemented prior to the occupation of any part of the development.

Reason: To ensure the formation and construction of satisfactory accesses in the interests of highway safety.

7. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water and prevent it flowing on to the public highway. The approved scheme shall be implemented prior to the first occupation of the dwellings.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

8. The works on the site to which this consent applies shall be strictly in accordance with the Ecology Survey Update Summary Report conducted by Dr Jackie Underhill (July 2013)

Reason: To ensure the protection of Reptiles and Great Crested Newts, a European Protected Species.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall 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.

10. Prior to the first occupation of the dwellings an independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

11. A total of 6 Schwegler 1B Nest Box suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on site prior to the first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

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

12. The first floor windows in the South facing side elevation of unit 9 shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

Reason: To preserve the amenity and privacy of adjoining properties.