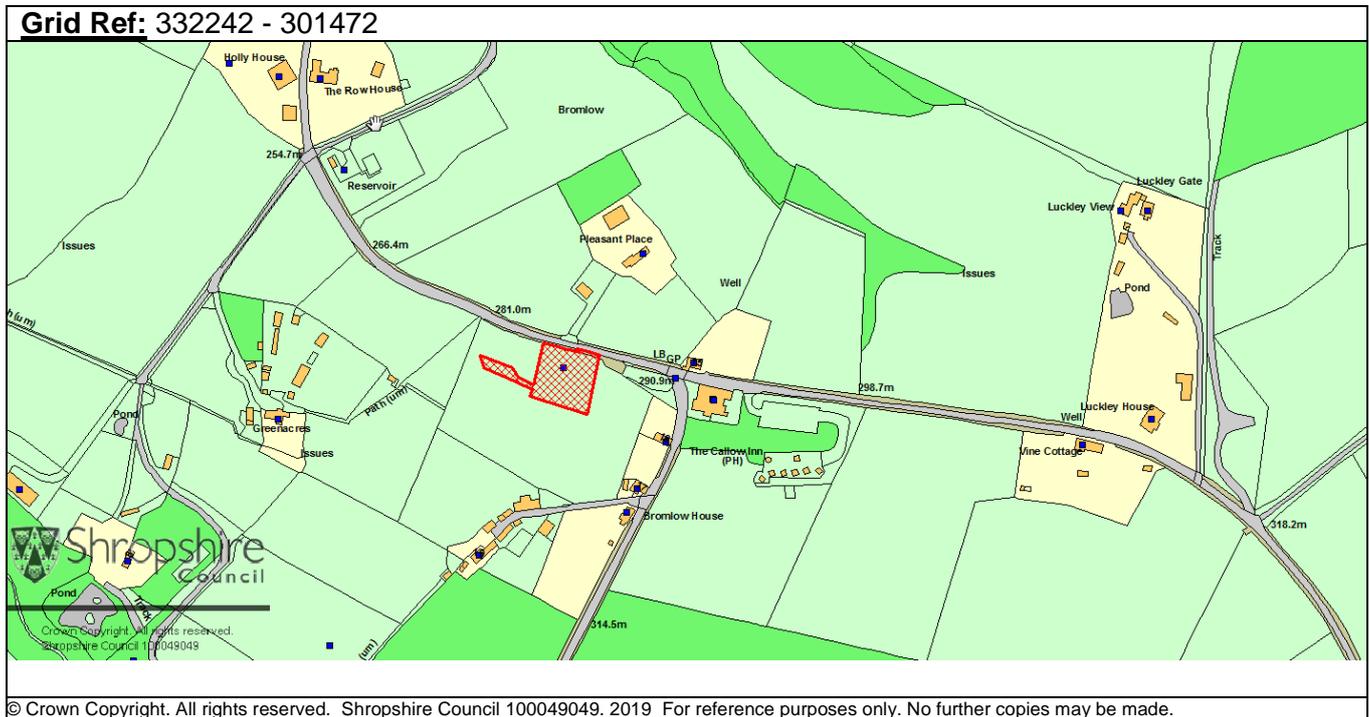


## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 19/04680/OUT	<b>Parish:</b> Worthen With Shelve
<b>Proposal:</b> Outline application for the erection of 1No dwelling and garage to include access	
<b>Site Address:</b> Proposed Dwelling, Bromlow, Minsterley Shropshire	
<b>Applicant:</b> Mr Marcus Ashley	
<b>Case Officer:</b> Cathryn Robinson/Richard Fortune	<b>email:</b> <a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>



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

**REPORT**

<b>1.0</b>	<b>THE PROPOSAL</b>
<b>1.1</b>	This application seeks outline permission for the erection of one dwelling, with an associated garage, to include access. All other matters – layout, scale, appearance and landscaping, are matters reserved for later approval in the event of outline planning permission being granted. The proposed access would be positioned at the eastern end of the site road frontage and would require the removal of a small hawthorn tree. The access gate would be set back 5 metres from the public highway, with a splayed entrance area formed. There would be 43m by 2.4m visibility splays on either side.
<b>1.2</b>	The illustrative site layout shows an ‘L’ shaped dwelling positioned approximately centrally on the square plot, with the principal elevation facing east onto a forecourt parking and turning area. A detached double garage is shown close to the south east corner of the site. The hedgerow along the northern site boundary with the road would be along the visibility splay lines, with a post and rail fence enclosing the other garden boundaries. The illustrative details also show a septic tank positioned in the south western corner of the proposed garden area, with the associated soakaway in the field area to the west.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
<b>2.1</b>	The development site is a field, currently used as agricultural land, located within the loose-knit settlement of Bromlow. The plot all but borders the overflow carparking provision for neighbouring hotel Abels Harp. The development site falls within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
<b>3.1</b>	The Parish Council have provided views contrary to the Officers recommendation. The Local Member view concurs with that off the Parish Council. Per the Councils adopted Scheme of Delegation the application, the application has been discussed with the Chair and Vice Chair of planning committee who determined that a committee determination would be appropriate for this application.
<b>4.0</b>	<b>Community Representations</b>
<b>4.1</b>	<b>- Consultee Comments</b>
<b>4.1.1</b>	<b>Worthen with Shelve Parish Council</b> Worthen with Shelve Parish Council strongly object to the application.  This isolated site is not considered to be infill or form part of the Bromlow Cluster. Therefore this Parish Council consider this site as open countryside.

This parish council has very real concerns of the very loose definition of infill which has been used to justify the granting of planning consent in highly inappropriate locations in this parish, a vast majority of which sits in a nationally protected landscape. Regrettably this problem has been made worse by the drafting adopted in numerous pre-application planning advice letters issued over the last few years which have repeatedly encouraged applicants to try to use this loose definition to their advantage. We are mindful that the implementation of the Cluster and Settlement Policy has led to repeated development outcomes at odds with the original aspirations of this policy, in many locations across the county and would respectfully request that a more conventional definition of infill is adopted.

The proposed dwelling is sited in an exposed setting and it is considered that the development would have an adverse visual impact on the landscape quality, character and setting of the Shropshire Hills AONB. The general openness and lack of development is a feature of the landscape and makes a positive contribution to the character and appearance of the area. Any new development would appear visually distinct in the landscape setting.

There are concerns with regards to access to the site.

A Local Implementation Plan was put in place by the Parish Council based on evidence gathered and this document now sits within the Parish Plan.

Worthen with Shelve has been included as a component of a proposed 'Community Cluster' within the SAMDev 'Revised Preferred Options' report for the Bishop's Castle area. A sustainable growth target of 60 houses up to and including 2026 for the whole of the Parish has been established, with a community preference of estates of no more than 5 houses and a maximum of 20 houses to be built in each 1/3 of the plan period. These open market properties should be delivered through infill and windfall. The Parish Council are mindful that an appropriate mix of housing for the community is required and are encouraging the growth of the parish in a staged and sustainable manner.

At the time of writing, Worthen with Shelve Parish Council have been notified that a total of 26 permissions, some 30% above our target delivery for open market housing, have been granted in the Hope Ward with further applications pending consideration throughout the parish. A delivery target of 15 new open market properties for the Hope ward was indicated by this Parish. It appears that our sustainable growth target has not been adhered to across the parish.

These permissions conflict with the number of permissions expected to have been granted at this stage of the SAMDev, Parish Plan and the LIP up to and including 2026. The Parish Council is mindful that the parish plan and SAMDev delivery has been compromised due to the number of permissions granted by Shropshire Council. This is not in line with the agreed delivery targets in these core documents. This strategy has not been given sufficient weight in the context of sustainably delivery in this parish.

The pre-planning advice notes 'Bromlow is a small settlement with few services and

	<p>facilities of its own besides a pub. However, its inclusion as part of a Community Cluster under SAMDev Policies MD1 and S2 implies that the location in general is sustainable and carries significant weight'. This parish Council does not agree with this statement, the failure to deliver the right type of housing in this parish has led to the relocation of two of our primary schools, as well as the closure of a village shop and post office. This Parish Council has been repeatedly ignored when responding to Planning Applications. This has led to an abundance of executive type houses, which has not delivered the correct type of housing for our parish (detailed in the Parish Plan, Local Implementation and recent Right Home, right Place Survey) to enable it to retain and grow valuable services in a sustainable manner.</p> <p>This Parish Council has today formally notified Shropshire Council as part of the ongoing Local Plan review that they would like all cluster settlements to be reverted to open countryside with immediate effect. Weight should be given to this notification.</p>
<p><b>4.1.2</b></p>	<p><b>SUDs</b> No objection, see decision notice where conditions and informatives are recommended.</p>
<p><b>4.1.3</b></p>	<p><b>Shropshire Hills AONB Partnership</b> The Shropshire Hills AONB Partnership notes that this application affects the nationally designated area and provides general advice on legal and policy considerations for decisions affecting the AONB. The AONB designation remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.</p>
<p><b>4.1.4</b></p>	<p><b>WSP on behalf of SC Highways</b> <u>23.12.19</u> Confirmation has been received that the hawthorn tree that could obscure visibility is to be removed.</p> <p>As mentioned in the Highway Advice Note of 06/12/2019 the site appears to sit higher than the adjacent public highway. The gradient of any new access should conform to current standards for a residential access.</p> <p>Conditions are recommended to reinforce the critical aspects.</p> <p><u>06.12.19</u> While it is considered that the development of a single dwelling would be unlikely to significantly impact on the surrounding highway network, the visibility splays indicated on the submitted plans are currently unacceptable.</p> <p>The amended plans indicate that the tree which is to be retained on the site road frontage lies behind the proposed visibility splays. On site it would appear that the tree is closer to the road and would therefore obstruct visibility for vehicles exiting the site. The site also appears to sit higher than the adjacent public highway.</p> <p><u>15.11.19</u></p>

	While it is considered that the development of a single dwelling would be unlikely to significantly impact on the surrounding highway network, the visibility splays indicated on the submitted plans are currently unacceptable. The site also appears to sit higher than the adjacent public highway.
<b>4.2</b>	<b>- Public Comments</b>
<b>4.2.1</b>	This application was advertised via notice at the site. Additionally, the residents of four neighbouring properties were individually notified by way of publication of this application.
<b>4.2.2</b>	<p>At the time of writing this report, six representations had been received objecting to the proposal. The main concerns are surmised as follows –</p> <ul style="list-style-type: none"> <li>• The plot should not be considered as infill, but rather as open market development in the open countryside</li> <li>• It's likely that the amount of housing completions in the cluster will soon significantly rise, thus exceeding the SAMDev S2.2 guideline well before half-way to the 2026 target date.</li> <li>• Bromlow and its Cluster cannot be considered as a 'Sustainable community' due to the lack of facilities and services.</li> <li>• Scheme shall not significantly contribute to the local economy, nor create many local jobs</li> <li>• The impact of a new development on this would be highly detrimental to the visual impact of this beautiful and prominent hillside location, which was surely one of the main concerns in the designation of any area being granted AONB status.</li> <li>• Due to the exposed and elevated nature of the site - sat on a level section of land immediately above a steep slope in the terrain - any dwelling of whatever size or design would be very visible and would impact adversely on the visual aspect of this part of the AONB.</li> <li>• Property will be intrusive, where the neighbours have shared outstanding views from their properties for years</li> <li>• A house here will be a blot on the landscape</li> <li>• Reduction of view from Abel's Harp will have a detrimental impact on the business</li> <li>• Both agents acting for applicants and Shropshire Council Planning Officers are continuing to quote out of date numbers for housing completions to justify the granting of an excessive number of planning consents</li> <li>• The amount of development that has already been allowed in this ward will far exceed the agreed delivery targets for 2012-2026 and has already had a very harmful impact of the local surroundings in this part of the AONB.</li> <li>• The peoples of the parish have recently voted overwhelmingly in favour of rejecting the cluster and settlement structure that was imposed upon them and instead having this parish revert to open countryside status whereby all developments should be granted consent only where there is a clear public need.</li> </ul>

<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<p><b>Principle of development</b>  <b>Layout, scale and Design</b>  <b>Visual impact and landscaping</b>  <b>Impact on residential amenity</b>  <b>Access and highway safety</b>  <b>Other matters</b></p>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
<b>6.1.1</b>	<p>A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Policies CS1, CS3, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy seek to steer new open-market housing to sites within market towns, other ‘key centres’ and certain named villages (‘Community Hubs and Clusters’). These are identified in the Council’s Site Allocations and Management of Development (SAMDev) Plan, which was adopted recently following extensive consultation with parish councils and local communities. Isolated or sporadic development in open countryside (i.e. on sites outside the designated settlements) is likely to be resisted unless there are exceptional circumstances.</p>
<b>6.1.2</b>	<p>Bromlow is a small settlement with few services and facilities of its own besides a pub. However, its inclusion as part of a Community Cluster under SAMDev Policies MD1 and S2 implies that the location in general <i>is</i> sustainable and carries significant weight, with Paragraph 14 of the National Planning Policy Framework (NPPF) advising that proposals which accord with an up-to-date development plan should be approved without delay. Policy S2 gives a guideline of approximately fifteen additional dwellings across this Cluster by 2026, and besides conversion schemes policy S2.2 states that infilling may be acceptable on suitable sites. There are no development boundaries associated with the Cluster settlements group which includes Bromlow and the question of whether or not specific schemes would constitute infilling is a matter for judgment in each case.</p>
<b>6.1.3</b>	<p>A settlement is characterised partly by the relationship between its various properties, with its limits defined by where that relationship peters out. This varies from settlement to settlement, depending on both the number of houses and their proximity to each other. Bromlow has a very dispersed and irregular development pattern, with many properties lacking a highway frontage and being separated by paddocks or small parcels of woodland. Consequently, despite having relatively few dwellings it has a wider ‘sphere of influence’ than a more tightly clustered or nucleated settlement might, and in this context it is more difficult to identify logical or conventional infill plots (i.e. small gaps in otherwise built-up frontages).</p>
<b>6.1.4</b>	<p>It is acknowledged that the Parish Council have raised objection to the interpretation of infill that was employed by the planning officer providing</p>

	<p>preapplication advice for this site. 'Infill' is not a term defined by the Council's adopted Local Plan Policies, nor within the National Planning Policy Framework; in the absence of a firm planning policy definition, the concept becomes more fluid based on the local settlement character on a case by case basis. However, as a starting point, dictionary definitions of the term can be referred to.</p>
<b>6.1.5</b>	<p>As defined in dictionaries, 'infill' would generally refer to development on land that is considered a 'gap' between two or more other buildings or properties. Bromlow's Cluster is, by its nature, loose knit; frequently properties do not share contiguous boundaries with residential neighbours. Indeed it is common for the separation distances between dwellings to be such that there is no clearly defined 'gap' to be infilled - in the traditional definition of the term – by development. In short, this sporadic settlement character is at inherent conflict with providing sites which accord with the dictionary definition of infill. However Bromlow's Cluster status supports new residential development in principle. Accordingly, the definition of 'infill' has no choice but to be interpreted more flexibly than its dictionary phrasing, in order to allow for it be used as an assessment tool in accordance with the criteria of Settlement Policy S2.2(vii) where this policy relates to settlements of sporadic and loose knit character.</p>
<b>6.1.6</b>	<p>In this instance the site sits opposite the driveway of Pleasant Place on the opposite side of the road (North). There are residential neighbours within some 60 – 80m East of the outlined site, one some 150m West and another approximately 120m South. Though lacking a contiguous boundary with the neighbouring properties, the plot does front the roadside meaning that it will not observe as unduly sporadic. It shall sit centrally within this grouping of residential properties, which is considered to fall within Bromlow itself. The property is 'loosely surrounded' by residential neighbours on all sides, thus could be deemed development on land that is considered a 'gap' between two or more other buildings or properties. Where it would be read as part of this grouping rather than being isolated in otherwise open countryside, the principle of development is in this instance accepted.</p>
<b>6.1.7</b>	<p>With respect to the delivery of housing, the Council's latest published 5 year housing land supply statement (Published 21<sup>st</sup> March 2019 on data to 31<sup>st</sup> March 2018) advises that in the Cluster which contains Bromlow there have been 4 completions in the period 20/11/12 – 2017/18, with sites with planning permission or prior approval as at 31<sup>st</sup> March 2018 totalled 18. Since 31<sup>st</sup> March 2018 for the cluster as a whole there have been 9 further planning permissions for dwellings. This gives a total of 27 sites with planning permission across the Cluster if none of the 18 permissions listed in the published housing land supply statement have lapsed. In the case of the Bromlow settlement there are currently 3 permissions, comprising of a change of use permitted in 2017 (17/04924/FUL) and two outline permissions given since 31<sup>st</sup> March 2018 (Refs. 18/05776/OUT and 19/02225/OUT) and so the bulk of the existing approvals are elsewhere across the Cluster group.</p>
<b>6.1.8</b>	<p>While this combined total of permissions exceeds the development guideline of</p>

	<p>'around 15 additional dwellings', this guideline is not a ceiling on the number of permissions which may be granted. It cannot be assumed that the grant of permissions will equate with the actual delivery of dwellings..SAMDev Plan policy MD3.2 sets out a number of matters to have regard to in such situations, which include the likelihood of delivery of outstanding permissions; the benefits arising from the development; the impacts of the development, including the cumulative impacts of a number of developments in a settlement; and the presumption in favour of sustainable development. In this particular case, it is considered the impact of a third permission for a new build dwelling in Bromlow would not harm the dispersed character of the settlement. Having regard also to the presumption in favour of sustainable development set out in the NPP, a refusal on the grounds of the cluster guideline being exceeded could not be sustained in this case.</p>
<b>6.2</b>	<b>Layout, scale, design and landscape impact</b>
<b>6.2.1</b>	<p>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. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing. Meanwhile the NPPF requires great weight to be given to conserving landscape and scenic beauty in AONBs.</p>
<b>6.2.2</b>	<p>Where landscape effects are concerned, though the application site is a currently undeveloped agricultural field there are residential properties within the vicinity. Properties 16-18 will provide a context against which the property would be read against, as well as being viewed alongside the sloping topography, when viewed from the West and East. Though somewhat less and further away, there is also the context of built form for North and South based views, where number 19 and its associated buildings are located some 100m South and Pleasant View some 60m North. Whilst acknowledged that this proposal will have a landscape impact, by bringing built form to this currently undeveloped field, it is not considered sufficiently adverse to warrant the refusal of this application particularly where is a local landscape character of residential development which provides context.</p>
<b>6.2.3</b>	<p>The site is readily visible from the C-classified highway from where the site gains access. Some glimpsed views will be afforded from a right of way approximately 94m South-East of the site, and also via a path some 200m North-East of the development site. In both instances the nature of the topography will partially-obscure views. Though the neighbouring properties to the East will be afforded clear views of the site, loss of view is not a material planning consideration. The landscaping reserved matter would allow for consideration to be given to what retained and new planting would assist in assimilating the development into the rural landscape.</p>
<b>6.2.4</b>	<p>A relatively low dwelling cut into the slope would be little or no more prominent than those existing properties further upslope and hence the essentially open character</p>

	and scenic beauty of the wider landscape should not be affected unduly. Accordingly, fundamentally, it's not considered that the visual impact of a dwelling at this location would be sufficiently detrimental as to warrant the refusal of this application.
<b>6.2.5</b>	In this case, though precise details are not yet known, the indicative block plan shows how the site could comfortably accommodate an 'L' shaped dwelling with a footprint circa 135m <sup>2</sup> . There is no indication at this stage as to how many storeys high any dwelling here may stand; careful consideration would need to be given to the overall height of any dwelling here erected and its landscaping. At largest, a 1½ storey property would probably be most appropriate in this location to lessen visual prominence. This matter of scale and levels are ones which be the subject of a planning condition on any approval issued.
<b>6.3</b>	<b>Impact on residential amenity</b>
<b>6.3.1</b>	Some 45m would separate the development site from its nearest residential neighbour, no 16 Bromlow to the East. The plot is also slightly off-set from this neighbouring property, thus helping to ward against potential for direct overlooking. The residents of neighbouring properties are less likely to be affected, where the proposed house would sit downslope; however, were the separation distances are involved, it's not either considered that the occupants of the proposed dwelling shall be unacceptably overlooked by the neighbouring dwellings upslope. The house design can be sufficiently considered as to avoid sensitive windows on the Eastern elevations, and the house placed within its plot in such a siting to provide a privacy buffer to the garden space.
<b>6.3.2</b>	Where other neighbouring residents are involved, the separation distances are considered sufficient to ensure that no unacceptable overlooking nor loss of privacy can occur. With respect to the amenity of the proposed dwelling, it would be within close proximity to carparking associated with Abels Harp; however this carparking appears to be overflow carparking for the venue, thus shall only be in use at particularly busy times or during scheduled events at the venue. The future potential occupants of the dwelling would be aware of this amenity scenario, and this relationship would not be sufficiently detrimental as to warrant the refusal of this application.
<b>6.4</b>	<b>Access and highway safety</b>
<b>6.4.1</b>	The plot is proposed to gain access from the C-classified highway that connect the villages of Bromlow and Hemford. The highway is sloping, however the gradient is not excessively steep and acceptable visibility splays can be achieved in both directions. As summarised above the Highways Development Control Team has no objection.
<b>6.5</b>	<b>Other matters</b>
<b>6.5.1</b>	The Town and Country Planning (Development Management Procedure) (England) Order 2015 dictates that either neighbour notification letters or a notice at the site are required to advertise an application; there is no legislative requirement to

	provide both. In this instance, both methods of publication were employed. In terms of neighbour consultations, this was done at the initial validation of this application thus at the prudent time to provide notice to neighbours and provide the statutory 21 days of notification. A site notice was also erected at this location, providing a further 21 days of notification from the time of its erection. Though there was delay between the issuing of neighbour notification letters and the erection of the site notice, in both instances the necessary timeframe for advertisement was achieved.
6.4.2	Where neighbour letters are concerned, the aforementioned order requires that notice should be served on “ <i>any adjoining owner or occupier</i> ”; it defines this as “ <i>any owner or occupier of any land adjoining the land to which the application relates</i> ”. The land relating to any application is generally that which is edged in red on the submitted location plans. ‘Adjoining’ occupiers are also those <i>directly</i> adjoining as opposed to those separated by highways or access roads. Nonetheless in this instance, as above, the application was publicised via combination of notice at the site and neighbour notification letters.
6.4.2	Whilst loss of light and privacy concerns are material planning considerations, devaluation of property and loss of view are not material considerations which can be given any significant weight in in the planning balance.
<b>7.0</b>	<b>CONCLUSION</b>
7.1	Given the site’s location proximity to a group of existing residential properties it is, on balance, judged to form part of the loose-knit Cluster settlement of Bromlow, and hence an open-market dwelling is acceptable in principle. The indicative plans show how the site could accommodate a dwelling in keeping with the neighbouring properties and not unduly prominent in the landscape, and there are no significant or insurmountable concerns regarding residential amenity, vehicular access, ecology or drainage. Overall, therefore, the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>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</p> <p>irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.</p> <p>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</p>

	<p>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.</p> <p>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.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	<p>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.</p>
<b>9.0</b>	<b>Financial Implications</b>
	<p>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.</p>

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

- CS1 - Strategic Approach
- CS3 - The Market Towns and Other Key Centres
- CS4 - Community Hubs and Community Clusters
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS17 - Environmental Networks
- MD2 - Sustainable Design
- MD3 - Managing Housing Development
- Settlement: S2 - Bishops Castle

SPD on the Type and Affordability of Dwellings

**RELEVANT PLANNING HISTORY:**

- SS/1/4007/P/ Erection of an agricultural store PERCON 9th December 1993
- SS/1/2849/P/ Erection of a replacement dwelling and alteration to existing vehicular and pedestrian access. PERCON 18th September 1992
- SS/1/2724/P/ Erection of an extension to existing dwelling WDN 2nd September 1992
- SS/1/2438/P/ Erection of an extension and improvements to existing dwelling, alteration to existing vehicular and pedestrian access. PERCON 28th May 1992
- SS/1/3044/K/ Erection of a replacement agricultural building. PERCON 9th November 1992

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PZRGN7TDIQB00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member  Cllr Mrs Heather Kidd
Appendices APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

## **STANDARD CONDITION(S)**

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

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

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

Reason: In accordance with Section 92 of the Town and Country Planning Act, 1990.

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

Reason: In accordance with Section 92 of the Town and Country Planning Act, 1990.

4. As part of the submission of reserved matters relating to appearance, layout and scale a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwelling approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details. Any first floor accommodation in the dwelling shall be accommodated within the roof space of the proposed dwelling, in whole or part, to achieve a scale of development appropriate to the site context.

Reason :To define the permission and ensure that the development is of a scale and height appropriate to the site.

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

5. No development shall take place until details of the layout, construction, gradient and sightlines for the access have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use and thereafter maintained.

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

6. No development shall take place until a scheme of foul drainage, and surface 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.

**Informatives:**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.
2. In determining this application the local planning authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:  
CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS4 - Community Hubs and Community Clusters  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
Settlement: S2 - Bishops Castle

SPD on the Type and Affordability of Dwellings

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.
4. 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).

5. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed. Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.