

## 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><u>Application Number:</u></b> 20/00193/FUL	<b><u>Parish:</u></b>	Highley
<b><u>Proposal:</u></b> Erection of 20 (affordable) dwellings with estate road, using existing vehicular access (re-submission)		
<b><u>Site Address:</u></b> Proposed Residential Development Land East of Bridgnorth Road Highley Shropshire		
<b><u>Applicant:</u></b> TC Homes		
<b><u>Case Officer:</u></b> Richard Fortune	<b><u>email:</u></b>	<a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>

**Grid Ref:** 373923 - 284093



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**Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings and to secure the retention and maintenance of the public open space, and the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL AND HISTORY OF PREVIOUS APPLICATIONS ON THE LAND

1.1 This application is a revised re-submission following the September 2019 refusal of application 19/02791/FUL for the erection of 20 affordable dwellings on this site. The refusal reasons for that application were as follows:

1. The proposal by reason of its appearance, scale, height, massing and density

*constitutes overdevelopment of this sensitive site in the Severn Valley. The proposal is likely to appear as an incongruous feature in the landscape setting and is therefore contrary to policy CS3, CS5, CS6 and CS17 of the Shropshire Core Strategy (2011) and policies MD2 and MD12 of the Shropshire Council Sites and Management of Development (SAMDev) plan (2015).*

*2. The design of the proposal creates a poor environment which fails to provide an appropriate open space provision for future residents and is therefore contrary to Policy CS6 of the Shropshire Core Strategy (2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015).*

*3. The design of the development presents an aesthetically unpleasing environment with the street scape being dominated by hardstanding in front of dwellings for car parking, minimum spacing between dwellings contributing to a feeling of cramming and small rear gardens providing inadequate private amenity space for future residents. The design of the layout presents an unwelcoming environment which appears as alien on this edge of settlement countryside site, which is contrary policy CS6 of the Shropshire Core Strategy (2013) and Policies MD2 and MD12 of the Shropshire Council Sites and Management of Development (SAMDev) Plan (2015).*

*4. The development represents an encroachment into the surrounding countryside resulting in a significant detrimental impact on the visual amenities and character/appearance of the Severn Valley, which is contrary to Policy MD1, MD3, MD7a and S9 of the Shropshire Council Site Allocations and Management Development (SAMDev) Plan (2015).*

1.2 There have been previous attempts to obtain planning permission for open market residential development on this site prior to the adoption of the Site Allocations and Management of Development (SAMDev) Plan in December 2015. An appeal was dismissed in July 2015 (14/02129/OUT) due to the proposed development not making any contribution towards affordable housing. With respect to landscape impact the decision letter stated: *“Although the eastern edge of the settlement is elevated above the Severn Valley the proposed low form of development (bungalows) would sit comfortably alongside existing built form and would not harm the character or appearance of the Severn Valley. The scale and density of the proposal is appropriate for the site and edge of settlement location.”*

1.3 Another outline application for open market residential development submitted in 2015 (ref 15/03170/OUT) was determined after the adoption of the SAMDev Plan, which confirmed that the site falls outside of the Highley Settlement boundary. That application was refused due to the site falling outside the development boundary for Highley and there being no compelling housing land supply reasons to release the land for an open market housing development. An appeal against that refusal was dismissed in January 2017. The Inspector concluded that the proposal would conflict with adopted Development Plan policies which seek to manage

development in rural areas in a strategic manner and only allowing development outside settlements in limited situations.

- 1.4 The current application is for a 100% affordable housing scheme which seeks to address the refusal reasons given in the decision notice for 19/02791/FUL listed in paragraph 1.1 above.
- 1.5 The proposal would upgrade approximately 90m of the existing access road to adoptable road standard, with a 4.5m carriageway width, separate foot path on the southern side and a 3 metre wide soft verge on the northern side for use as the bridleway. The access road would then turn south into the main body of the site. The site layout in the 2019 application which was refused had a row of 10 dwellings (5 semi-detached pairs) down each side of the road, with little variation in their set-backs from the road, with the rear gardens of all the dwellings on the eastern side backing onto agricultural land and contained no public open space. In comparison, the current proposal would break up the row of dwellings along the western side of the access road by having three pairs of semi-detached two bedroomed dwellings parallel to the road and then two pairs of semi-detached three bedroomed dwellings positioned at 90 degrees to the access road, served by a private drive. Each property would have two off road parking spaces.
- 1.6 On the eastern side of the road, at the northern end, a pair of semi-detached three bedroomed dwellings would be positioned close to the edge of the highway carriageway, each with tandem parking spaces, to form a focal point at the entrance to the development. A gap in the streetscene would then be created by the enclosed rear garden to the next pair of semi-detached two bedroomed dwellings positioned side on to the access road, with their principal front elevations facing south onto the large cul-de-sac turning head. Off the eastern leg of the turning head there would be a short private drive which would serve a pair of semi-detached three bedroomed dwellings on the northern side. These dwellings would also provide surveillance over the large open space area with native tree planting that would be positioned adjacent to the eastern site boundary and take up approximately a quarter of the application site area. To the south of the turning head/private drive combination there would be two pairs of semi-detached dwellings positioned with their principal elevations facing east, overlooking the area of open space. The resulting site layout creates a street scene with greater variations in the separation distances between dwellings, and their orientations to the road, with the proposed built form providing less enclosure, and providing views across the Severn Valley to the east.
- 1.7 The proposed dwellings would be constructed with facing brick to the external walls and Gemini Forticrete roof tiles which have the appearance of small plain tiles. The dual pitched roofs would feature variations in the ridge alignments so that five of the dwellings would have front and rear facing gable details. The dwelling designs would feature chimneys on the ridges of five pairs of properties, monopitch and dual pitched canopy porches, a mix of one, two and three bay casement windows, contrasting brick heads and cills to the window openings on the front elevations. Existing hedges would be retained to the western, southern and eastern site

boundaries, with the latter being a substantial feature adjacent to the public open space.

- 1.8 The application is accompanied by a planning statement; a landscape and visual impact assessment; a phase 1 habitat report; tree report; transport statement and a design and access statement. In the event of planning permission being granted the applicant has submitted confirmation that, on completion, South Shropshire Housing Association. (Connexus Group).

## 2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site is a parcel of land roughly 0.79 hectares located on the east of B4555 (Bridgnorth Road) on the edge of Highley. The site is currently pasture land accessed off the B4555 via a single width track, which is part tarmacked at the junction with the road, before dissipating into a rough gravelled surface. The land slopes down towards the south and east towards the Severn Valley.

- 2.2 The existing access is also a bridleway and a right of way runs along the boundary with the east of the application site. To the south lies the residential properties of Vicarage Lane, north is further pasture land and to the west the rear gardens of the dwellings fronting Bridgnorth road all bound the site.

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

- 3.1 There is a Parish Council objection and this is a complex application which, in the view of the Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman, should be determined by the South Planning Committee.

## 4.0 **Community Representations**

### - Consultee Comments

(The comments received are summarised below, with the full text of responses being viewable on the Council's website. Where consultees have submitted more than one set of comments, the latest comments are listed first in order to show where previous concerns have been overcome).

- 4.1 Highley Parish Council – Object:  
None of the original concerns have been addressed. Highley Parish object to these proposals on the grounds of overdevelopment of the site. The original application was for 9 bungalows and was rejected. The new application is for 20 two storey dwellings. The Parish Council are also concerned about access to the site with the increased volume of traffic. The plans submitted make no mention of the public footpath/bridleway. The area is outside the building line and in an area of high landscape value within the Severn Valley.

- 4.2 SC Highways Development Control – No Objection:  
Recommend conditions relating to the construction and retention of parking and turning areas; provision and maintenance of visibility splays; road construction and approval of a construction management plan.
- 4.3 SC Ecology – No Objection:  
Content with the submitted Ecological Appraisal prepared by Zoe Adlington-Munro (April 2019) and the level of survey work carried out.  
Recommend conditions relating to the timing of development and the bird nesting season; approval of any external lighting; approval of landscaping plan; provision of a minimum of eight bat boxes and eight artificial nests.
- 4.4 SC Drainage – No Objection:  
Recommend condition that no development shall take place until a scheme of 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).
- 4.6 SC Waste Management – Comment:  
We would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate.  
Particular concern is given to any plots which are on private drives, block paving or shared access roads that the vehicles would not access (plots 7-10 and 17, 18 on the plans). Bin collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.
- 4.7 SC Parks and Recreation – No Objection:  
Happy that the development fulfils the planning criteria for public open space.
- 4.8 SC Conservation - Comment:  
Note the absence of an HIA in accordance with paragraph 189 of the NPPF, HEAN12 guidance and policy MD13 of SAMDev. There are also concerns with the design/layout of the proposal including density and how the site integrates itself with regards to the open space. In terms of the NPPF paragraph 196 balance, affordable housing can be afforded some weight in terms of public benefits versus harm, though this needs to be carefully considered and articulated as part of the HIA process.
- 4.9 SC Rights of Way – Comment:  
As detailed in the Design & Access Strategy there is a public bridleway running along the created vehicular access into the development and it is evident from the

submitted site plan that the access will be dual purpose with the first part of the access being shared between the proposed dwellings, bridleway and continuing along the existing track to Rhea Hall Caravan Park which Officers consider acceptable.

This bridleway must always remain open and available both during and after development and 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 and the alignment of the right of way must not be altered.

If it is not possible to keep this bridleway open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

#### 4.10 SC Affordable Housing – No Objection:

The Housing Enabling and Development Team support this exception site scheme proposal. The Housing waiting list as of December 2019 indicates a waiting list comprising 67 households for Highley Parish. The proposed exception site will partially address this evidenced need. The scheme would provide 12 Shared Ownership and 8 Affordable Rented dwellings, with a mix of 2 and 3 bed accommodation. Any planning permission should be subject to a S106 Agreement prescribing the Council's local connection criteria.

#### 4.11 West Mercia Constabulary - No Objection:

The applicant should aim to achieve the Secured by Design award status for this development.

#### 4.12 SC Trees – No Objection:

-The proposal would remove trees along the access road but given their relatively young age they could reasonably soon be replaced in the landscape with suitable planting of larger sized nursery tree stock to show a positive net gain in biodiversity.

-A significant amount of compensatory tree planting could be carried out on the open space area, if not elsewhere within the scheme.

-Should seek to achieve a minimum 20% canopy cover across the site, in line with Forestry Commission national research on tree canopy cover in England's towns and cities.

-Recommend conditions requiring development to be carried out in accordance with the submitted Tree Condition Report, Arboricultural Method Statement and Tree Protection Plan and Method Statement; submission and approval of a tree planting scheme and replacement of losses.

-A mechanism would be needed to ensure that any shortfall in tree planting on site is compensated for by a contribution for offsite planting as appropriate.

-Public Comments

Site notice displayed 28.01.20; press notice published 28.01.20. 20 letters sent to adjacent properties.

4.13 3 Objections:

- This application is a repeat of one that was put before council in various formats, initially for bungalows, then houses last year and now a repeat 2019.
- This site has considerable problems including access to the site. The access across the field is via a track which was passed to be a bridal path and was never intended to carry motorised traffic.
- Drains were installed under the field to alleviate the problem with excess water from the Recreation ground opposite and despite this the bottom of the field at the rear of numbers 35 -38 Vicarage Lane often has a build-up of water which floods into their gardens.
- The proposed entrance onto the bridle path is on an extremely dangerous corner where there have been several bad accidents.
- Article 4 Direction imposed on the land in 2002 to prohibit the erection of fences, walls and other means of enclosure, so question how houses on the land can be acceptable now.
- No room to widen footpaths walked daily by school children or sufficiently flare the access on the worst bend in the village; would be dangerous.
- No provision to separate walkers from vehicles on the farm track.
- An approval could lead to more development off this inappropriate and dangerous access as presented in the past.
- Traffic congestion is already a problem in the area.
- Applicants and the Council should enter into dialogue with another party who is prepared to gift some 6 acres of land within 150 yards of the village centre with sufficient capacity for a 50 bed assisted living facility, a new medical centre and approximately 70 affordable homes, which is a solution to housing in Highley for the next 100 years.
- Serious impact on their standard of living.
- Due to the nature and topography of the area, any further development down the prominent ridge of the Severn Valley will detract from the appearance of attractive unspoilt countryside.
- Other infill areas in Highley have planning permission.
- Would have major impact on nature and biodiversity of the River Severn Area.
- Affordable housing built has already taken away valuable green areas from the village.
- Question why more council time and valuable public money is being spent on yet another planning application.
- Local amenities poor and will put further pressure on medical facilities, road improvement requirements, policing, education, waste collection and youth facilities.
- Lighting and noise pollution will be increased.
- Overlooking would affect Human Rights.
- Overshadowing and overbearing impacts.
- Add to pressure on water supply and sewerage arrangements.
- Poor employment opportunities in village.

4.14 Shropshire Council Highley Ward Member – Objects:

- Ignores all earlier objections to this proposal and effectively dismisses previous public comments expressing the community’s concerns.
- Nothing has changed since the September 2019 refusal.
- Current proposal deals with the lack of affordable housing reason why the appeal was dismissed in 2015, but this would not be the low form of a nine bungalow development which the Inspector said would sit comfortably alongside the existing built form and would not harm the character or appearance of the Severn Valley.
- Nothing has changed with respect to the Inspector’s comments that bungalows on the site could be provided in a manner which would not harm the living conditions of neighbouring occupiers.
- Any decision on this site would have implications for the Planning Policy “preferred site” in the SAMDev Plan which is larger and on adjacent land.
- Alternative sites are available on the north-western edge of the village off the B4555 which would have minimal impact on Highley’s infrastructure, could revitalise the northern end of the village, remove on-street parking congestion and reduce traffic on Hazelwells Road.
- The proposed development would be onto one of the most dangerous stretches of road in Highley and affordable housing is likely to have young children of school age.
- Highway Officers comments, in raising no objections to the earlier 9 bungalow scheme, stated that such accommodation would be likely to be occupied by older people who may not make as many journeys as a typical domestic dwelling.
- Question the assertions made by the applicants’ Transport Consultants that there would be no highway safety issues with this development proposal. Comparison needs to be made here with the earlier proposed 9 bungalow development.
- Planning Services Manager has previously stated that the view of the Bridgnorth Office is that we would prefer not to see more development on the eastern side of the village, and any allocations should be on land to the south/southwest on the basis of landscape impact.
- From 9 bungalows to 20 two-storey affordable dwellings is a jump too high and too far, an over-development that shows no consideration for either its environmental or social context.
- Nothing to commend this application.
- Facebook posts attached to representation relating to vehicles not keeping to correct side of road, restricted visibility on bend, excessive traffic speeds.

5.0 **THE MAIN ISSUES**

- Principle of development
- Affordable Housing Need
- Siting, scale and design
- Visual impact and landscaping
- Heritage Impact

Highway Safety  
Drainage  
Residential Amenity  
Biodiversity  
Open Space  
Impact on Local Services.  
Other Matters

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and notes that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply. Para 77 of the NPPF specifically relates to rural areas and advocates that planning policies and decisions should be responsive to local circumstances and support housing development that reflects local needs. LPA's are encouraged to bring forward rural exemption sites that will provide affordable housing to meet identified local needs.

6.1.2 Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to locate new housing on sites within and adjoining market towns, 'key centres' and other settlements ('Community Hubs and Clusters') as identified in the emerging Site Allocations and Management of Development (SAMDev) plan. Isolated or sporadic development in open countryside is unacceptable without special justification. Highley is identified as a key centre and is seen as the focus for the development of services and facilities for the wider hinterland with balanced housing and employment growth. The application site is outside the village's development boundary as identified in Policy S9 of the SAMDev and thus is classed as a countryside location. Policy CS5 of the Core Strategy strictly controls new development in the countryside, limiting new build dwellings to those required by essential countryside workers and other affordable housing/accommodation to meet a demonstrated need. For a 100% affordable housing scheme there is no in-principle planning policy objection to such a development immediately outside of a defined development boundary provided that the need for such accommodation has been established.

### 6.2 Affordable Housing Need

6.2.1 The Council's Housing Enabling and Development Team has advised the Housing waiting list as of December 2019 indicates a waiting list comprising 67 households

for Highley Parish. They comment this proposal would partially address this evidenced need and support the proposed housing mix of 2 and 3 bedrooled accommodation, with 12 shared ownership and 8 affordable rent dwellings. It is considered therefore that the need for affordable dwellings has been established in this area. A Section 106 Agreement would be required as part of any grant of planning permission to ensure that the dwellings are affordable and that occupants comply with the Council's local connection criteria.

### 6.3 **Siting, scale and design**

- 6.3.1 Para 124 of the National Planning Policy Framework seeks to achieve good design as a key aspect of sustainable development through creating better places to live. Para 127 further advocates that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including surrounding built environment and landscape setting, establish and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places, optimise the potential of the site to accommodate and sustain an appropriate mix of development (including green and other public space), create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for users, ensuring crime and disorder do not detract from the quality of life. Para 130 is unequivocal in stating that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 6.3.2 The Council's adopted Development Plan policies are in line with the above NPPF paragraphs. Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 gives further guidance on seeking to ensure developments contribute positively to local character and amenity.
- 6.3.3 Refusal reason 3 on decision notice 19/02791/FUL referenced the deficiencies in the layout of that development proposal. The revised layout of the current proposal, described in paragraphs 1.5 and 1.6 above has reduced the dominance of hardstandings for car parking in front of dwellings by breaking up the two regimented rows of dwellings along each side of the road of the refused scheme, through the introduction of the private drive and changed orientation of four dwellings on the western side of the road, and the wholly new proposed development layout on the eastern side of the road. The layout of that eastern side dispenses with parking spaces in an identical arrangement to that on the opposite side an positions the dwellings to achieve a more varied layout, whilst still providing an acceptable level of off-road parking. The spacings between the dwellings would be similar to that found with existing properties off Vicarage Lane to the south and the housing off Yew Tree Grove to north west which backs onto open countryside. It is acknowledged that the approximately 2 metre spacing between some pairs of semi-detached dwellings is the same as in the reduced scheme, the revised layout makes this a less dominant feature of the streetscene and one which would not

detract from the amenity of those dwellings. The Council has no set standards for garden sizes, but the revised layout would provide generally larger gardens for the three-bedroomed dwellings in comparison with the refused scheme. There would be a sense of spaciousness on entering the development from the north, that was absent in the refused scheme, due to the larger separation distances and changed orientation of dwellings on the eastern side of the road allowing for views eastward over the Severn Valley between the dwellings and of the large area of public open space which now forms part of the proposal.

- 6.3.4 The design of the proposed dwellings described in paragraph 1.7 above would be in keeping with the immediate locality. The two storey form of the dwellings matches the form of the majority of dwellings in the locality. Section drawings demonstrate that the scale (height), in combination with proposed alterations to ground levels, would result in the proposed dwellings sitting lower in the landscape than the existing properties to the west and being comparable to the height of 37 and 38 Vicarage Lane to the south. (This is a matter discussed further in section 6.4 of this report below). A condition attached to any planning permission issued would require the proposed finished ground floor level of each plot compared to existing site levels to be approved by the local planning authority.
- 6.3.5 On balance, it is considered that the revised proposals have addressed satisfactorily refusal reason 3 of application 19/02791/FUL.

#### 6.4 **Visual impact and landscaping**

- 6.4.1 Paragraph 170 of the NPPF states that decisions should contribute to enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic beauty of the countryside, minimising impacts and providing net gains for biodiversity. This is echoed by Shropshire Core Strategy policies CS6 and CS17 and SAMDev Plan policy MD2.
- 6.4.2 The site forms part of a 'broad location' considered to have medium capacity for housing in the Landscape Sensitivity study (part of the evidence base that informed consideration of sites within the SAMDev Plan preparation) and is considered 'moderate' in the generalised landscape character assessment. The site is much smaller than the broad location in the landscape sensitivity study but clearly the impact on the setting of Highley, recognising the prominent ridge upon which the village stands, and its potential impact on the visual amenity of the area and the Severn Valley needs careful consideration when determining the application.
- 6.4.3 The site adjoins the current development boundary that runs along the eastern edge of Highley. The proposed layout shows that the built part of the proposal would not project past the existing built development at Vicarage Lane as such it is considered that the scheme would relate well with existing built development and would not encroach significantly into the open countryside.

- 6.4.4 Due to the location of Highley on the ridge the built development at the edge of Highley is visible from public view points in the wider landscape and it is inevitable that the proposed development would, like the adjacent dwellings, be visible.
- 6.4.5 In the previous appeals relating to a proposed open market bungalow development on this site the Planning Inspectors were content that a single storey form of development would sit comfortably alongside the existing built form and would not harm the character or appearance of the Severn Valley. In the consideration of the previous application 19/02791/FUL for affordable dwellings on the site the Officer conclusion, based on on-site observations and the information provided in support of the application, was that a two storey housing development on the land would appear as an incongruous feature in this landscape setting and would have a detrimental impact on the visual amenities and character/appearance of the Severn Valley. Refusal reasons 1 and 4 attached to decision notice 19/02791/FUL relate to these perceived adverse impacts.
- 6.4.6 With the current application the applicants have submitted, in response to those refusal reasons, a Landscape and Visual Impact Assessment (LVIA) prepared by Lingard Farrow Styles, dated October 2019. This assessment has also taken into account landscape designations in to locality including the Severn Valley Country Park, the Highley and Alveley Conservation Areas and the four listed buildings closest to the site on the western flank of the Severn Valley below Highley comprising of Hazelwells, Woodend, The Birches and Rhea Hall Farm House, all of which are listed grade 2. The report is comprehensive and includes drawings of the study area, topography, landscape character (Based on the Shropshire Landscape Typology 2006), access and heritage and ZTV (Zones of theoretical visibility of roof ridges and roof eaves) and Viewpoints. Annotated photographs have also been supplied taken from the 17 viewpoints. The methodology used is in accordance with the Guidelines for Landscape and Visual Assessment, third edition, published by the Landscape Institute. With respect to landscape effects it concludes that the greatest landscape effects would be 'moderate-slight adverse' sustained by the existing vegetation on the site. The impact on the Principal Settled Farmlands Character Type, as defined by the Shropshire Landscape Typology, would be 'slight adverse', with negligible landscape effect on the Wooded River Gorge Character Type and the Timbered Plateau Farmland Character Type.
- 6.4.7 With respect to visual effects the LVIA concludes the greatest visual effects sustained in year 1 would be 'moderate adverse' for the residents of properties off Bridgnorth Road and Vicarage Lane adjacent to the site. This would be due in large part to their existing long distant views to the Severn Valley from particularly upper storey windows that would be affected by the proposed development at close distance. It concludes that there would be 'moderate-slight adverse' landscape effects for residents at the western end of Yew Tree Grove, users of the bridleway between Hazelwells and Bridgnorth Road, and users of the public rights of way around the western edge of Alveley. There would be negligible landscape effects for residents on the western edge of Alveley, users of the Jack Mytton Way, visitors to the Severn Valley Country Park, users of public rights of way around the western edge of Alveley and users of Bridgnorth Road.

6.4.8 The planning application case officer has viewed the site with the benefit of a copy of the LVIA on both sides of the River Severn Valley and concurs with the conclusions of that document. The additional information provided to show how site levels would be altered as part of the development proposal, and the enlargement of the application site to include a large area of public open space which has a substantial hedgerow on its eastern boundary, are details that were not available when the previous application was under consideration. A relatively small number of receptors would experience a moderate adverse effect, but very little weight can be attached to the impact of development on a persons' view as a material planning consideration. On balance, it is considered that refusal reasons 1 and 4 of the decision on application 19/02791/FUL would be very difficult to sustain as reasons for refusing the current, revised application.

## 6.5 **Heritage Impact**

6.5.1 Paragraph 189 of the NPPF states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage impacts affected, including any contribution made to their setting. It advises the level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The comments made by the Council's current Conservation Officer for the area at 4.8 above are noted. However, the lack of a heritage impact assessment was not a reason for refusing the previous application 19/02791/FUL, or indeed the earlier proposals for residential development on the land. The Planning Inspectors made no reference to a heritage impact assessment being required for development on this site, or as being a reason for dismissing those appeals. It can be queried therefore whether the juxtaposition of listed buildings and conservation areas in the wider locality would be affected by the proposal and thereby trigger paragraph 189 of the NPPF.

6.5.2 The submitted Landscape and Visual Impact Assessment has acknowledged the presence of heritage assets in the locality and has described them and shown their positions within the study area. The existing development at Vicarage Lane obstructs inter-visibility between the site and the nearest listed building to the south east (The Birches) and that from the more distant Rea Hall Farm House, Woodend and Hazelwells the proposed housing would be partly masked by topographical features and would be seen against the back drop of existing substantial housing development in the village. These on-site observations, coupled with the submitted LVIA, in the context of paragraph 193 of the NPPF, are a sufficient basis to conclude that the proposed development would cause negligible harm, with no implications for the conservation of those heritage assets.

## 6.6 **Highway Safety**

6.6.1 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. It also seeks to secure safe developments. The NPPF, at paragraph 108, advises in assessing applications for development

should be ensured that:

a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.

b) Safe and suitable access to the site can be achieved for all users;  
and

c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.6.2 This site is in an accessible location, close to the facilities at the Severn Centre and within walking distance of the village centre and the primary school. Highway safety has not been a ground for refusal of the previous proposals for residential development on this land, or a reason why appeals were dismissed. The most recent application 19/02791/FUL for 20 affordable dwellings with the same access arrangements onto Bridgnorth Road was not refused on highway safety grounds. The Council's Highways Development Control Team comment that the point of access is located on the apex of an outside bend on the classified highway. They observe that the road frontage is predominantly developed and residential in nature as well as being subject to a 30mph speed limit. It is their professional judgement that the proposed development will not generate significant amounts of additional traffic and will have a minimal impact on the local highway network. Conditions relating to the construction and use of the vehicle parking and turning areas, the provision of visibility splays, road construction and a construction method statement would be attached to any planning permission.

## 6.7 **Drainage**

6.7.1 Core Strategy policy CS18 relates to sustainable water management. The Council's Drainage Consultants have raised no objections to the proposals, with a recommendation that approval of the details of the proposed foul and surface water disposal arrangements be the subject of a planning condition on any approval issued.

## 6.8 **Residential Amenity**

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest residential properties to the application site are those along the western site boundary, fronting Bridgnorth Road, and properties at the northern end of the Vicarage Lane cul-de-sac. The proposed dwellings would be a lower level to the existing properties on Bridgnorth Road. Their gardens would be some 8.5 metres deep, but due to the depth of the rear gardens to the dwellings along Bridgnorth Road, the distance between the dwellings themselves would be some 28-30 metres. Plot 7 in the proposed development would have a side elevation close to the shared garden boundary, but the only opening in this elevation would be a secondary ground floor window to the dining area which would be obscure glazed.

The proposed roof design to plot 7 would also slope way from this shared boundary, to reduce the massing of its western elevation. It is considered that the proposed development would not unduly harm the residential amenities of the existing Bridgnorth dwellings due to the separation distances and the elevational treatment plot 7.

6.8.2 The proposed dwellings to the north of the 'Glenhaven' dwelling would have rear gardens some 12 metres deep and would have no significant impact on the amenities of that dwelling. The rear facing north elevation of nos. 37 and 38 Vicarage Lane would have an open outlook across the large garden area to plot 11 and north westwards along the road in the proposed development. The south facing side elevation of the plot 11 dwelling would be some 12 metres from the rear elevation of 36 Vicarage Lane, with its roof slope sloping away from the shared boundary to reduce the mass of the building and with the single ground floor secondary dining area window in that elevation obscured glazed to. This separation distance between a rear elevation and a side elevation corresponds with the minimum usually sought in new housing developments. It is considered that the proposed built form would have no unacceptable overbearing impacts on the existing properties and no.36 would retain views to the north east towards the Severn Valley. The northern outlook from 34 and 35 Vicarage Lane would be across the proposed area of public open space and their amenity would not be unduly harmed by this feature. With the proposed new dwellings being to the north/north west of the dwellings adjacent to the southern site boundary, they would have no significant impact on sunlight/daylight reaching the existing dwellings. It is considered therefore that a refusal on the grounds of the proposed development having an unacceptable adverse impact on the residential amenities of adjacent dwellings could not be sustained in this case.

6.8.3 The juxtaposition of the proposed dwellings within the development itself would ensure that their residential amenities would not be compromised.

6.8.4 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue is addressed by a recommended condition on the restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and a condition requiring the approval of a construction method statement to mitigate the temporary impact.

## 6.9 Biodiversity

6.9.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. The extended phase one habitat report submitted with the application concludes:

*The site and adjacent land were searched for signs of use by great crested newts, bats, badgers and breeding birds. The trees which line the existing farm access do*

*not provide any roosting habitat for bats, as they are not old enough to contain features such as cracks and crevices which are associated with roosting bats. Breeding birds are also likely to be using the trees and boundary hedgerows for both nesting and foraging. The hedgerows will not be affected by the proposals, however the loss of a small number of the young trees will reduce nesting habitat on the site. This will be mitigated by erecting Schwegler multi-purpose bird boxes on the proposed dwellings and implementing a planting scheme across the site. The planting scheme will aim to enhance the site for breeding birds and increase foraging opportunities on the site. Enhancement for bats species on the site has been recommended in the form of 4 Schwegler type 1F bat boxes. These should be erected on the side of the proposed dwellings, close to the retained hedgerows. No ponds were found within 250m of the proposed development boundary, therefore no further survey work is required for great crested newts. No impact to GCN is predicted. No badger setts were found within 50m of the site boundary and no snuffle holes or latrines were identified within the site boundary. No further survey work or mitigation for the species is required.*

6.9.2 The Council's Planning Ecologist is content with the above findings and ecological interests can be safeguarded adequately by conditions relating to the timing of development and the bird nesting season; approval of any external lighting; approval of landscaping plan; provision of a minimum of eight bat boxes and eight artificial nests.

## 6.10 Open Space

6.10.1 Paragraph 96 of the NPPF makes it clear that access to open space is important for the health and well-being of communities and provision of open space is important in new development. SAMDev Plan policy MD2 advises that the amount of public open space to be provided by a residential development should be calculated on the on the basis of 30sqm per bedroom. Refusal reason 2 on decision notice 19/02791/FUL for the 20 affordable dwellings scheme it contained stated that it failed to provide appropriate open space for future residents, contrary to Core Strategy policy CS6 and SAMDev Plan policy MD2.

6.10.2 The applicants have sought to address this deficiency by including an area of public open space amounting to some 1560 sqm. The proposed development would contain 48 bedrooms and, applying the target for public open space in SAMDev Plan policy MD2, equates to an area of some 1440 sqm. This revised proposal therefore satisfies the requirement of SAMDev Plan policy MD2 and the location of this space in the development would be acceptable, with the space being overlooked by the dwellings to provide a measure of surveillance and security for its users.

## 6.11 Impact on Local Services

6.11.1 Concerns have been raised by objectors in the relation to the capacity of local infrastructure and the ability of services to cope with the additional demand arising from the occupants of a further 20 dwellings. It is the duty of the individual service providers to respond to increased demand in accordance with Government requirements. Many of the services, including the Education and Health Authorities,

are involved at a strategic level in local planning and develop their services in accordance with projected increases in population.

## 6.12 Other matters

6.12.1 Reference has been made in the representations received to an Article 4 Direction withdrawing permitted development rights for gates, walls, fences and other means of enclosure on land which includes the current application site. The Direction was issued on 15<sup>th</sup> October 2002 and its retention was approved by the Secretary of State in April 2003. The current application site is at the southern end of the area to which the Direction relates, which relates to a total area of some 6.2 Hectares extending northwards to the rear of Yew Tree Grove properties up to the access road serving Hazelwells. The reason why this Direction was imposed was due to an application being made in 2002 to change the use of agricultural land to residential gardens at the rear of 34-96 Yew Tree Grove. That application (ref.02/0419) was refused at the July 2002 Planning Committee Meeting of Bridgnorth District Council on the grounds of the land being outside the development boundary for Highley in the Local Plan that was in force at that time, and because the it was considered the proposed use would detract from the visual amenity of an area of special landscape character (Which was a local plan designation in use at that time). Information received by Bridgnorth District Council suggested that the occupiers of the houses were still seeking to purchase the additional land even though planning permission had been refused for the change of use. Even without a change of use, permitted development rights could have been used to subdivide the whole area into individual plots, with a similar visual impact to the use refused and then making it more difficult to resist another application for the change of use refused. The Direction covers a much larger area than that for which the change of use was sought, to avoid it being affected by boundaries being moved. Government advice in Circular 9/95 that was in force at that time stated that Councils may wish to make a direction against minor operations because of concern about the sub-division of agricultural land.

6.12.2 The existence of this Direction means that applications for planning permission should be made for the erection of gates, fences, walls and other means of enclosure on the land, regardless of their heights. It does not preclude planning applications being considered on their own merits in the context of current adopted Development Plan policies.

6.12.3 The reference in the representations to there being other land adjacent to the village that would be suitable for affordable housing is not a sustainable ground for refusing planning permission. Each application has to be considered on its own merits in the context of adopted Development Plan policies. It should be noted that the current proposal is of a scale that would only partly address the identified current affordable housing need, and other sites for affordable housing would be appraised for their acceptability should planning applications be lodged.

6.12.4 The applicants have responded to the comments made by the Shropshire Councillor for the Highley area, making the following comment:

-The site plan has been amended to create more interest in the site and the large

piece of open space added enhances the scheme, will be available for all residents to enjoy with plots overlooking the space.

-An affordable housing exception site by its very nature encroaches into the countryside; this is a corner in-fill and has two boundaries that connect to the village development boundary.

-The Landscape Visual Assessment demonstrates that the proposal would have a negligible impact on receptors in the area, as illustrated by the submitted photos.

-The access onto Bridgnorth Road is existing and used by agricultural vehicles and the farm house and has been confirmed by highway specialists as appropriate for the proposed development.

-The site in question, and the rest of the field North West has been allocated as a 'Long Term Potential SLAA Residential site (HNN016).

-Comments refer to some older refusals and applications that are now five years old. Planning and policies have moved on since then and with greater need for affordable housing in the whole country, including Highley.

- Connexus (formerly South Shropshire Housing Association) have confirmed they will take on the homes for rent and shared ownership as they have stock in the area and see Highley as a good area for affordable housing.

- TC Homes will be happy to enter into a Section 106 agreement confirming these houses are to be affordable in perpetuity.

## 7.0 **CONCLUSION**

7.1 For a 100% affordable housing scheme there is no in-principle planning policy objection to such a development immediately outside of a defined development boundary provided that the need for such accommodation has been established.

7.2 This proposal would partially address this evidenced need with there being 67 households on the waiting list for the Highley area. The proposed housing mix of 2 and 3 bedroomed accommodation, with 12 shared ownership and 8 affordable rent dwellings is acceptable to meet part of this need.

7.3 The revised design, layout and scale has addressed satisfactorily the deficiencies with respect to the built environment that would be created that were identified in refusal reason 3 of the original scheme contained in application 19/02791/FUL. The design of the proposed dwellings would be in keeping with the locality.

7.4 The additional information provided, in comparison with the original application, includes details to show how site levels would be altered as part of the development proposal, the enlargement of the application site to include a large area of public open space which has a substantial hedgerow on its eastern boundary, and the submission of a Landscape and Visual Impact Assessment. It is considered that this information, coupled with the other revisions made to the site layout has, on balance, addressed satisfactorily refusal reasons 1 and 4 of the original scheme and the proposed development would not be an incongruous feature in the landscape setting, and would have no detrimental impact on the visual amenities and the character/appearance of the Severn Valley. The proposed

development would cause negligible harm, with no implications for the conservation of those assets.

- 7.5 The proposed development would contain adequate on- site parking and the proposed access works would provide the development with a safe and suitable access. The amount of public open space that would be provided would be adequate for the development. Ecological and drainage interests can be safeguarded through planning conditions.
- 7.6 The residential amenities of adjacent properties would not be unduly harmed by the proposals and conditions relating to construction hours and the submission of a construction management plan can mitigate the temporary effects during the construction period. There would be no residential amenity conflicts within the development itself.
- 7.7 The proposal would satisfy the objectives of sustainable development set out in the NPPF. The economic objective of sustainable development would be met by providing employment during the build and the occupants would be likely to make use of local village services. The social objective would be satisfied by the proposal addressing an identified need for affordable housing in the Highley area, and the environmental objective has been addressed by this revised application which overcomes previous concerns about the site layout, open space and impact on the character and appearance of the Severn Valley.
- 7.8 A Section 106 Agreement would be required as part of any grant of planning permission to ensure that the dwellings are affordable and that occupants comply with the Council's local connection criteria, and to secure the retention and maintenance of the public open space.
- 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

Contact: Tim Rogers (01743) 258773

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the  
Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S9 – Highley

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

14/02129/OUT Outline application for residential development to include access, layout and  
scale – Appeal lodged against non-determination.

15/03170/OUT Outline application (access, layout, scale not reserved) for residential  
development REFUSE 4th March 2016

19/02791/FUL Erection of 20 (affordable) dwellings with estate road, using existing vehicular  
access REFUSE 5th September 2019

Appeal

15/02212/NONDET Outline application for residential development to include access, layout  
and scale DISMIS 13th July 2015

Appeal

16/02490/REF Outline application (access, layout, scale not reserved )for residential  
development DISMIS 31st January 2017

11. Additional Information

View details online:

[https://pa.shropshire.gov.uk/online-  
applications/applicationDetails.do?activeTab=details&keyVal=Q47RKDTDK8U00](https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q47RKDTDK8U00)

List of Background Papers (This MUST be completed for all reports, but does not include items  
containing exempt or confidential information)

Extended Phase I Habitat Report

Landscape and Visual Impact Assessment

Tree Report

Transport Statement

Design and Access Statement

Planning Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member  Cllr Dave Tremellen
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. Before above ground works commence details of the proposed finished ground floor levels of the dwellings, relative to existing site levels, shall be submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard visual and neighbour amenity.

5. The side elevation windows to plots 7 and 11 shall be obscure glazed before the first occupation of those dwellings and shall thereafter be maintained as such.

Reason: To safeguard the amenities of adjacent residential properties.

6. 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 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

7. The development shall be carried out in accordance with the Tree Condition Report, Arboricultural Assessment, Tree Protection Plan and Method Statement (Forester & Arborist Services Ltd, 30-04-2019). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

8. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

9. Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 48 metres from the centre point of the junction of the access road with the public highway, shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

10. Notwithstanding any of the submitted details the development shall not take place until full construction detail of new roads, footways, retaining features, accesses, street lighting, transition features, full block paved surfacing of shared space areas together with details of disposal of surface water to a suitable outfall have been submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the buildings occupied.

Reason: To ensure the development is completed to the required standards for future adoption.

11. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

12. The development shall be carried out in accordance with the recommendations of the Ecological Appraisal prepared by Zoe Adlington- Munro (April 2019).

Reason: To safeguard ecological interests.

13. 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, trees, and hedgerows. 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.

14. A minimum of eight external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to first use of the development. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

15. A minimum of eight artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups), and small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

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

16. 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.

17. No construction (and/or demolition) works shall take place outside the hours of 07.30am to 6.00pm Mondays to Fridays; 08.00am to 1.00pm Saturdays, nor at any time on Sundays, Bank and Public holidays.

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

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. This planning permission does not authorise the applicant to:

- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- o 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.

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.

3. 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.

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).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

4. 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 conversion, renovation and demolition work in buildings 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 buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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

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.

7. The bridleway must always remain open and available both during and after development and 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 and the alignment of the right of way must not be altered.

If it is not possible to keep this bridleway open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

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