



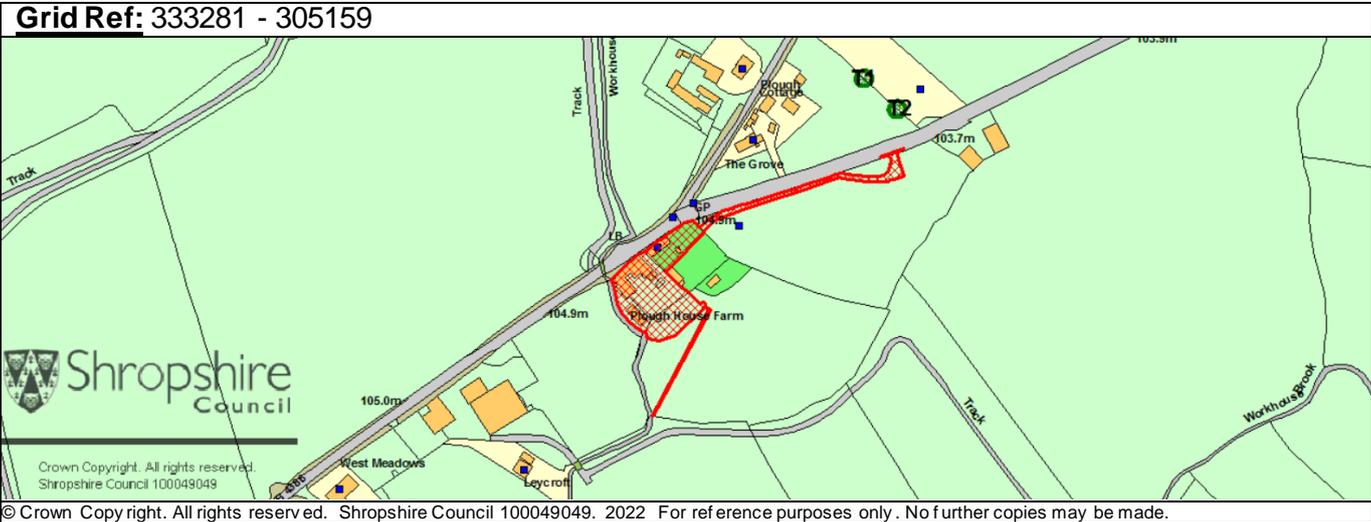
Committee and date  
Southern Planning Committee  
28<sup>th</sup> June 2022

### Development Management Report

**Responsible Officer:** Tracy Darke, Assistant Director of Economy & Place

#### Summary of Application

<b>Application Number:</b> 21/05713/FUL	<b>Parish:</b>	Worthen With Shelve
<b>Proposal:</b> Erection of replacement dwelling and installation of package (sewage) treatment plant		
<b>Site Address:</b> Plough House Farm, Little Worthen, Worthen, Shrewsbury, Shropshire, SY5 9HL		
<b>Applicant:</b> Mr P Jones		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:trystan.williams@shropshire.gov.uk">trystan.williams@shropshire.gov.uk</a>	



**Recommendation:** Grant permission subject to the conditions set out in Appendix 1

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission to erect a replacement open-market dwelling, albeit with the existing dilapidated former farmhouse retained in an ancillary capacity as a bat roost and 'heritage asset'.
- 1.2 The replacement dwelling would be set back behind the existing house and would share a new vehicular access and driveway to the northeast with two brand new dwellings which already have outline planning permission (ref. 20/02366/OUT). It would have four bedrooms and 288m<sup>2</sup> total habitable space across two floors, including a cross-wing at the southwest end (incorporating a rear balcony, and with a catslide roof over a hall/stairwell/open porch in the angle at the front) plus a shallower gabled wing front-left. There would also be a single-storey 28m<sup>2</sup> car port attached to the northeast side. The building would have brick walls, a natural slate roof and extensive aluminium-framed glazing.
- 1.3 Some existing brick-built outbuildings would also be retained, but a concrete block wing and a metal Dutch barn alongside the southwest boundary would be demolished. An overgrown yard between the outbuildings and the new dwelling would be reconfigured slightly and resurfaced in pervious stone, whilst a new package treatment plant with discharge directly into an adjacent watercourse would be installed for foul drainage.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The hamlet of Little Worthen is located northeast of Worthen village in the Rea Valley, on the B4386 Shrewsbury – Montgomery road. Plough House is a disused farmstead directly fronting the road just southwest of a sharp bend and diagonally opposite a turning for Aston Rogers. The house dates from the 19<sup>th</sup> Century, has two storeys, approximately 180m<sup>2</sup> floor space, rendered brick walls and a gabled slate roof. There are currently vehicular accesses directly alongside each gable end, and the outbuildings/barns stand between the southwest entrance and a tree-lined stream which forms the site boundary in that direction. Further southwest, across a small field, are unrelated farm buildings and a few modern houses on the edge of Worthen village.
- 2.2 The proposed dwelling would be set back towards the site's rear (southeast) boundary with a field owned by the applicant. To the northeast, beyond a belt of immature trees and scrub, and extending along the hedged road frontage, is the site of the previously approved new dwellings and access drive, also still in the applicant's control. Opposite that but set back behind a paddock is a red brick house named 'The Grove', beyond which are further scattered dwellings of various types and styles plus some more approved building plots. The site area extends to 0.1 hectares including the retained buildings and new access drive.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee for determination because the officer recommendation of approval is contrary to an objection from the Parish Council, and Shropshire Council's Planning and Development Services Manager, in

consultation with the Planning Committee Chairman and Local Member, agrees that material planning considerations have been raised and warrant consideration by the full committee.

#### **4.0 COMMUNITY REPRESENTATIONS**

##### **4.1 Consultee comments**

##### **4.1.1 Shropshire Council Flood and Water Management:**

No flood modelling has been carried out for the watercourse along the site's southwest boundary, but it is known to have flooding problems. The Environment Agency's surface water flood mapping should therefore be used as an initial guide to the extent of the flood plain, with the low risk area assumed to equate to fluvial Flood Zone 2, the medium risk area to Flood Zone 3a, and the high risk area to Zone 3b. This would also include an allowance for climate change, although the developer may prefer to produce their own model to verify the likely extents of flooding.

4.1.2 Since the proposed dwelling would be classed as 'more vulnerable' development on land currently approximated to Flood Zone 3, a Flood Risk Assessment (FRA) should be submitted for approval before any planning permission is given. Besides assessing fluvial flooding this should also consider potential for surface water flooding from overland flows, groundwater flooding, flooding from artificial drainage systems or infrastructure failure (such as public sewers or blocked culverts), flood compensation storage, finished floor levels, flood evacuation and a proposed surface water drainage strategy. Full surface water and foul drainage details could potentially be secured by condition, however.

##### **4.1.3 8/2/22 – comment:**

A satisfactory FRA has now been submitted. Its recommended finished ground floor level (of 103.93m AOD) and flood mitigation measures should be reinforced through a further planning condition, alongside the drainage condition recommended previously.

##### **4.1.4 Shropshire Council Historic Environment (Conservation) – comment:**

Plough House Farm is noted in the Shropshire Historic Environment Record as part of the Historic Farmsteads Characterisation Project (2008-2010). It is described as a 19<sup>th</sup> Century farmhouse with an attached agricultural range with no apparent alteration. Additionally, the farmhouse is indicated as pub on 1<sup>st</sup> and 2<sup>nd</sup> edition Ordnance Survey mapping.

4.1.5 There is no specific objection to the proposed new dwelling from a conservation perspective. However, given the above, the existing dwelling and adjacent barn are potentially of historic interest, and whilst the plans show them retained they are in poor structural condition so without a sustainable long-term use could deteriorate further and become dangerous, especially given their roadside positions. It is therefore suggested that further clarification is sought regarding remedial and maintenance works to secure the farmhouse as a bat roost in perpetuity, and also the intentions for the adjacent barn.

##### **4.1.6 Shropshire Council Ecology – comment:**

The application includes a survey report by a licensed ecologist who recorded the

following within the existing house:

- A maternity roost of up to 27 lesser horseshoe bats within the roof void on 31<sup>st</sup> July 2021 (Surveys across the previous bat season also revealed similar numbers.)
- 11 hibernating lesser horseshoe bats within the cellar on 9<sup>th</sup> February 2021
- Droppings in various quantities throughout the house, indicating use of the whole structure as a roost

- 4.1.7 No evidence of bats or other protected/notable species was found in the other buildings on the site.
- 4.1.8 Given that the farmhouse is not proposed for demolition and would instead be retained as a dedicated space for bats, no disturbance of roosts is likely. However, in the event of a bat being found construction work must stop and either Natural England or a licensed ecologist should be contacted for advice on how to proceed. Any planning permission granted should include an 'informative' to this effect.
- 4.1.9 Since the National Planning Policy Framework (NPPF) and the Council's Core Strategy Policy CS17 require biodiversity net gains in connection with the development, conditions should require provision of bat boxes/tubes and bird boxes and secure a detailed landscaping scheme. Another condition should control any external lighting in order to avoid disturbing foraging or commuting bats, whilst an additional informative should advise on the statutory protection afforded to nesting birds.
- 4.1.10 Shropshire Council Highways Development Control – comment:  
There is no objection to the proposed dwelling from a highway safety perspective. Using the previously approved new access to the northeast and closing the existing substandard entrances alongside the farmhouse would improve visibility for emerging vehicles.
- 4.1.11 A condition should ensure the new dwelling is not occupied until the new entrance and on-site parking/turning spaces are complete. Meanwhile informatives should advise on the need to avoid surface/waste water from the development discharging onto the road or into its drains, and on the requisite licence for works on or abutting highway land.
- 4.1.12 Shropshire Council Regulatory Services – no objection:  
A neighbour has raised concerns about potential amenity issues resulting from the proximity of his farm [see below]. However, both the existing house and the proposed replacement would in fact be similar distances from the working farm buildings, land and manure storage areas, so there would be no increased impact on occupiers of the development.
- 4.1.13 Worthen with Shelve Parish Council – objection:
- Although Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan designates Little Worthen a 'Community Cluster' settlement suitable for some new housing, the housing guideline for this Parish has already been significantly exceeded (106 dwellings approved vs target of 60, and another 30 still pending consideration). This further proposal therefore

brings Policy MD3 criteria for overprovision into play, especially as Little Worthen itself has already had a number of new homes approved.

- The Parish Council's preference is for no more than two new dwellings to be built in any one location. Since two have already been approved immediately alongside this site, this proposal would be overdevelopment.
- The site is not an infill plot by any definition, and the scheme would instead expand the settlement into open countryside.
- Little Worthen is set to lose its 'Cluster' status as part of the current Local Plan review.
- The Local Implementation Plan within the Parish Plan expresses a preference for smaller, more affordable homes with a maximum of three bedrooms.
- There are concerns regarding the structural stability and future use of the existing farmhouse and barns, as noted by Shropshire Council's Conservation Officer. Remedial works are necessary not only to safeguard the heritage asset (the property is of local interest as it was once a workhouse and workhouse master's cottage, before becoming a pub and later a farm), but also to avoid it collapsing into the road.
- Given its size and position, the new dwelling would have a detrimental visual impact on the open countryside and nearby Shropshire Hills Area of Outstanding Natural Beauty (AONB).
- Highway safety is a major concern given first-hand knowledge of traffic volumes and speeds in this location. The scheme would result in a third household using the same entrance/exit that was previously approved for just two new dwellings.
- Flood risk and remedial measures require further investigation.

## 4.2 Public comments

4.2.1 One neighbouring resident does not object per se, but comments as follows:

- The replacement dwelling would be closer to and within sight of neighbouring livestock buildings and manure storage areas. This may result in occupiers complaining about noise, odours or flies, and the farm business could become unviable if changes to its practices are required.
- Despite the Environment Agency's fluvial flood maps not showing the site as being within a flood plain, the adjacent brook in fact reacts extremely quickly to heavy rainfall and has twice overtopped embankments at a neighbouring property during the past three years. Addressing this by raising ground levels could exacerbate flooding elsewhere.
- Unless the existing farmhouse undergoes some form of remedial work it will only decay further, and could endanger adjacent road users on what is already a fast blind corner.

## 5.0 THE MAIN ISSUES

- Principle of development
- Layout, scale, design and impacts on heritage assets and wider landscape
- Residential amenity
- Flood risk and drainage
- Highway safety
- Ecology

## 6.0 OFFICER APPRAISAL

## 6.1 Principle of development

- 6.1.1 It is agreed with the Parish Council that, despite the current SAMDev Plan designating Little Worthen (as distinct from Worthen village) part of a Community Cluster, this application would not fit the policy criteria for a brand new open-market dwelling because the site lies on the edge of the settlement rather than being an infill plot between existing buildings. However, officers consider that the existing farmhouse has not been intentionally abandoned as, although unoccupied since at least 2009, it has been made secure and remains largely intact. Therefore, its one-for-one replacement would not in fact further increase the total number of residential properties in the settlement or the wider Parish (although in any event the Council's recently updated Five Year Housing Land Supply Statement shows that there is still headroom within the housing guideline for this particular Cluster), and is fundamentally acceptable under policies applicable to replacement dwellings in the countryside.
- 6.1.2 On that basis it would be necessary to impose a condition effectively rescinding the independent residential status of the existing house by restricting it to ancillary use (as a bat roost and for storage etc.) in connection with the new dwelling. Whilst this would not preclude a future application to remove that condition and reinstate the building as a separate dwelling again, any such proposal would need to be considered on its own merits at the time, and certainly the current evidence (including an outline schedule of works and costings submitted by the applicant's agent) suggests restoration would be financially unviable. A similar restriction could be applied to the adjacent barns, or their established agricultural use could remain.
- 6.1.3 This raises the question of whether the Council should at least seek to protect the existing buildings against further deterioration. Ultimately, however, attempting to use the planning system to secure this would be difficult and perhaps inappropriate, as there are separate controls and sanctions on dangerous structures under the Building Regulations and highways legislation, for instance.
- 6.1.4 Overall, therefore, and on balance, officers suggest the proposal is acceptable in principle even with the existing dwelling retained as a shell.

## 6.2 Layout, scale, design and impacts on heritage assets and wider landscape

- 6.2.1 SAMDev Policy MD7a says "Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case". Similarly, the 'Type and Affordability of Housing' Supplementary Planning Document requires the replacement to be sympathetic to the size, mass character and appearance of the original property and its surroundings, and ordinarily to be sited in the same position. Additionally, where development would affect non-designated heritage assets the National Planning Policy Framework (NPPF) and SAMDev Policy MD13 require a balanced judgement, taking into account the level of the assets' significance, the scale of any harm or loss, and any public benefits of the scheme.
- 6.2.2 In this case the new dwelling's alternative position would avoid demolishing the existing house, and hence the immediate loss of a non-designated heritage asset and destruction of a known bat roost. Although restoring or at least maintaining it may be preferable for its long-term conservation, as explained above this cannot be

guaranteed through planning legislation, and ultimately the Council must determine the current proposal as it stands. In any event, even if the existing dwelling was proposed for demolition, rebuilding on the exact same footprint would be inadvisable for highway safety and residential amenity reasons, given the proximity of the road.

- 6.2.3 It is also acknowledged that the scale of the replacement dwelling would be considerable, with around 60% more habitable floor space. Nevertheless, it is not considered disproportionate to the existing house or the size of the plot, especially bearing in mind that a large extension could potentially be added under 'permitted development' rights, and that the proposed scheme would also consolidate the various outbuildings. With reference to the Parish Council's comments, no formally adopted Local Plan policies contain any specific restriction on the number of bedrooms in new dwellings in this location, and moreover, despite its condition, the existing property is itself likely to command a relatively high value unobtainable to those in greatest housing need.
- 6.2.4 The proposed design is considered acceptable, with its form and proportions being reasonably traditional and breaking up the overall bulk and massing, and the facing materials also of the vernacular. The courtyard arrangement would maintain something of the agricultural context, and it is noted that the Conservation Officer raises no objection in terms of the historic buildings' setting. Furthermore, being set back from the road behind the existing buildings, on relatively low-lying ground and with the established tree cover on either side, the development should not prove unduly prominent in the wider landscape.
- 6.2.5 Any permission given should, however, be subject conditions requiring precise landscaping details, and (as Policy MD7a specifically requires in the case of larger replacement dwellings) removing permitted development rights.

### 6.3 **Residential amenity**

- 6.3.1 The new dwelling would in fact be around 80 metres from manure stores and 95 metres from livestock buildings at the neighbouring farm to the southwest, which is some 20 metres closer than the existing house. However, as summarised above the Council's Regulatory Services Team advises that this is unlikely to significantly compromise residential amenity for the development's occupiers.
- 6.3.2 The new dwelling would also have sufficient outdoor amenity space, whilst its separation from the existing and previously approved new dwellings to the northeast would avoid significant overlooking or any overbearing effect.

### 6.4 **Flood risk and drainage**

- 6.4.1 Part 14 of the NPPF seeks to steer new development to areas with the lowest probability of flooding, generally requiring a sequential approach whereby development is only approved on land with a higher flood risk if there are no reasonably available locations with a lower risk, and provided an 'exception test' can also be satisfied by:
- demonstrating that the development would provide wider sustainability benefits which would outweigh the risk of flooding; and
  - showing through a site-specific FRA that the development would be safe for its lifetime taking into account the vulnerability classification of its use, and would

not increase flood risk elsewhere.

6.4.2 In this case the detailed FRA now submitted argues that the sequential and exception tests are satisfied since the site is technically in fluvial Flood Zone 1, and because (even having regard to the Flood and Water Management Team's comments regarding the use of pluvial flood zones, despite that approach not being clearly defined in the Council's strategic FRA) the scheme would replace an existing dwelling. It also concludes that the development would be safe for its lifetime and would not increase flood risk elsewhere, subject to appropriate mitigation including raised floor levels or incorporating water exclusion/flood resilience measures, provision of compensatory floodplain storage, and use of sustainable drainage systems. Since a range of options are outlined, precise details would need to be secured by condition to ensure enforceability.

## 6.5 Highway safety

6.5.1 The new access previously approved in conjunction with the adjacent residential development to the northeast was designed from the outset to serve the existing farmhouse as well – indeed a condition of that permission requires the existing highly substandard farm entrances to be closed. Consequently, a replacement dwelling using the same arrangement would achieve the same highway safety betterment, as the Highways Development Control Team's comments confirm. To avoid any doubt, however, all previous highways-related conditions should be repeated on any new permission.

6.5.2 Although demolishing the existing house would remove any risk of debris falling into the road and improve visibility around the corner, again it is emphasised that this cannot legitimately be insisted upon as part of this planning application.

## 6.6 Ecology

6.6.1 The Habitats Regulations require strict protection of certain species and their habitats, including all UK bat species. Disturbance or destruction of breeding sites or resting places is allowed only in the interests of public health and safety or for other imperative reasons of overriding public interest, and provided there is no satisfactory alternative, and no detriment to maintaining the species' populations at a favourable conservation status within their natural range. These three 'tests' would need to be passed in order to secure the requisite protected species mitigation licence from Natural England.

6.6.2 The current proposals do not require additional survey work or a licence since the bat roost within the existing house would remain undisturbed. Whilst it may be speculated that a licence could potentially be obtained on safety grounds, again this is beyond the remit of the current application. Instead the Ecology Team is satisfied that conditions securing ecological enhancements, together with informatives advising on protected species legislation, will suffice.

## 7.0 CONCLUSION

7.1 Despite the location on the edge of the settlement, and the proposal to retain the existing dilapidated house in an ancillary capacity, the scheme is considered acceptable in principle on the basis of a one-for-one replacement dwelling. The conservation and ecological value of the existing house helps justify the alternative

position for the new dwelling, but in any event that would likely be acceptable on residential amenity and highway safety grounds. Its additional size is also acceptable given the scale of the existing dwelling and its associated outbuildings, the generous plot size, the satisfactory massing and design of the new house, and its reasonably discreet situation within the wider landscape. Moreover there are no significant or insurmountable concerns regarding residential amenity, flood risk, vehicular access or ecology. Overall, therefore, and on balance, the application is felt to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

### **8.3 Equalities**

8.3.1 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**

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

## **10.0 BACKGROUND**

### **Relevant Planning Policies:**

#### Central Government Guidance:

National Planning Policy Framework

#### Shropshire Local Development Framework:

##### Core Strategy Policies:

CS1 - Strategic Approach  
CS4 - Community Hubs and Community Clusters  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS7 - Communications and Transport  
CS9 - Infrastructure Contributions  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

##### SAMDev Plan Policies:

MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD7A - Managing Housing Development in the Countryside  
MD12 - Natural Environment  
MD13 - Historic Environment  
S2 - Bishop's Castle Area Settlement Policy

##### Supplementary Planning Documents:

Type and Affordability of Housing

### **Relevant Planning History:**

20/02366/OUT – Erection of two detached dwellings and garages, installation of package (sewage) treatment plant, and formation of new vehicular access (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved) (permitted March 2021)

## **11.0 ADDITIONAL INFORMATION**

**View details online:** [21/05713/FUL | Erection of replacement dwelling and installation of package \(sewage\) treatment plant | Plough House Farm Little Worthen Worthen Shrewsbury Shropshire SY5 9HL](#)

**List of Background Papers:**

Application documents available on Council website

**Cabinet Member (Portfolio Holder):**

Cllr Ed Potter

**Local Member:**

Cllr Heather Kidd

**Appendices:**

Appendix 1 – Conditions and Informatives

## **APPENDIX 1 – CONDITIONS AND INFORMATIVES**

### **STANDARD CONDITIONS**

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 in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### **CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES**

3. No development shall commence until precise details of the means of surface water and foul drainage have been submitted to and approved in writing by the Local Planning Authority. These shall include:
  - Percolation test results and sizing calculations for any surface water soakaways, to accord with BRE Digest 365
  - Provision for installation of a silt trap or catch pit upstream of the drainage field
  - Details of other/alternative sustainable drainage systems (SuDS)/attenuation measures as appropriate, to include measures to avoid run-off onto adjacent land and highways
  - Sizing calculations and a specification for the proposed new package treatment plant
  - Percolation test results and sizing calculations for any foul water drainage field, or precise details of any alternative means of discharge
  - A detailed drainage layout plan

The approved scheme(s) shall be implemented in full prior to the first use/occupation of the development and shall thereafter be retained thereafter.

Reason: To ensure that the development is provided with satisfactory means of drainage and avoid causing or exacerbating flooding or pollution on the site or elsewhere, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

4. No development shall commence until precise details of the following, broadly as indicated in the submitted Flood Risk Assessment by Geosmart Information (referenced 76196R1 and dated 4th February 2022), have been submitted to and approved in writing by the local planning authority:
  - compensatory floodplain storage to be provided at or adjacent to the site; and

- confirmation of a minimum finished ground floor level of 103.93m within the new dwelling; or
- in the event of the above minimum finished floor level proving unachievable, precise details of an alternative water exclusion strategy using appropriate avoidance and resistance measures, combined with flood resilience measures.

The development shall be carried out in accordance with the agreed details, and shall thereafter be retained in that condition for its lifetime.

Reason: To protect the development and its users against flood risk, and to avoid causing or exacerbating flooding elsewhere, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

5. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping. This shall include:
- Identification of all existing trees and hedgerows on the site and along its boundaries
  - Identification of and measures to protect existing trees and hedgerows which are to be retained
  - Details/schedules of proposed planting
  - Details of the type and height of any fences, railings, walls and other boundary treatments/means of enclosure
  - Details/samples of hard surfacing materials
  - Timetables for implementation

The works shall be completed in accordance with the approved details and, in the case of fences, walls, hardstandings and other hard landscaping works, retained thereafter. In the case of soft landscaping, any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of similar size and species.

Reason: To ensure that the external appearance of the development is satisfactory, and to help safeguard the visual amenity of the surrounding countryside, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

## **CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF DEVELOPMENT**

6. Except for demolition works and works to form the new vehicular access to the site, no above-ground development shall commence until samples/precise details of all external materials and finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with approved details.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. Prior to the first use or occupation of the new dwelling hereby permitted, the following shall be provided at the site in accordance with precise details which shall first be submitted to and approved in writing by the local planning authority:
- a minimum of two external Woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting by small crevice-dwelling UK bat species; and
  - a minimum of two artificial 'nests', of either integrated brick or external box design, suitable for swifts (i.e. purpose-made swift bricks or boxes with entrance holes to larger than 65 x 28mm), starlings (i.e. 42mm entrance hole, starling-specific design), sparrows (32mm hole, terrace design) and/or house martins (house martin nesting cups)

These shall be retained for the lifetime of the development.

Reason: To maintain/enhance roosting opportunities for bat and nesting opportunities for wild birds, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

## **CONDITIONS RELEVANT FOR LIFETIME OF DEVELOPMENT**

8. Prior to the first occupation of the new dwelling hereby permitted, the new vehicular access shall be fully laid out and surfaced in accordance with the approved block plan and the details agreed under Condition 5 above. This shall include provision of 113-metre visibility splays in both directions along the nearest edge of the adjacent highway carriageway, measured from a point 2.4 metres back from that edge down the centre line of the proposed access, and which shall thereafter be maintained clear of any obstructions higher than 0.9 metres above ground level for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

9. Prior to the first occupation of the new dwelling hereby permitted, the two existing vehicular accesses to the site shall be permanently stopped up in accordance with the landscaping details agreed under Condition 5 above.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

10. The existing dwelling on the site, labelled 'Bat House' on the approved block plan, shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling hereby approved as a single dwelling unit, and shall at no time be occupied as a separate independent dwelling or used for commercial or business purposes.

Reason: To define the consent, avoid establishment of an additional open-market dwelling in the open countryside, and in the interests of residential amenity, in

accordance with Policies CS5, CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

11. The existing outbuildings shown to be retained on the approved block plan shall only be used for:
  - i) the purposes of agriculture as defined by Section 336(1) of the Town and Country Planning Act 1990; and/or
  - ii) purposes in connection with and ancillary to the enjoyment of the new dwelling hereby permitted as a single dwelling unit.

At no time shall any part be occupied as a separate independent dwelling, or used for commercial or business purposes except in accordance with i) above.

Reason: To define the consent, avoid establishment of an additional open-market dwellings without further consideration of relevant planning issues, and in the interests of residential amenity, in accordance with Policies CS5, CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

12. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no extension, garage, car port or other building/structure shall be erected or installed within the curtilage of the dwelling hereby permitted without planning permission first having been obtained from the Local Planning Authority.

Reason: To ensure that the development remains in scale and character with the original dwelling and its surroundings, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan.

13. No external lighting shall be installed or provided at the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.

Reason: To minimise potential disturbance to foraging or commuting bats, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

## **INFORMATIVES**

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team ([cil@shropshire.gov.uk](mailto:cil@shropshire.gov.uk)).
3. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (including any footway or verge);
  - carry out any works within the publicly maintained highway;
  - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
  - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <http://www.shropshire.gov.uk/roads-and-highways/developing-highways/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

4. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
5. If any vehicular access and/or parking/turning areas slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water from the development to drain onto the public highway or into highway drains.
6. All species of bat found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a bat be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.
7. Active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and

vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.

8. In arriving at this decision the 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.