

# AGENDA ITEM

Committee and date

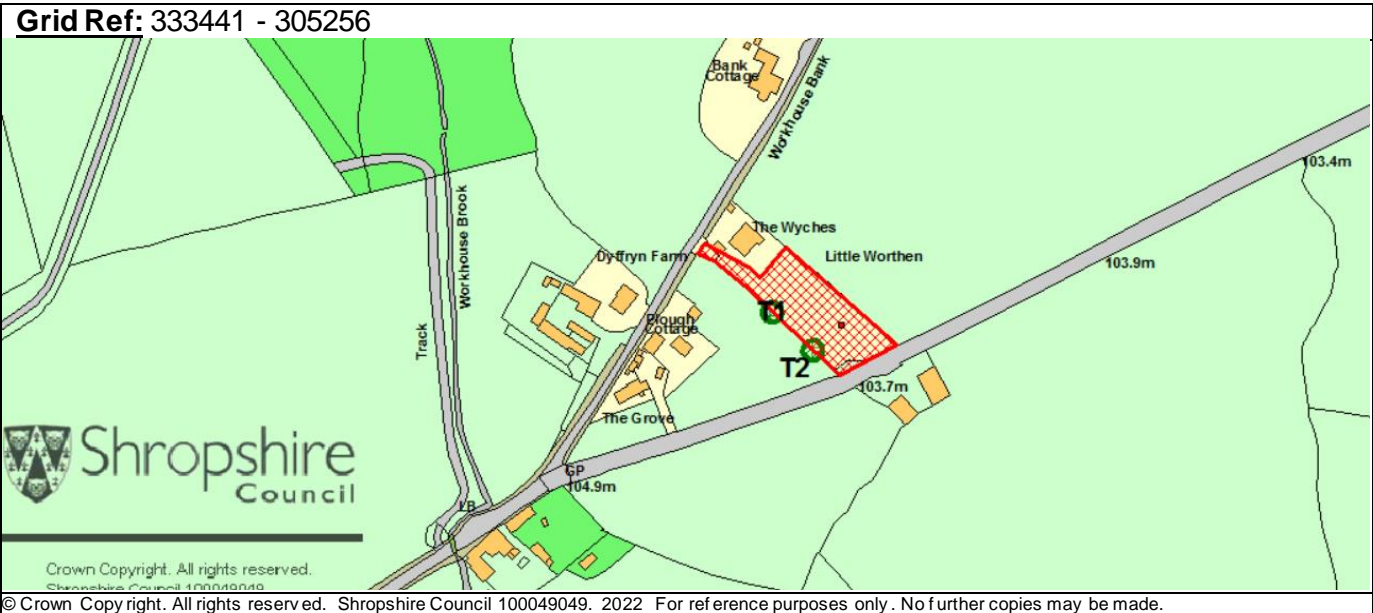


## Development Management Report

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

**Summary of Application**

<b>Application Number:</b> 22/04625/FUL	<b>Parish:</b>	Worthen With Shelve
<b>Proposal:</b> Erection of two three-bedroom dwellings		
<b>Site Address:</b> The Wyches, Little Worthen, Worthen, Shrewsbury, Shropshire, SY5 9HL		
<b>Applicant:</b> Mr Vadukul		
<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 two new detached open-market dwellings on land currently within the curtilage of an existing dwelling. There were previously separate outline permissions for each dwelling (ref. 18/04394/OUT for Plot 1 and 18/02586/OUT for Plot 2), but these lapsed following withdrawal of subsequent applications for reserved matters approval.
- 1.2 As now proposed on further amended plans, both dwellings would have 1½ storeys and three bedrooms, a combination of stone, brick and rendered walls under plain clay tiled roofs, and woodgrain-effect UPVC windows. They are individually designed, however, with differing footprints and detailing, and Plot 1 being slightly taller with dormered first floor rooms, and also having a more formal principal elevation and large external chimneystacks at each end.
- 1.3 Access would be shared with the existing dwelling, via a realigned entrance and resurfaced driveway off a lane to the northwest. A second entrance off a B-road to the south would be permanently stopped up.
- 1.4 Amended plans also clarify the means of drainage, with soakaways for surface water, and sealed cesspools (rather than a package treatment plant as indicated on some initial documentation) for foul drainage.
- 1.5 A revised arboricultural report has also now been submitted to clarify impacts on trees and hedges.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located in the hamlet of Little Worthen, just northeast of Worthen village in the Rea Valley. The existing dwelling, a mid-20<sup>th</sup> Century red brick bungalow named The Wyches, stands elevated towards the northwest end of a long plot which fronts a minor unclassified road known as Workhouse Bank, and has the B4386 Shrewsbury – Montgomery road running along its southeast foot. As mentioned above there are currently entrances off both roads, linked by a partially overgrown driveway along the plot's southwest side. The proposed dwellings would be sited in tandem with The Wyches behind a recently erected close-boarded fence, and accessed off that existing driveway. The total site area (excluding land retained by The Wyches) is 0.2117 hectares. All other boundaries are hedged and border open fields, with that to the southwest also having two mature, protected oak trees. Some portal-framed agricultural buildings lie across the B4386, whilst the closest neighbouring dwellings are between 45 and 70 metres to the southwest and 65 metres to the northeast.

### 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 Highways Development Control:

7/11/22 – objection:

At least the first 10-metre stretch of the existing driveway should be widened to 4.5 metres to allow two vehicles to pass without obstructing the public highway. Also, as agreed under the previous applications, the entrance should be improved with 2.4 x 43-metre visibility splays.

#### 4.1.2 21/11/22 – comment:

No objection to the amended block/layout plan subject to conditions which:

- ensure the existing entrance off Workhouse Bank is upgraded as shown, and in accordance with construction details to be agreed;
- require lowering of the embankment and vegetation within the proposed visibility splays to 0.6 metres; and
- secure the timely and permanent closure of the B4386 entrance.

#### 4.1.3 Additionally, 'informatives' should advise on the requisite licence for works on or abutting highway land, the need to keep adjacent roads and their drains clear of mud and surface/waste water from the development, and arrangements for roadside refuse collection.

#### 4.1.4 15/2/23 – comment:

The latest revised access plan and transport consultant's email justifying the visibility splays shown thereon are acceptable given the surrounding highways conditions, so no objection is raised. However, given the narrow carriageway along Workhouse Bank, the rural nature of the site and potential impacts of works traffic on neighbouring properties, a condition requiring prior approval of a construction management statement is recommended.

#### 4.1.5 Shropshire Council Flood and Water Management:

9/11/22 – comment:

An informative should encourage use of sustainable surface water drainage systems (SuDS).

#### 4.1.6 25/1/23 – objection:

Based on the new dwellings each having three bedrooms, and in accordance with *British Water 'Flows and Loads: 4'*, the proposed cesspools should have capacity

for five persons' effluent rather than four.

4.1.7 25/1/23 (further response) – comment:

Given the constraints of the plot, sealed cesspools appear to be the only option for foul drainage. Their revised sizing, at 38,400 litres for five people, is acceptable.

4.1.8 Shropshire Council Affordable Housing – no objection:

The scale of the development falls below thresholds at which the Council can require a contribution towards affordable housing provision.

4.1.9 Shropshire Council Ecology – comment:

Refer to standing advice.

4.1.10 Shropshire Council Tree and Woodland Amenity Protection:

23/11/22 – comment:

The oaks on the southwest boundary (identified as Trees T1 and T4 in the submitted arboricultural report) are subject to a Tree Preservation Order (TPO). Whilst there is no sustainable objection to the broad principle of the proposed development, several issues need to be addressed.

4.1.11 The plans offer no details for the routing of services or the layout of surface water soakaways. Since the arboricultural report has not identified this as an issue, presumably there would be no encroachment or excavations in the root protection areas (RPAs) of retained trees except for landscaping and re-edging of the access drive.

4.1.12 Having identified a need for good design and careful delivery of machinery and materials which avoids encroaching into RPAs, the report then undermines this by introducing a loophole for facilitative pruning in Paragraph 3.1.6. This is not acceptable since adequate space is available without affecting the oak trees. Therefore, any lopping or other damage will be treated as a breach of the TPO, and action taken accordingly.

4.1.13 Given the above, any permission granted should include conditions which:

- expressly prohibit any pruning of the oak trees;
- otherwise require full adherence to the recommendations in the arboricultural report; and
- require the Council's notification once the agreed tree protection measures have been established on-site.

4.1.14 12/12/22 – objection:

Following the initial comments, further issues giving rise to greater reservations have come to light. In particular:

- The arboricultural report fails to consider the implications of the proposed access visibility splay for adjacent hedgerows, which are important to the area's

character and for biodiversity. It is unclear whether any impacts could be satisfactorily offset by transplanting the hedges.

- It is also unclear what form of foul drainage is proposed, and hence what the arboricultural implications of this may be.
- The Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) in the arboricultural report should clearly show the existing driveway as an excavation/construction exclusion zone where it passes through the RPAs of retained trees, and any activities in those areas would require a supplementary AMS.

4.1.15 For these reasons, and also bearing in mind the previous concerns about facilitative pruning, it is uncertain that the scheme represents sustainable development as required under the relevant policies.

4.1.16 2/2/23 – comment:

A neighbouring landowner's comments [see below] about ownership of a section of hedge which may be affected by the proposed access improvements are noted. Whilst this is essentially a civil matter, from a planning perspective any loss of hedgerow should be offset with replacement planting.

4.1.17 That aside, the amended arboricultural assessment now includes measures to protect the RPAs of the protected oak trees under the existing access drive. This is welcomed, as is a proposal for arboricultural supervision. However, the report appears to be based on an earlier iteration and reintroduces a retrograde element in that it no longer identifies for removal two weeping ash trees which have advanced dieback.

4.1.18 The amended drainage plan offers a layout which is acceptable subject to removing the ash trees, with the arboricultural assessment confirming that the siting of the cesspools should have no other arboricultural implications. However, any future variations would need to be subject to further consideration and prior approval.

4.1.19 The current AMS also still includes a loophole which would allow facilitative pruning. This remains unacceptable, and as advised previously any such works would be treated as a breach of the TPO.

4.1.20 Overall, therefore, provided the issue of hedges outside the applicant's/developer's control can be resolved, no objection is raised subject to conditions requiring:

- verification of the establishment of the agreed tree protection measures on-site; and
- prior approval of a supplementary AMS and method statement for any variations or amendments which would result in encroachments into agreed RPAs.

4.1.21 Worthen with Shelve Parish Council – objection:

Highway safety is a major concern given first-hand knowledge of traffic volumes

and speeds along the B4386 in this location. There have been numerous accidents here, and speeding is a priority issue under a community and police partnership, with a camera van visiting regularly. The new access is not considered safe, and comments made regarding access off Workhouse Bank are also noted.

- 4.1.22 Walking between the new dwellings and facilities in Worthen village would be unsafe, as this is a de-restricted section of road without pavements.
- 4.1.23 The Site Allocations and Management of Development (SAMDev) Plan's housing guideline for this Parish has already been exceeded considerably, by some 200%. Policy MD3 says this is a significant consideration and sets specific criteria for further overprovision. Little Worthen itself would effectively double in size if this proposal is implemented in addition to other permitted schemes nearby.
- 4.1.24 The site is not considered to be an infill plot by any definition, and the proposal would in fact expand the settlement into open countryside.
- 4.1.25 The site is overlooked by the Shropshire Hills Area of Outstanding Natural Beauty (AONB), so design and landscape character must be carefully considered. The current proposals for two additional dwellings on the plot would result in a high-density development with a suburban-style layout.
- 4.1.26 Little Worthen is set to lose its 'Community Cluster' designation under a Local Plan review.

## 4.2 **Public comments**

4.2.1 One local resident objects/comments as follows:

- A 43-metre visibility splay southwest of the existing entrance onto Workhouse Bank would be essential for safety reasons, but unachievable without removing an embankment and hedge outside the applicant's control.
- The amended arboricultural report still proposes cutting and thinning of the hedge alongside the site access, despite it being in separate ownership and essential as a stock-proof boundary.

4.2.2 In response the applicant's solicitor writes in support, making the following points:

- The hedge between the site and the neighbour's land is subject to a boundary agreement which resolved that ownership is split down the centreline. The two sides of the hedge can therefore be managed accordingly by their respective owners.
- Ownership and maintenance of the boundary trees is also dealt with in the same manner.

## 5.0 **THE MAIN ISSUES**

- Principle of development
- Affordable housing contribution

- Layout, scale, design and landscape impacts
- Residential amenity
- Access and highway safety
- Drainage
- Ecology

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to achieve managed, targeted growth by steering new open-market housing to sites in market towns, other 'key centres' and certain smaller settlements ('Community Hubs and Clusters') as identified in the SAMDev Plan. Sporadic new housing in the countryside (i.e. outside the designated settlements) is generally unacceptable unless there are exceptional circumstances.
- 6.1.2 Officers acknowledge that Little Worthen is a very small and scattered settlement with few services and facilities of its own, and that a lack of pavements and lighting is likely to discourage residents from walking into Worthen village. However, the hamlet does have a regular bus service to Shrewsbury, and is designated as a distinct component (separate from Worthen village) of a Community Cluster under SAMDev Policies MD1 and S2. This implies broadly that the location *is* sustainable, and carries considerable weight, with the National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date Local Plan should be approved without delay. Policy S2 gives a guideline of approximately thirty additional homes across the Cluster by 2026, and besides conversion schemes these are intended to comprise 'infill' developments of up to five dwellings.
- 6.1.3 Core Strategy Policy CS4 confirms that new housing must be located within the Cluster settlements themselves, and not on adjoining land or in the countryside in-between. Meanwhile the Local Plan review cited by the Parish Council, besides omitting Little Worthen as a Cluster settlement, proposes to define infill sites as "land with built development on at least two sides and which is also clearly within the built form of a settlement". However, the new Plan remains unadopted at present, and subject to modifications, so currently carries little weight. Moreover, in the context of such a small and loose-knit settlement as Little Worthen it is difficult to identify conventional gap sites.
- 6.1.4 Officers previously found the proposed site suitable given its containment within the established residential curtilage of The Wyches and by the B4386 to the south, meaning the development would not encroach into the adjacent open fields. The presence of existing dwellings and/or other buildings nearby in most directions is also emphasised. Furthermore, despite the previous outline permissions having lapsed, they still carry some weight as they were granted under the same policies.

- 6.1.5 Regarding the Parish Council's concern about housing numbers, Shropshire Council's latest Five Year Housing Land Supply Statement reveals that there is in fact still 'headroom' for further development in this particular Cluster, so SAMDev Policy MD3 is not engaged. In any event, the previous outline permissions on this site would have been factored into those figures, so approving this essentially similar proposal would not further increase the total number of homes allowed.
- 6.1.6 Overall, therefore, the proposal is felt to be acceptable in principle.
- 6.2 **Affordable housing contribution**
- 6.2.1 Core Strategy Policy CS11 requires most market housing schemes to make an affordable housing contribution (usually through a one-off payment in lieu of on-site provision where a small number of dwellings is proposed). However, the revised NPPF now states categorically that such contributions should not be sought in connection with any small-scale development. It must therefore be accepted that in this respect the Council's policy is effectively out-of-date, and so no longer attracts significant weight in this instance.
- 6.3 **Layout, scale, design and landscape impacts**
- 6.3.1 Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy more general design requirements under Policy CS6 and SAMDev Policy MD2. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing. Policies CS17 and MD12 seek to protect landscape quality and character, and the NPPF affords the highest level of protection to AONBs.
- 6.3.2 Although the proposed dwellings would undoubtedly be visible, they would generally be seen in the context of the established scattered settlement rather than in isolation. Their arrangement in tandem with The Wyches was effectively accepted under the previous applications, and there is little uniformity to the established development pattern in this area. Despite being slightly taller than The Wyches the new dwellings would sit lower down the slope of the site, and exact details of finished levels can be secured by condition. The design detailing has now been simplified to better reflect the rural vernacular, and satisfactory sample materials submitted upfront.
- 6.3.3 Retaining the mature trees and established boundary hedges will also help to assimilate the development and soften its appearance. The revised arboricultural report largely addresses the Tree Officer's initial concerns about the protected oaks, although for clarity an additional condition expressly preventing any facilitative pruning should still be imposed. Meanwhile the wording suggested for Condition 11 allows removal of the diseased weeping ash trees.



- 6.3.4 Based on the revised access plan and email confirmation from the applicant's agent, adequate visibility splays can be formed within the highway verge along Workhouse Bank. Any slight trimming of overhanging hedges there would not require the adjoining landowner's consent. However, Condition 5 seeks to distinguish between existing and proposed new hedges and requires planting densities for the latter, as these aspects are unclear on the current landscaping plan.
- 6.3.5 For these reasons the development's layout, scale and design are considered satisfactory. Moreover, it should not appear unduly prominent or otherwise detract from the generally open character or scenic quality of the surrounding countryside, or demonstrably harm the AONB's setting.
- 6.4 **Residential amenity**
- 6.4.1 Given the generous plot size and the dwellings' limited height, all three (including The Wyches) would have sufficient outdoor amenity space and a reasonable standard of privacy and outlook. None of the neighbouring properties would be significantly affected given their separation.
- 6.5 **Access and highway safety**
- 6.5.1 To confirm, the sole point of access would be the realigned entrance off Workhouse Bank, and Condition 8 ensures closure of the second, substandard entrance off the B4386. As noted above, 2.0 x 25-metre visibility splays are achievable without significantly affecting adjacent hedges, and have been justified by the applicant's transport consultant with reference to Government guidance in *Manual for Streets*, to the Highways Development Control Team's satisfaction.
- 6.6 **Drainage**
- 6.6.1 The standard foul drainage hierarchy (as set out in the Foul Drainage Assessment (FDA1) form, other Environment Agency/National Planning Practice guidance and the Building Regulations) favours using mains sewerage wherever possible, followed in turn by private package treatment plants, septic tanks and lastly sealed cesspools. The latter are regarded as the least sustainable solution as they require regular emptying of untreated effluent for disposal elsewhere, and because in practice they are susceptible to overflows and other problems as a result of poor maintenance, irregular emptying etc. In this instance, however, it has been demonstrated that cesspools are the only workable option because the only mains provision in the area is a pressure sewer/rising main to which the statutory undertaker (Severn Trent Water) will not permit additional connections, and the site is too small for soakaways for a package treatment plant or septic tank to be installed at least 15 metres from any building as required under Environment Agency 'general binding rules'. The Flood and Water Management Team accepts this, and also confirms that the latest plans show cesspools with technically sufficient capacity.

6.6.2 The surface water drainage proposals incorporate SuDS as recommended.

## 6.7 Ecology

6.7.1 No significant impacts on roosting bats, nesting birds or other protected or priority species are anticipated given that the existing dwelling and mature trees would remain intact, and since there are no mapped ponds or designated biodiversity sites in close proximity. Proportionate ecological enhancements can be secured by conditions requiring provision of bat and bird boxes.

## 7.0 CONCLUSION

7.1 The principle of the development is to some extent established by the previous permissions and remains acceptable given the location within a settlement designated for some new market housing. The proposed dwellings' layout, scale and design are considered satisfactory in this context, and with existing trees and hedges retained would not be unduly prominent in the landscape. There are no significant residential amenity or ecological concerns, whilst highways and drainage matters are acceptable to the relevant technical consultees. Meanwhile greater weight must be given to the updated NPPF than to the Council's own policy requirement for an affordable housing contribution. Overall, therefore, the application is considered 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

# AGENDA ITEM

-	Proposed Dwelling South East Of The Wyches
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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  
S2 – Bishop’s Castle Area Settlement Policy

Supplementary Planning Documents:  
Type and Affordability of Housing

**Relevant Planning History:**

18/02586/OUT – Outline application for erection of one dwelling, to include layout and means of access (via shared driveway with The Wyches) (Plot 1) (permitted February 2019)

18/04394/OUT – Outline application for erection of one dwelling to include access and layout (Plot 2) (permitted March 2019)

21/03501/REM – Approval of reserved matters (appearance, landscaping, layout and scale) in pursuance of outline permission 18/04394/OUT for erection of one dwelling (Plot 2) (withdrawn August 2022)

21/03520/REM – Approval of reserved matters (appearance, landscaping, layout and scale) in pursuance of outline permission 18/02586/OUT for erection of one dwelling (Plot 1) (withdrawn August 2022)

**11.0 ADDITIONAL INFORMATION**

**View details online:** <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RJJU5YTDJLN00>

<b>List of Background Papers:</b> See application documents on Council website
<b>Cabinet Member (Portfolio Holder):</b> Cllr Richard Marshall
<b>Local Member:</b> Cllr Heather Kidd
<b>Appendices:</b> 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, amended plans and drawings submitted with the application. .

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6, CS7 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. No development shall commence until a construction management statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period, and shall include provision for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials
  - iv. the erection and maintenance of security fencing/hoardings
  - v. wheel washing facilities
  - vi. control of dust, dirt and noise emissions during construction
  - vii. timing of construction works and associated activities
  - viii. recycling/disposal of waste resulting from demolition and construction works
  - ix. a construction traffic management plan

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 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 details of existing and proposed ground levels and the finished floor levels of the new dwellings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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Proposed Dwelling South  
East Of The Wyches

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

5. Notwithstanding the submitted plans, no development (including site clearance works) shall commence until there have been submitted to and approved in writing by the Local Planning Authority further landscaping details, to include:
- Clear identification of all existing hedges on and adjacent to the site, and identification of those which are to be retained
  - Clear identification of and specifications for proposed new hedgerow and other planting, to include the species and sizes of all plants, and planting densities
  - Timetables for implementation

The works shall be completed in accordance with the approved details. 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 in the next planting season with others of similar size and species.

Reason: To help safeguard the visual amenities of the area, and in the interests of residential amenity, 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.

6. No works in connection with the development hereby permitted, including ground clearance or excavations, shall commence until the local planning authority has been notified and acknowledged in writing that tree protection measures have been established on-site in compliance with the approved tree protection plans and particulars in the updated arboricultural report by A. L. Smith of Tree Health Consulting, received by the local planning authority on 24th January 2023. These agreed tree protection measures shall be retained on-site for the duration of the development works.

Reason: To safeguard significant trees at the site, 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

7. No excavations, other works or construction-related activities shall be carried out within the tree protection zones identified in the tree protection plan included in the updated arboricultural report by A. L. Smith of Tree Health Consulting, received by the local planning authority on 24th January 2023, except in strict accordance with a supplementary, fully detailed arboricultural impact assessment and task-specific method statement which shall first be submitted to and approved in writing by the local planning authority.

Reason: To safeguard retained trees and hedges in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

8. Prior to the first use or occupation of either of the new dwellings, the existing vehicular access off the B4386 highway at the southeast end of the site shall be permanently stopped up in accordance with precise details which shall first be submitted to and approved in writing by the local planning authority.

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 use/occupation of either of the new dwellings hereby permitted, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with details of their types and positions, which shall first be submitted to and approved in writing by the local planning authority. These shall include:
- 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 nesting boxes or integrated 'bricks' suitable for swifts (swift bricks or boxes with entrance holes no larger than 65 x 28 mm), starlings (42mm hole, starling-specific design), sparrows (32mm hole, terrace design) and/or house martins (house martin nesting cups)

These shall be retained thereafter for the lifetime of the development.

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

10. No new or replacement external lighting shall be installed or provided on 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'.

# AGENDA ITEM

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Proposed Dwelling South  
East Of The Wyches

Reason: To minimise potential disturbance to bats, and in the interests of the visual amenity of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

## CONDITIONS RELEVANT FOR LIFETIME OF DEVELOPMENT

11. Unless specifically required/agreed otherwise under Conditions 7 and 12 of this permission, and except in relation to weeping ash trees T2 and T3 (which may be felled), all works associated with the development hereby permitted (including site clearance works) shall be carried out in complete accordance with the recommendations in the updated arboricultural report by A. L. Smith of Tree Health Consulting, received by the local planning authority on 24th January 2023.

Reason: To safeguard retained trees in accordance with the Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

12. Notwithstanding any indication to the contrary in the updated arboricultural report by A. L. Smith of Tree Health Consulting, received by the local planning authority on 24th January 2023, there shall be no facilitative or other pruning works to the oak trees identified in the report as Trees T1 and T4, and which are protected by the Shropshire Council (Land at The Grove, Little Worthen) Tree Preservation Order 2021, without prior submission and approval of an appropriate application for works to a protected tree.

Reason: To define the consent and safeguard significant trees at the site, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

13. Prior to the first use or occupation of either of the new dwellings, the existing vehicular access off the unclassified road at the northwest end of the site shall be reconfigured and furnished with visibility splays along the adjacent highway carriageway, and on-site parking and turning areas shall be fully laid out and surfaced, in accordance with the approved plans. These features shall thereafter be retained for their intended purposes for the lifetime of the development, and, in the case of the visibility splays, maintained clear of any obstruction above 600mm in height.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 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. Your attention is drawn to the need to ensure provision of appropriate facilities for storage and collection of household waste (i.e. wheelie bins and recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that site accesses, visibility splays, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways and vehicular carriageways) are unobstructed at all times, in the interests of public and highway safety.
5. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
6. 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

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permissible for surface water from the development to drain onto the public highway or into highway drains.

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. 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.
9. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected against killing, injury and trade by the Wildlife and Countryside Act 1981 (as amended). Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are also protected from trade, whilst 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 the course of development works to ensure that these species are not harmed.
  - If piles of rubble, logs, bricks, other loose materials or other potential wildlife refuges would be disturbed, this should be carried out by hand during the active season (March to October) when the weather is warm.
  - Any grass should be kept short prior to and during construction, in to avoid creating wildlife habitats which would then need to be disturbed.
  - All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.
  - Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.
  - Any reptiles or amphibians discovered should be allowed to disperse naturally. If large numbers are present, advice should be sought from an appropriately qualified and experienced ecologist.

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- Should a hibernating hedgehog be found, it should be covered over with a cardboard box and advice should be sought from either an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (tel. 01584 890 801).
10. 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.

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