

Development Management Report

Summary of Application

Application Number: 23/04140/FUL	Parish:	Worthen with Shelve
Proposal: New 3 - bedroom single dwelling with detached garage and new lane access.		
Site Address: Proposed Residential Development Land To The East Of 5 Gravels Bank, Minsterley		
Applicant: Mr and Ms Steven Hilditch		
Case Officer: Graham French	email: planningdmsw@shropshire.gov.uk	

Recommendation:- Approve subject to the conditions set out in Appendix 1.

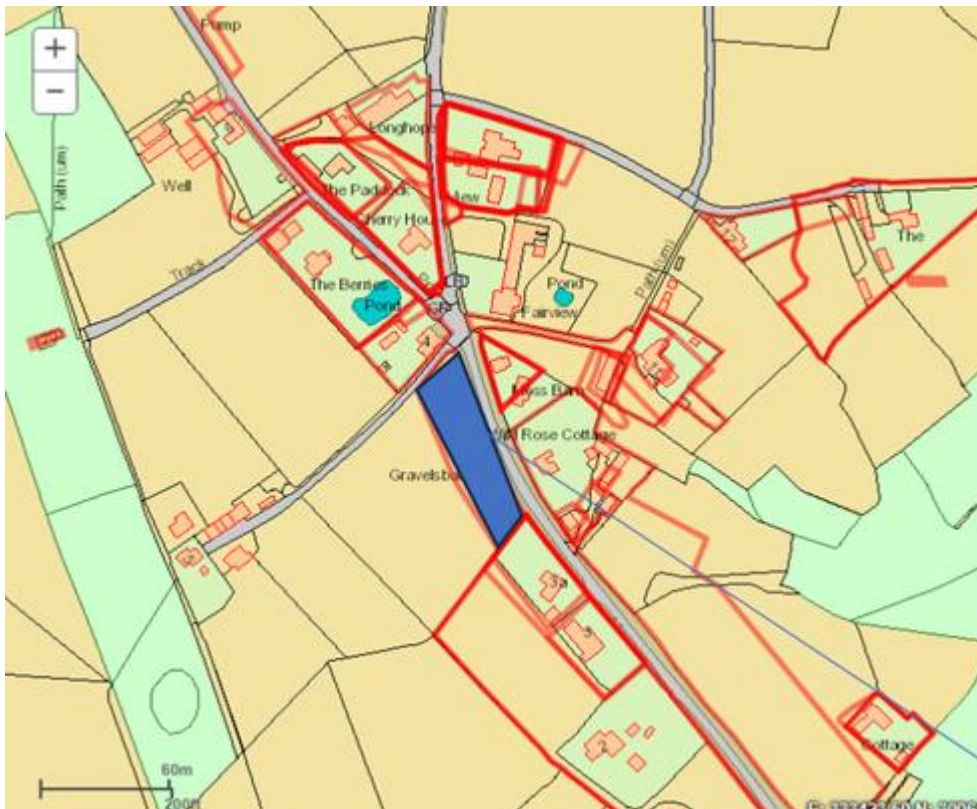


Figure 1 - Location Plan (site in blue, other permissions edged red)

REPORT

1.0 THE PROPOSALS

- 1.1 The proposal is for a new 3-bedroom dwelling with a detached garage and new vehicle access on to the adjacent 'Lordstone lane'. The current site is now split from 5 Gravels bank which was a small farmstead.
- 1.2 A previous outline scheme for two dwellings was refused under 20/03949/OUT on the following grounds:

1. The application site is in a prominent position close to the centre of Gravelbank, where its open outlook contributes to the distinctive character of the settlement in the Shropshire Hills AONB. Apart from interrupting public views to the southwest, development would create a visible, regular and linear pattern of development adjacent to the highway, contrasting to the existing pattern of development nearby, and contrary to CS6, MD2, CS17 and MD12. It is not considered that recent approval of two dwellings to the southeast by way of 18/04138/OUT sets sufficient precedent in favour of development. The housing guideline figures for the Parish according to S2.2(vii) are likely to have already been met. The provisions of MD3 do not add sufficient weight in favour of development because additional residential development over and above dwellings approved in Gravelbank since 2014 would have unacceptable cumulative impacts detrimental to the settlement and its character. The benefits of development do not outweigh the harm identified. For these reasons the development is also considered contrary to the NPPF, and to the Council's settlement strategy as set out in CS1, CS4 and MD1 of the adopted Core Strategy and adopted SAMDev Plan, which are up to date and given full weight. There are no other material considerations of sufficient weight in favour of development.

1.3 The previous refusal was turned down on appeal. The applicant advises that the current Full application for a single dwelling addresses the comments of the Inspector and is also consistent with previous planning approvals for 'infill' plots which have been issued over the past 20 years. Specifically, it is for one rather than 2 dwellings and is positioned at the northern end of the plot, thereby preserving views towards the Stiperstones.

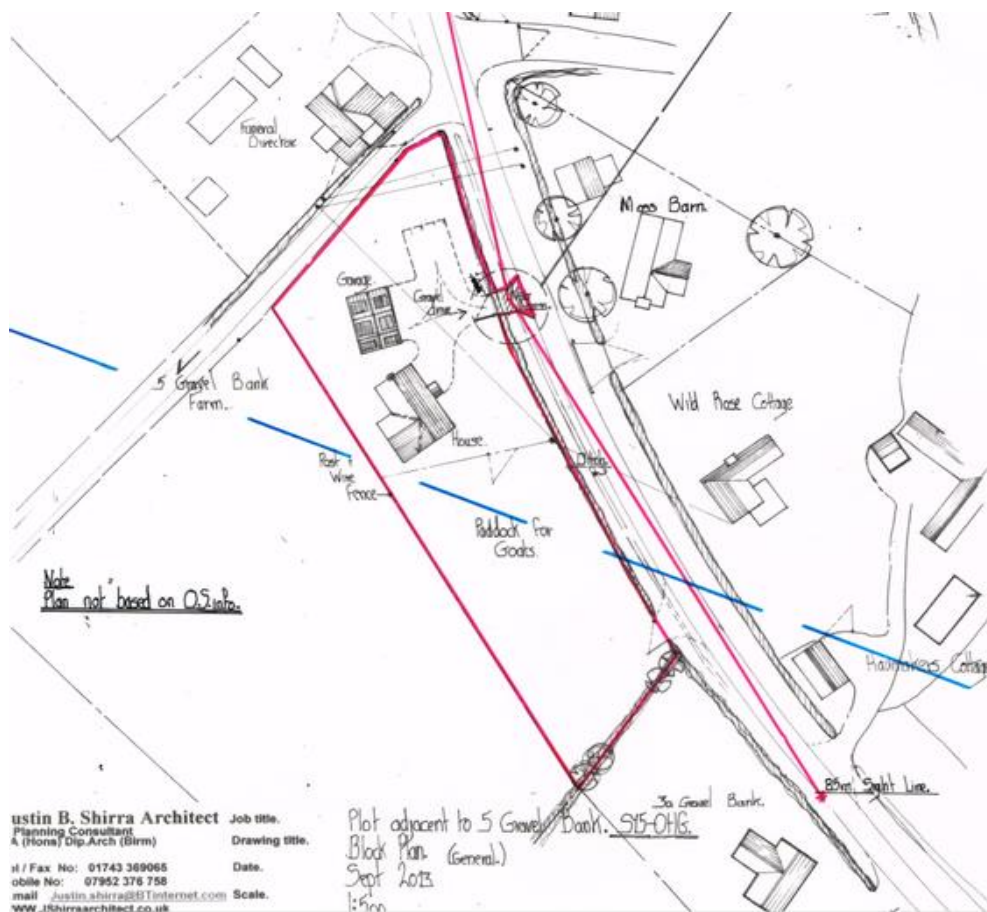


Figure 2 – Block Plan



Figure 3 - Elevations

- 1.4 The 2-storey property would be of traditional construction with slate roof and red brick walls. It would have an internal floor area of 195m², including downstairs porch. A single floor detached double garage with ancillary garden storage would provide an additional area of 45m² (see Figures 2 and 3).
- 1.5 A new tarmac access would be created onto the public highway. This would comprise a 6m opening in current thin 1.8m high hedge. There would be a 3.5m wide permeable gravelled access track with an inward swinging gate set back 6m from the highway and a 1.9m wide grass verge. A 1m wide ditch would receive a reinforced drainage pipe, to allow water to flow under the verge crossing. A paved area for 3 wheelie bins would be provided at the road edge. Visibility splays of 140m to the north and 85m to the south would be provided. Details of foul and surface water management would be secured by condition.
- 2.0 **SITE LOCATION/DESCRIPTION**
- 2.1 Gravel Bank' comprises a scatter of residential properties on a shelf above Gravel in the Hope Valley, within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The application site is a 0.261 hectare strip of a paddock along the roadside, opposite the proposed entrance to another stone and rendered property named 'Rowan house and Moss cottage'. It is flanked by outbuildings used as holiday accommodation and a crafts/field study centre. There are further dwellings around the road junction. To the South of this site is 'No. 3 and 3a Gravel Bank' two very recent approved 3 bedroom dwellings currently being built.

2.2 The applicant's late father owned the adjoining plot known as 'The Farmstead' which has recently been put up for sale. The applicant has strong connections with the area having been raised at the Farmstead.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 Worthen with Shelve Parish Council has objected to the proposal's raising material planning reasons. Officers have a contrary view and consider that the Parish Council's concerns cannot reasonably be overcome by negotiation/imposition of condition. The Development Manager has confirmed in consultation with the Chair that the proposals meet the criteria for a committee determination.

4.0 COMMUNITY REPRESENTATIONS

4.1i. Worthen with Shelve Parish Council: Objection. Gravels Bank was a small settlement located in a protected historic landscape. It is considered that if consent is given for this application it would result in a negative visual impact on the character of the settlement. Gravels Bank sits within the AONB. The Natural Environment Policy (SAMDev Page 3 of 10 MD12) aims to provide a level of protection to Shropshire's natural assets, including trees, woodland, hedgerows and the Shropshire Hills AONB.

ii. This Parish Council does not consider that permitting this development would be compatible with protecting and enhancing the natural, built and historic environment. The proposed dwelling would have a material adverse visual impact on the landscape quality and character and setting of the Shropshire Hills AONB.

iii. It is considered that the housing guideline for the Community Cluster of Hope has already been exceeded. If this application is given approval this would result in an over delivery of 35 consents in the Hope ward.

iv. This parish will be open countryside when the emerging local plan is adopted. The provisions of MD3 do not add sufficient weight in favour of development because additional residential development over and above dwellings approved in Gravelsbank since 2014 would have unacceptable cumulative impacts detrimental to the settlement and its character.

v. It is noted that the highways officer will provide the necessary report. This Parish Council has concerns about the highway network in this location, based on many years of experience of local conditions and a consideration of the damage that would be done to the aesthetic of the AONB. This hamlet sits above the snow line and is often inaccessible during winter events. Indeed, the school bus cannot travel in this location due to ice and snow. There is a limited bus service in this location and no local school or shop. Any development in this area would be reliant on private vehicles to access services. It is not considered a sustainable development site.

4.2 SC Ecology: No objection. The level of survey work in the submitted Ecological Impact Assessment (Churton Ecology, November 2023) is acceptable. Conditions and informatives are recommended (included in Appendix 1).

4.3 SC Rights of Way: No objection. Footpath 28 runs along the track to the north-west of the proposed dwelling but won't be affected by the development.

- 4.4 SC Trees: No objection. The proposed development will not impact on significant trees or arboricultural features. However, landscape planting of trees forms an important element of a development of this type, and it is expected that a landscape planting scheme, that makes provision for the sustainable planting of tree species capable of becoming large canopy specimens at maturity, will form part of the development. It is recommended that a landscaping condition is attached to any planning permission granted (included in Appendix 1).
- 4.5 SC Affordable Homes: The application site falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing, therefore no affordable housing obligations would be applicable in this instance. On a separate note, the published 5 years land supply, indicates that that the number of residential completions within the Cluster that Gravels Bank is part amounts to 22 and with a further a further 12 with planning permission or prior approval. This significantly exceeds the SAMdev guideline figure of around 15 additional dwellings.
- 4.6i. SC Highways: The application is for the erection of a dwelling and formation of a new access on the eastern side of the unclassified road. The development follows on from the earlier refusal of consent under reference 20/03949/OUT, which was also subsequently dismissed at appeal.
- ii. The principle of the development in terms of the context, proposed access and parking arrangements are considered to be acceptable from the highway perspective. The proposed visibility splays are also considered to be satisfactory for the prevailing highway conditions.
- iii. It is noted that the formation of the new access apron involves the culverting of an established and well-defined ditch within the verge. Taking into account the scale of the culvert it would be advisable that a further consultation be undertaken with the Council's Flood and Water Management Team with respect to whether or not any further details and consents are required to culvert the ditch as shown/detailed on the submitted drawings no's 761-02 and 761-03 prior to the determination of the application.
- 4.7 SC Drainage: NO objection. This is a 'Minor Development' and the site is not located within the SuDS Consultation Area. The development is unlikely to significantly increase flood risk.

Public Comments: Seven public representations have been received, four in support, four objection and one neutral. Objectors raise the following points:

- Gravels Bank is over-developed. The original criteria for four dwellings is now exceed with seven new builds, 4 Airbnb and 2 holiday cottages. A new build, which will not be sympathetic to the area. Gravel Bank is no longer a little hamlet of the side of a hill.
- The Gravels Bank area has suffered the building of multiple new properties over recent years. Only 2 out of the 7 recently built new homes actually 'sit well' within the landscape and if this building as shown in the plans is resembling Number 3, it will become yet another out of place blight on the area.
- This latest application for a new development sits in a prominent position close to the single-track highway, and near to neighbouring properties. If built, it will be a

very visible property that has the potential to increase light pollution within the AONB. The same principles apply as for the previous refusal for 2 properties.

- Nearly all the new properties have been out of character with the area and are very much 'Townhouses' and oversized, sadly this new proposal seems to be in the same vein.
- The access plan has a small error in that it will be nearly directly opposite the Moss Barn access. The field is higher than the road, so proposed property would be in an elevated position.

Supporters raise the following points:

- A local family planning to build their forever home where they grew up, it will be a perfect finish to the horseshoe shape of houses that already stand, to which planning was obviously previously approved.
- Knowing the applicant, I feel it would be appropriate for him to build a family home in the place that he himself grew up.
- The Proposed dwelling is in keeping with the other developments within the hamlet and is being built on a piece of land that is infill between other existing properties so will have very little impact on the scenic view of gravels bank. The hamlet has already had a few new developments recently, so surely what is good for one must be good for all.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale, design of structure and visual impact
- Residential Amenity
- Ecology

6.0 OFFICER APPRAISAL

6.1 Planning policy

6.1.1 The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. Significant weight is also to be attributed to the updated National Planning Policy Framework (NPPF).

6.1.2 Policy MD1 of the SAMDev Plan allows some housing in rural areas to be directed towards community hubs and clusters.. The settlement of Gravels Bank is in the Bishop's Castle Community Cluster which is referred to in SAMDev Policy S2. This advises that Bishop's Castle will provide the focus for development in this part of Shropshire for the period 2006-2026.

6.1.3 Policy S2.2 (vii) refers to the community cluster which includes Gravels Bank, advising that the housing guideline for the Cluster is around 15 additional dwellings over the period to 2026. The Worthen with Shelve Parish Council Local Implementation Plan expresses a preference for no more than 5 dwellings in any third of the Plan period and no more than 2 dwellings per site. The original criteria for four dwellings for Gravels Bank is now exceeded with seven new builds, 4 Airbnb and 2 holiday cottages. The Parish Council has objected to the current application on this basis. They also point out that Gravels Bank does not form part of any cluster in the emerging Shropshire Local

Plan. Whilst this indicates the direction of future planning policy no significant weight can be attributed to currently to this consideration.

- 6.1.4 SAMDev Policy MD3 relates to the delivery of housing development. The policy advises that the settlement housing guidelines in policies S1-S18 are a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:
- i. The increase in number of dwellings relative to the guideline; and
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. Evidence of community support; and
 - iv. The benefits arising from the development; and
 - v. The presumption in favour of sustainable development
- 6.1.5 The fact that the settlement housing guidelines have been exceeded does not mean that the application should be automatically refused. Instead, it is necessary to assess the proposals against the 5 tests set out in Policy MD3 as listed above. The agent has stated in this regard that the settlement housing guidelines are not absolute maxima, and that this has been emphasised in appeal decisions elsewhere.
- 6.1.6 In terms of the first test seven new dwellings have been constructed at Gravels Bank within the SAMDev plan period. This compares with the 15 identified for the entire cluster and the four anticipated at Gravels Bank in the Worthen with Shelve Parish Council Local Implementation Plan. The increase in number of dwellings relative to the guideline weighs against the proposals but must be seen in the context of the other tests in MD3. The additional holiday let properties are not assessed against MD3 but are a material consideration in terms of the built form of the settlement and the implications for local infrastructure.
- 6.1.7 In terms of the second test the officer is not aware of any outstanding residential permissions in Gravels Bank which are capable of implementation.
- 6.1.8 In terms of the third test there is evidence of community support. Four letters of support have been received from the local community and it is recognised that the applicant has strong local connections having been raised in the adjoining property. Four letters of objection have also been received, principally on the basis that the guidelines for the settlement have already been exceeded. The agent has responded that two of these objections are from the same house where the occupants/owners have encountered issues with the Environment Agency which are not related to the current application. The agent advises that a third objection is not immediately local to the site and is linked to the Parish Council.
- 6.1.9 The agent understands that at the Parish Council meeting which discussed the application concerns were expressed that planning approvals have been granted locally and then the applicants have sold the properties against the spirit of the approval for local people. The agent confirms that the applicants for this application do intend to live in the property and that a condition within the deeds when the land was bequeathed states that the plot shall remain within the family.
- 6.1.10 In terms of the fourth test the NPPF states that all housing provides benefits. In this case these benefits are reinforced by facilitating a young family with strong local

connections to return to the area with their continued occupation supported by a condition of the deeds. This consideration addresses the concern of the Parish Council about selling-on to non-local people and weighs strongly in favour of the proposals.

- 6.1.11 In terms of the fifth and final test the proposals do not comply with Policy MD3 as the settlement housing guidelines for Gravels Bank have been exceeded. However, this does not mean that they are automatically unsustainable. It is necessary instead to assess whether the proposals represent sustainable development when considered against the policies of the Development Plan when taken as a whole, having regard also to national policy.
- 6.1.12 No evidence has been put forward in response to this application, or in the relevant Place Plan and Parish Plan that the increase in open market dwellings at Gravels Bank relative to the settlement guidelines has resulted in an unacceptable cumulative strain on local infrastructure. Nor has it been shown that the current proposals for a single dwelling would add in an unacceptable way to any demands on local infrastructure. In particular, there have been no objections to the current application from statutory consultees including the Highway Authority.
- 6.1.13 Electrical and telecommunications connections and mains water are located adjacent to the site. Foul water would be dispersed via a new bio disc treatment plant. Surface water would initially be channelled into a water storage area and then dispersed slowly so as not to add to flood water at times of heavy storms. A regular daily bus service between Shrewsbury and Bishops Castle exists on the A488 Hope Road. Hence, occupants would not be solely reliant on use of private motor vehicles.
- 6.1.14 The NPPF makes it clear that all housing development has benefits and these are strengthened by the fact that the proposals would deliver a 'forever home' for a young family with strong local connections and, additionally, with ongoing family tenure secured by a clause in the deeds. This consideration has the potential to allow the tests set in Policy MD3 to be met on balance, provided the other environmental and design considerations assessed in succeeding sections can be shown to be sustainable and policy compliant.

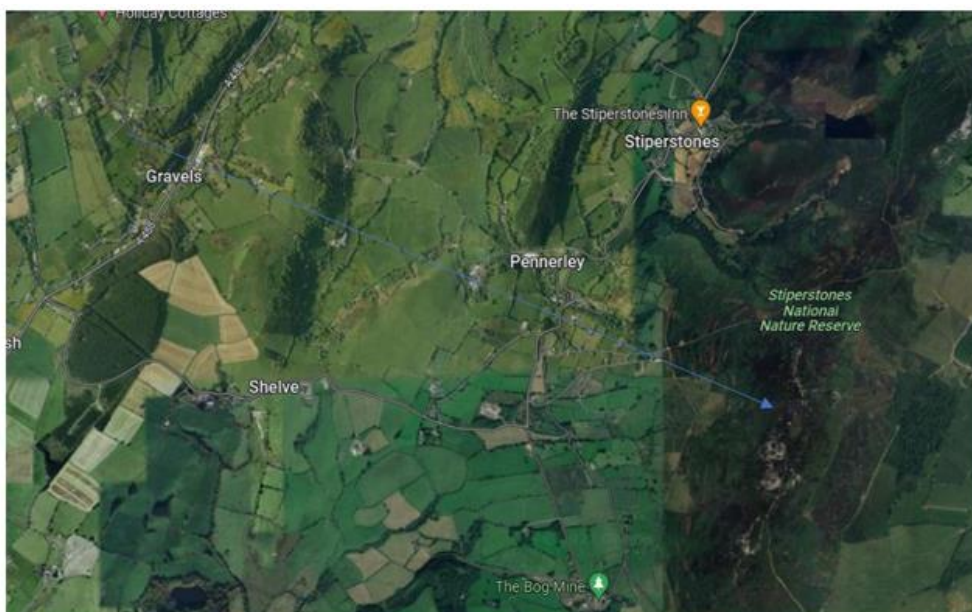


Fig 3 – Siting in relation to Stiperstones



Fig 4 – Showing retained open view towards Stiperstones from house location

6.2 Siting, scale, design of structure and visual impact

- 6.2.1 In terms of siting, figure 2 above indicates that the site is at the geographical centre of the hamlet and, as recognised by one supporter the proposed dwelling would complete a residential horseshoe when seen in combination with existing housing. The Inspector advises in Item 7 of the appeal decision that restricting the development to the current location would allow the proposals to fulfil the requirements for infill. Spatially therefore the proposals integrate acceptably with the existing settlement and cannot be said to represent isolated or sporadic development.
- 6.2.3 The agent states that the current proposals have taken account of the advice of the planning Inspector relating to the previous refusal of an outline application for 2 open market dwellings at the site. This concerns the need to maintain an open space and view across the valley from the ‘Devil’s Chair’ within the Stiperstones Nature Reserve. The new dwelling and detached garage would be located at the north end of the site so as to be screened by the intervening mature trees and high hedge and dwelling at ‘Moss Barn’ and Rowan House’. Positioning the proposed development behind current properties and established trees preserves current open space and the relationship of views towards the Devil’s Chair and the Stiperstones (see Figures 3 and 4).
- 6.2.3 The Placing of the house also considers the existing overhead power cables along with the need for privacy from the current property adjacent to the plot at the north which is also separated by the farm track.
- 6.2.4 The scale of this proposed 3-bedroom dwelling is comparable with existing neighbouring new dwellings 3 and 3a Gravels Bank and Mountain View and is smaller than Cherry House and other new dwellings in the immediate area adjacent to the crossroads. The proposal is considered to be sympathetic to other local buildings both new and old in its scale density and pattern, with significant space retained within the site and between the proposed and existing dwellings.
- 6.2.5 Whilst the new dwelling would be visible to some extent from adjacent properties, such views would be at an oblique angle and would be at least 30m away with fences, roads or lanes and high hedges and trees between. This, combined with sensitive placement of windows, means that the proposals would not cause shadowing, overlooking or an overbearing appearance. [OBJ]
- 6.2.6 In terms of design SAMDev Policy MD2: Sustainable design seeks to achieve local aspirations for design where possible. Section 12 of the National Planning Policy Framework 2023 deals with ‘Achieving well-designed and beautiful places’ also

reinforces these goals at a national level, advising that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 6.2.7 The traditional slate roof and red brick design of the proposed dwelling is considered appropriate for this location. The scale of the building is relatively large, with c200m² of internal space but is not inappropriate for this plot and location. In response to dialogue with the case officer the agent has agreed to introduce some render to the ground floor front and side elevations in order to break up the expanse of red brick. A condition requiring amended plans to be submitted is included in Appendix 1. Use of render is consistent with the local vernacular. It will reduce the perceived scale of the building and will add visual interest to any glimpse views available from the vicinity of the proposed site entrance.
- 6.2.8 Additionally, the applicant has agreed to accept a landscaping plan condition. A key objective would be to preserve the openness of views towards the Stiperstones. However, there is ample scope to break up the form of the building and further improve its integration into this central plot within the hamlet through sensitive tree and shrub placement.
- 6.2.9 In terms of access there is sufficient space to turn into and out of the site in forward gear. Highways have not objected.
- 6.2.10 The applicant advises that roof mounted solar panels and air source heat pumps would be specified to provide sustainable energy.

6.3 Residential Amenity

- 6.3.1 Policy CS6 of the Core Strategy and Policy MD2 of SAMDev indicates that new development should safeguard residential and local amenity. The relationships of the proposed dwelling to existing properties have been assessed and no unacceptably adverse issues in relation to residential amenity including overlooking or shading have been identified.

6.4 Ecology

- 6.4.1 Policy CS17 of the Core Strategy requires that any development should protect and enhance the diversity, high quality and local character of Shropshire’s natural environment in respect of protected species. SAMDev Policy MD12 also protects the county’s natural assets. An ecological survey advises that the site supports grassland of low biodiversity value which is not classed as a UK priority habitat. Native hedgerow is a UK priority habitat. The two hedgerows, along the south and east of the overall site are, therefore, considered to be important ecological features of the site/ the site’s area of influence.
- 6.4.2 The survey makes recommendations to minimise ecological impacts including [i) keeping hedgerow loss to a minimum ii) protecting hedgerows during construction works iii) working under Reasonable Avoidance Measures (for Great Crested Newt) iv) removing hedgerow outside the bird breeding season and v) having a sensitive lighting plan in the operational phase (for bats). SC Ecology has recommended conditions and is satisfied subject to these that that the proposals can be accepted.

6.5 Drainage

6.5.1 Whilst not objecting the Highway Authority has noted that formation of the new access apron involves the culverting of an established and well-defined ditch within the verge. They recommend that a further consultation is undertaken with the Council's Flood and Water Management Team with respect to whether or not any further details and consents are required to culvert the ditch.

6.5.2 The Council's land drainage team has indicated that ordinary drainage consent would be required in order to culvert the drainage ditch which the proposed site access would cross. However, the area of culverting is limited to 6m, and they have not required in this instance that such approval should be obtained in advance of any planning consent. A Grampian condition has been recommended which requires confirmation of the culverting consent prior to commencement of the development. The culverting would in this instance be a simple and limited engineering operation and at present there is no indication that such consent would not be forthcoming.

6.6 Residential Curtilage

6.6.1 Following discussion with officers the agent has agreed to submit a new block plan which makes it clear that the proposed goat paddock comprising the southern half of the site does not form part of the residential curtilage.

7.0 CONCLUSION

7.1.1 The application follows refusal of an earlier outline scheme for 2 dwellings at the site. It is considered that the amended proposals would not result in any unacceptable impacts to neighbouring properties or visual amenities, including within the AONB which are sufficiently adverse to justify refusal.

7.1.2 The concerns of the Parish Council and some local residents regarding the level of development in this hamlet are noted. However, in this instance the benefits of the proposals are considered sufficient to justify approval. Specifically, the proposals would provide a home for a young family with strong local connections at a site which has a positive spatial relationship to the centre of the settlement and neighbouring properties. Whilst the site is in a rural area it is on a regular bus route and has access to mains services. The design of the development is also considered to be acceptable.

7.1.3 It is not considered that approval of the current proposals would establish an unsustainable precedent for further building in the locality. Any future proposals would be assessed on their own merits at the time.

7.1.3 Overall it is concluded that the current proposals are sustainable and planning permission can be granted subject to the recommended conditions. Core Strategy Policy CS6, CS17, SAMDev Policy MD5a, MD12.

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

10.1 Core Strategy:

10.1.1 Core Strategy policies of relevance to the current proposals include:

- CS5: Countryside and Green Belt
- CS6: Sustainable Design and Development Principles

- CS7: Communications and Transport
- CS8: Facilities, services and infrastructure provision
- CS13: Economic Development, Enterprise and Employment
- CS17: Environmental Networks
- CS18: Sustainable water management.

10.1.2 Site Management and Allocation of Development Document (SAMDEV)

Relevant policies include:

- MD2: Sustainable Design
- MD7b: General Management of Development in the Countryside
- MD8: Infrastructure Provision
- MD12: The Natural Environment
- MD13: The Historic Environment
- S2: Bishops Castle area.

10.2 RELEVANT PLANNING HISTORY:

- 20/03949/OUT Outline application (All Matters Reserved) for the erection of 2 dwellings
- REFUSE 16th November 2020
- E

Appeal

- 21/02898/REF Outline application (All Matters Reserved) for the erection of 2 dwellings DISMIS 20th August 2021

11. ADDITIONAL INFORMATION

List of Background Papers

23/04140/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1AQIFTDK7S00>

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member - Cllr Heather Kidd

APPENDIX 1

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 strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

3. No development hereby approved shall commence until samples and/or details of the roofing materials and the materials to be used in the construction of the external walls, paving and other ground surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

4. No development hereby approved shall commence until a scheme to introduce render to the ground floor elevations have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

5. No development shall take place under the terms of this permission until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the proposed hours for external working and the proposed parking and material storage arrangements during the construction phase. Construction works shall be managed in strict accordance with the Plan.

Reason: To protect the amenities of neighbouring residents during the construction phase.

Landscaping

6. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping scheme including details of tree and shrub planting, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape ' Recommendations has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that there is no nett loss of trees and help to integrate the development into the local environment.

Ecology

7. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works shall provide a report to the Local Planning Authority demonstrating implementation of the avoidance measures and mitigation, as set out in sections 5.1.1 and 5.1.2 of the Ecological Impact Assessment (Churton Ecology, November 2023).

Reason: To demonstrate compliance with the bat and great crested newt avoidance measures and mitigation to ensure the protection of bats and great crested newts, which are European Protected Species.

8. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific) and/or sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, 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 and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

9. 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. 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.

10. No development hereby approved shall commence until details of surface and foul drainage provisions including calculations have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the proposed dwelling is served by suitable surface and foul drainage provisions.

11. No development hereby approved shall commence until the developer has provided written confirmation to the Local Planning Authority that an ordinary drainage consent to culvert the site access as it passes over the roadside ditch has either been obtained or will be obtained or is not required.

Reason: To ensure that the appropriate drainage consent is in place where necessary before any works to culvert the ditch crossing the site access point are undertaken.

Advisory Notes

- i. *Wild Birds: The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or*

destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

- ii. Landscaping: Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

Highways:

- iii. This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- 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. This link provides further details: <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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.

- iv. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- v. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- vi. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

- vii. *Drainage: A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related documents section on the council's website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>. The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should also be followed.*

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook.

If main foul sewer is not available for connection, British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.