



Committee and date

Central Planning Committee

13 November 2014

Development Management Report

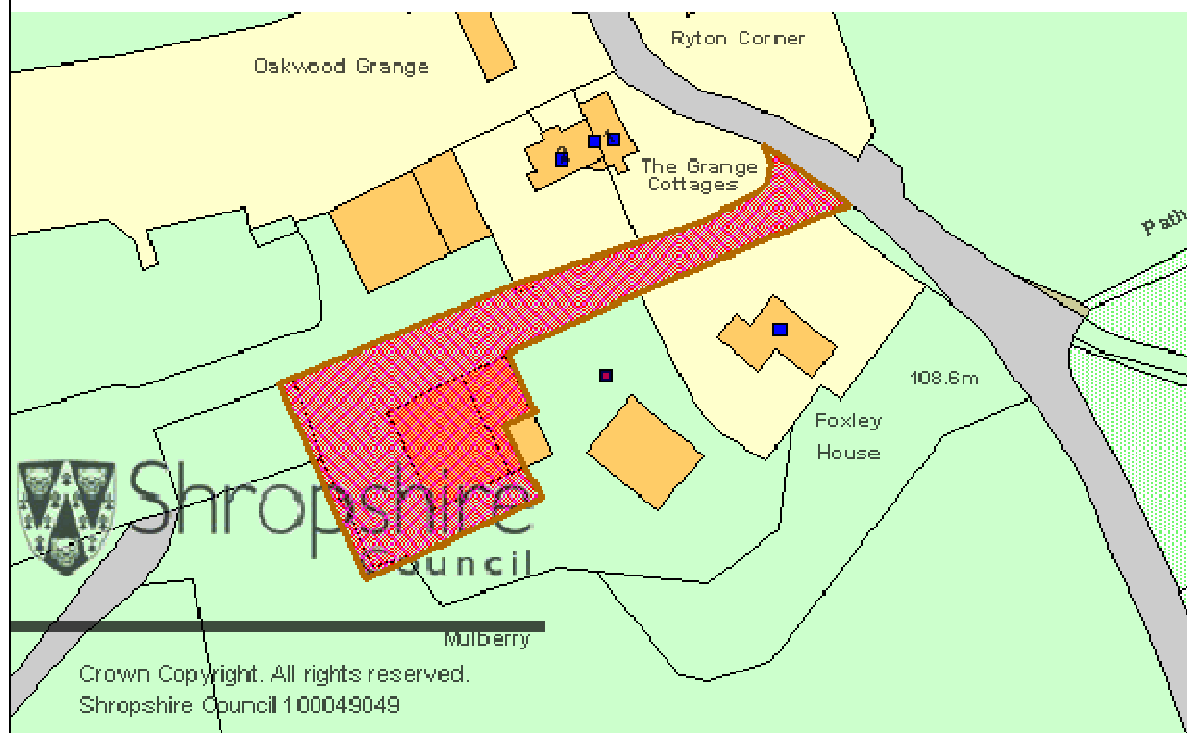
Responsible Officer: Tim Rogers

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Summary of Application

| | | |
|--|--|----------|
| Application Number: 14/03338/OUT | Parish: | Condover |
| Proposal: Outline Application for the erection of 2No dwellings (to include access) | | |
| Site Address: Land West Of Mulberry House Great Ryton Shrewsbury Shropshire SY5 7LW | | |
| Applicant: Mr P Morris | | |
| Case Officer: Steve Drury | email: planningdmc@shropshire.gov.uk | |

Grid Ref: 348861 - 303437



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Contact Tim Rogers on 01743 258773

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a Section 106 legal agreement to secure the provision of on-site affordable dwellings**REPORT****1.0 THE PROPOSAL**

1.1 This application seeks outline planning permission for the erection of two dwellings on land adjacent Mulberry House, Ryton. The application includes a consideration of access with all other matters reserved for later consideration.

1.2 The proposed vehicular access to the site will be provided from an existing entrance, to the north of Mulberry House connecting the site with the highway running through the centre of the village.

1.3 The application includes an agreement from the applicant to provide the necessary financial contribution towards local needs affordable housing in accordance with Policy CS11 of the Core Strategy.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in the settlement of Ryton, approximately 1 mile east of Dorrington and approximately 8 miles south of Shrewsbury. Ryton is made up of the settlements Great Ryton and Little Ryton and the site is located at the southern end of Great Ryton, which is the northernmost of the two settlements.

2.2 Ryton is a fairly dispersed settlement with a traditional character. It contains a mixture of housing types and sizes, including traditional rural cottages and more modern detached dwellings. The majority of properties are of brick construction.

2.3 The site is part of a working farm which is located in the centre of the settlement and accessed via a private driveway. The site comprises a 1970's steel framed agricultural building, originally built to accommodate dairy livestock and equipment. Residential properties are located to the north and east of the farm complex and fields are located to the south and west. A substantial dwelling has recently been erected immediately to the east of the development site. This property is known as Mulberry House and is also within the ownership of the applicant. There are no other neighbouring properties within the vicinity of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with Part 8 of the Shropshire Councils Scheme of Delegation, the application has been requested to be referred to Central Planning Committee by the local member for the Burnell ward, in response to an objection from Condover Parish Council.

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee Comments****4.1.1 SC Drainage:**

The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval.

Soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change.

Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

If main foul sewer is not available for connection, full details and sizing of the proposed septic tank/ package sewage treatment plant including percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the septic tank/ package sewage treatment plant and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

4.1.2 SC Affordable Housing:

Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

4.1.3 SC Public Protection:

In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided.

Due to the close proximity of neighbouring residents I would recommend construction time conditions are placed on this application.

4.1.4 Condover Parish Council: (2 comments):

1. Condover Parish Council agreed to object to the application at its meeting held on 5-8-2014. The proposed application for two market houses is in an area which had been designated Countryside (as per Shropshire Council's CS5 policy) and does not meet the Parish Council's SAMDev submission which has been arrived at through considerable public consultation in 2010 and 2013. In addition sustainability issues as outlined by NPPF exist: These principally relate to Ryton's distance from services (such as school/doctors/shops/playground/etc.), and an infrequent bus service means that practically everything has to be accessed by car. The hamlet has been recognised by SC Planning Officers as unsustainable when determining recent applications in the village as quoted by a Planning Officer in 2013:

"The countryside status of Ryton denotes an area which is not served by a sufficient range of services and facilities for it to be regarded as sustainable. The low level of service provision promotes rather than reduces the need to travel." The recent deluge of planning applications received in both Ryton and its neighbouring villages Condover & Dorrington have a cumulative effect which should not be overlooked. The potential (and ever increasing) number of new build housing, (mostly market housing) will if all are passed have a detrimental impact on the small hamlet of Ryton and its neighbouring villages. Amenities and services upon which communities depend are unlikely to meet the increased demands of its ever growing population.

8th August 2014:

2. Condover Parish Council objects to the application and wishes to make the following additional comments:
 - The two 4 bedroom houses proposed in the application do not meet the housing needs of the village.
 - The outline application does not show where the two houses would be sited, and may extend to beyond the curtilage of the existing barn, extending the settlement towards Dorrington.
 - This is noted as having been the 4th application to have been made in as many years. (As agreed at the Council's meeting held on 5-8-2014)

4.1.5 SC Ecology:

- Further information requested in respect of Great Crested Newts
- Following submission of a GCN assessment by Greenscape Environmental (2014) it is considered that works can proceed without an

EPS licence provided Risk Avoidance Measures are adopted.

- The proposal does not meet the trigger for requiring a Bat Survey
- An appropriate landscaping condition should be attached to the decision notice.

4.1.6 SC Highways:

You will note that the local highway authority has not objected to the previous (refused) applications which also proposed to utilise the existing private access on to the public highway and were of a similar scale to the development now proposed. The existing access is quite wide, has adequate visibility and is surfaced in tarmac, so we consider this to be appropriate for the development proposed.

4.2 Public Comments

4.2.1 One letter of objection has been received from a local resident, which is available in full on the file but has been summarised as follows:-

Site History:

- 3 previous applications on the site. All refused on grounds of insufficient range of services and facilities in the village, promoting the need to travel.

Lack of Information:

- Impossible to assess the impact upon the countryside
- Size of dwellings are unclear
- Unclear whether access is to be altered

SAMDev:

- The application is contrary to Policy CS5.
- The application opposes Rytons Samdev submission and the wishes of the majority of Ryton residents

Lack of Sustainability:

- 1.2 miles by road from Dorrington Primary School and 1.9 miles from Condover Primary School
- Only facilities in Ryton are the public house, village hall and mission church.
- Poor connectivity to Dorrington or Condover, no roadside footpaths and Station Road carries HGV and large vehicles to Gonsal quarry.
- Bus times are not convenient for school children

Layout and Scale:

- Development would encroach into open countryside and would be visible from some distance away
- Will not enhance the character and setting of the settlement

Ecology:

- Ponds are located within 100m of the site. An ecological assessment should be carried out.

Highways:

- It is noted that comments made in response to an earlier application for Mulberry house suggested the access was not favourable and other options should be explored. How is this access now suitable for 2 more dwellings?

5.0 THE MAIN ISSUES

Principle of Development
Site History
Proposed Development
Access Issues
Impact upon Residential Amenity
Ecology Issues
Drainage
Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight.

6.1.2 At paragraph 12 the National Planning Policy Framework (NPPF) states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at paragraph 14 the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless:

- 1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- 2) specific policies in the NPPF indicate that development should be restricted.

6.1.3 With regards to housing development paragraph 49 of the NPPF is relevant and states that:

‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.

and that

‘Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

- 6.1.4 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position (as published in an amended Five Year Housing Land Supply Statement on 12/08/14) is that it has identified a housing supply of 5.47 years for Shropshire which is sufficient to address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.
- 6.1.5 The starting point for consideration of housing proposals is therefore the Development Plan but applications should still be determined in the context of the NPPF's presumption in favour of sustainable development and its aim of boosting housing supply.
- 6.1.6 The village of Ryton (comprising the settlements of Little Ryton and Great Ryton but which are effectively one settlement for the purposes of planning policy) has not been designated a market town, key settlement or Community Hub or Cluster and is therefore classed as open countryside in planning policy terms under Policy CS5. As such, in terms of local planning policy, the site is not in a location where open market development can be supported.
- 6.1.7 Notwithstanding the above, weight must be given to the requirements of the NPPF and the presumption in favour of sustainable development. In terms of the sustainability of the development, the settlement has a fairly limited range of services comprising The Fox Inn public house, a church and a village hall, but is also served by public transport, being located on the bus route between Shrewsbury, Church Stretton and Ludlow. The village is, however, within fairly close proximity (1.8km) to the village of Dorrington where a greater range of services are available including a primary school, village shop/post office, pub/restaurant, Persian restaurant, business park, butchers, bowling green and football pitch.
- 6.1.8 Paragraph 55 of the NPPF advises that 'housing should be located where it will enhance and maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby'. In this instance, whilst the services available within Dorrington may not necessarily be within walking distance, they are nevertheless considered to be easily accessible to residents within Ryton. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance on long journeys by private

motor car.

6.1.9 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.1.10 A consideration of the relevant issues will take place in the following sections of this report but have also been summarised below. As required by Paragraph 14 of the NPPF, any adverse impacts of granting permission must significantly and demonstrably outweigh the benefits when assessed against policies in the framework.

6.1.11 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide opportunity for local employment for the construction phase of the development supporting local builders and building suppliers. The provision of two dwellings will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.1.12 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within that settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. Additional housing will provide opportunity for increased support and use of existing village services and may even provide an increased

demand for further service provision. It is not considered that the number of dwellings proposed would be detrimental to the existing community of the village and Parish. The CIL payable on such a scheme will provide some contribution towards community facilities which may include school place provision.

- 6.1.13 Environmental role – The site sits within an existing farmyard and will replace an existing portal framed building. The site has no official heritage, cultural or ecological designation and the proposal will not have any detrimental impact upon local wildlife. A consideration of the likely visual impact upon the surrounding area will take place at the reserved matters stage.
- 6.1.14 In addition to the requirements of the NPPF, the proposed development will also need to accord with Policies CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy.
- 6.2 Site History
- 6.2.1 11/00316/OUT - Outline application for the erection of 2 detached dwellings to include access, layout and scale following demolition of existing redundant farm buildings – REFUSED 11.03.2011
- 6.2.2 The application was refused on the grounds that it was located in the countryside and not in a settlement with an acceptable level of service provision and would promote rather than reduce the need to travel, and result in a dispersed pattern of development considered to be wholly unsustainable. Hence the proposal was contrary to LDF Core Strategy Policies CS1, CS4 and CS5, and National Planning Guidance PPS1, PPS3 and PPS7.
- 6.2.3 11/04469/OUT - Outline application for the erection of one detached dwelling with garage to include access, layout and scale following demolition of existing redundant farm buildings (revised scheme) – REFUSED 13.01.2012
- 6.2.4 Although the proposal was reduced from two dwellings to one dwelling, the revised application was refused for the same reasons as the initial application above.
- 6.2.5 13/02591/FUL - Replacement building to provide 2 holiday lets and associated garaging – REFUSED 18.10.2013
- 6.2.6 As with the initial two applications, this application was also refused on the grounds that the site was located in the countryside and not an area serviced by a sufficient range of services and facilities, promoting the need to travel, and resulting in a dispersed built environment pattern. It was therefore not considered to be a sustainable site on which new holiday lets would bring local economic and community benefits. Hence the proposal is contrary to Local Development Framework Core Strategy Policies CS5 and CS16, and the National Planning Policy Framework.
- 6.2.7 Whilst officers are mindful of the site history, the policy situation has changed and the application must now be determined against the context of the NPPF and the presumption in favour of sustainable development.

- 6.2.8 In addition, officers are mindful that a dwelling immediately to the west of the development site also contains a newly erected dwelling which was granted outline approval on 23rd September 2008 under ref. 08/08710/O and subsequent reserved matters approval on 25th March 2009 under 09/0114/RM.
- 6.3 Proposed Development
- 6.3.1 As this is an outline application, details of layout, scale, appearance and landscaping will be considered at the reserved matters stage. To be acceptable, any buildings provided on the site will need to be appropriate, taking into account the local character and context. The only information provided at this stage is that the dwellings will be family dwellings.
- 6.4 Access Issues
- 6.4.1 The proposed development will be accessed using an existing vehicular driveway to the north east of the site which currently serves the existing property at Mulberry House and farm complex. The access drive is 7m wide and has a tarmaced surface and is considered sufficient to accommodate the vehicle movements associated with 2 new dwellings.
- 6.4.2 Whilst officers note the concerns raised by local residents regarding the suitability of the access and comments raised in relation to previous applications, it is noted that the Highways Officer did not raise objection to any of the three previous applications. Furthermore, the Central Highways Manager has assessed the current proposal and considers the proposed means of access suitable to accommodate vehicle movements generated by the two dwellings proposed.
- 6.5 Impact upon Residential Amenity
- 6.5.1 As stated above, as the proposal is only for outline consent at this stage, it will not be possible to assess the full impact upon neighbouring properties until the submission of the reserved matters application. This will involve details of the siting, scale and appearance of the proposed dwellings.
- 6.5.2 Officers do note that the application site is located immediately adjacent the applicants own property (Mulberry House) therefore any design will need to respect the amenities of the future occupants of that property.
- 6.5.3 The nearest neighbouring properties are Foxley House, located to the east of the applicants own property and 1 and 2 Grange Cottages are located to the north east of the site and to the north of the access drive. Having regard to the distance those properties will be located from the development site, it is not considered that the proposal will have a significant adverse impact upon the amenities of the occupants of those properties, either through a loss of privacy, light or overbearing impact.
- 6.5.4 Whilst it is noted that the access drive passes the three neighbouring properties listed above, it is not considered that the resulting increase in vehicle movement would significantly harm the amenities of the occupants of those properties through associated noise and disturbance.

6.6 Ecology Issues

6.6.1 The NPPF and Policy CS17 of the Shropshire Core Strategy require consideration to be given to the potential impact of a development on the natural environment. The Council's Planning Ecologist has assessed the application and confirmed that whilst the proposal did not meet the trigger for requiring a bat survey, further information would be required to consider the potential impact upon Great Crested Newts. Following submission of a GCN survey by Greenscape Environmental (2014), officers are satisfied that the works can proceed without requiring an EPS licence provided Risk Avoidance Measures proposed in the submitted report are adopted.

6.6.2 It is therefore considered that the proposal can be provided without harm to any statutorily protected species or habitats, however, they do request that conditions and informatives are attached to any planning permission granted which notifies the applicants of their duties with regard to protecting bats and wild birds.

6.7 Drainage

6.7.1 No drainage details have been submitted with the application, however, the applicants agent has confirmed that the surface water will be disposed of via soakaways and foul drainage will be by way of septic tanks. Further details can be provided at the reserved matters stage.

6.8 Affordable Housing

The applicant has confirmed in writing an agreement to make the necessary financial contribution towards the provision of local needs affordable housing in accordance with Policy CS11. The contribution will be set at the time of the submission of the reserved matters application.

7.0 CONCLUSION

7.1 Whilst it is noted that Ryton has not come forward as a Community Hub or Community Cluster in the forthcoming in the forthcoming SAMDev document, and it is the wish of the Parish Council that the village is designated as 'open countryside' under policy CS5, however, regard must also be given to the requirements of the NPPF and the presumption in favour of sustainable development. The settlement is located a relatively short distance from the village of Dorrington where a basic range of services are available and whilst it is acknowledged that Dorrington is not easily accessible on foot, paragraph 55 of the NPPF advises that where there are groups of smaller settlements, development in one village may support services in a village nearby'. As such, it is considered that the development site does represent a sustainable site for residential development and would not involve an overreliance on long journeys by car.

7.2 The proposal will be located to the rear of an existing residential property and on land comprising an existing agricultural yard and will not result in the loss of good quality agricultural land or encroachment into the open countryside. It will also have no adverse environmental or ecological implications. The development can be accessed safely and accommodated by the local highway network without detriment to highway safety. The proposal will provide a financial contribution in accordance with Policy CS11 and will require a CIL contribution towards locally significant projects. Further assessment of the visual impact resulting from the

design will take place at the reserved matters stage.

- 7.3 Whilst the concerns of the Parish Council are noted, the proposal is considered to represent sustainable development where the benefits of the proposal outweigh any potential harm. As such, the proposal is considered to accord with the requirements of the NPPF together with policies CS6, CS17 and CS18 of the Core Strategy and is therefore recommended for approval.

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 three months 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. BackgroundRelevant Planning Policies

Central Government Guidance:

National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:

CS1: Strategic Approach

CS4: Community Hubs and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS9: Infrastructure Contributions

CS11: Type and Affordability of Housing

CS17: Environmental Networks

CS18: Sustainable Water Management

RELEVANT PLANNING HISTORY:

PREAPP/12/00139 Erection of a triple garage with stores and holiday let above following demolition of redundant agricultural buildings and yards PREAIP 14th May 2012

12/01177/DIS Discharge of condition 8 (Details of the means of access, including layout, construction and sight lines) attached to planning ref. SA/08/0710/O. Outline application for the erection of a dwelling to include means of access to the site and siting following demolition of existing commercial buildings DISAPP 16th May 2012

14/03338/OUT Outline Application for the erection of 2No dwellings (to include access) PDE

SA/09/0114/RM Reserved Matters pursuant to Outline permission ref: 08/0710/O dated 23rd September 2008 for the erection of a dwelling to include appearance, landscaping, layout and scale PERCON 25th March 2009

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| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) - See Planning file |
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| Cabinet Member (Portfolio Holder) Cllr M. Price |
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| Local Member Cllr Tim Barker |
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| Appendices APPENDIX 1 - Conditions |
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APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the siting, design and external appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

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

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

- The number of units
- The means of enclosure of the site
- The levels of the site
- The drainage of the site
- The finished floor levels

Reason: To ensure the development is of an appropriate standard.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

7. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

8. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

9. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

10. No burning shall take place on site including during clearance of the site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents

11. Work shall be carried out strictly in accordance with the Assessment for Newts by Greenscape Environmental dated November 2014

Reason: To ensure the protection of great crested newts, a European Protected Species

Informatives

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

2. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
3. 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 187.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

6. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

7. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.