

Development Management Report

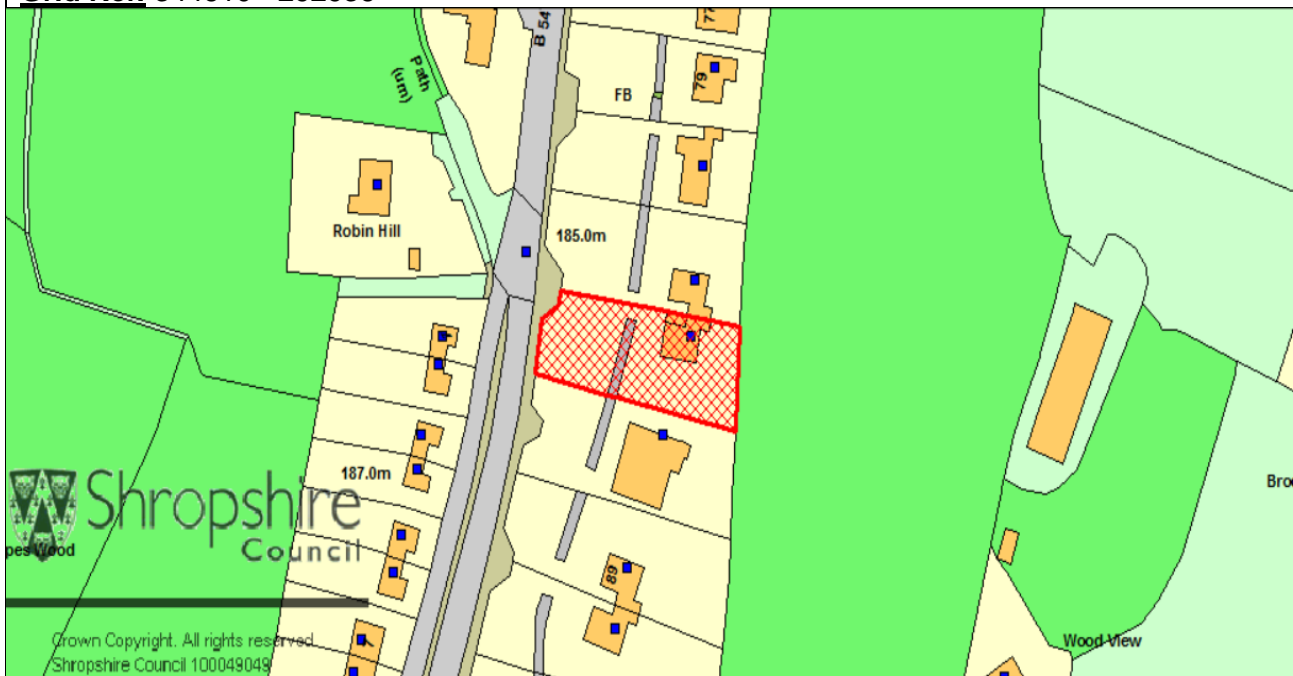
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 20/01847/FUL	Parish:	Church Stretton
Proposal: Erection of replacement dwelling and alterations, including erection of detached annex and construction of garden bridge.		
Site Address: Crimond 85 Ludlow Road Church Stretton SY6 6RA		
Applicant: Mr B Gardiner		
Case Officer: Helen Tipton	email: planning.southern@shropshire.gov.uk	

Grid Ref: 344610 - 292936



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

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a replacement dwelling and alterations, including the erection of a detached annex and construction of a garden bridge.
- 1.2 The proposed dwelling would incorporate additional annex accommodation on the ground floor, although this would not be independent of the main living quarters. Other works referred to in the supporting documentation provided, including the formation of a parking area have not been put forward for consideration under the scheme since the applicant has advised that the works would fall within existing 'permitted development rights' associated with the current property.
- 1.3 The ground floor of the dwelling would provide a kitchen-dining room, living room and conservatory, together with a single room described as an annex, off which would be a small kitchen area and an en-suite shower room. The proposed first floor accommodation, contained partly within the roof space, would provide three bedrooms (one with en-suite) and a bathroom. The external facing materials would be a mix of facing brick, render and timber cladding, with the areas of glazing on the west elevation (facing the road) being linked by the timber cladding and including a glazed area extending up above one of the first floor windows into the roof apex. The east (rear elevation facing the woodland) would have the same combination of materials, but less first floor glazing and would have a section of roof with a ridge height lower than that of the front portion of the building. The north elevation would take the form of a roof plane containing rooflights, with a section extending downwards in the form of a catslide whose eaves would match the height of the adjacent garage of the neighbouring property. The south side elevation would have a full two storey appearance for much of its bulk, with the main roof plane taking the form of a solar roof. The lower section of the dwelling towards the rear would be a conservatory, with glazing extending up to the eaves level of the highest roof section, along with additional solar panels and an area of clay roof tiles. There would be a chimney off set from the ridge line. A realignment of the retaining wall to the rear of the existing dwelling would be needed to accommodate the proposed replacement.
- 1.4 The proposed detached annex building that would be sited in the south eastern rear corner of the site would be single storey with a flat sedum roof, and timber clad walls on a low brick skirt. It would be set partly into the sloping ground and would contain a combined kitchen and living room area, a bedroom and an en-suite shower room.
- 1.5 A new pedestrian bridge would be provided over the watercourse that flows through the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The development is proposed to replace an existing dwelling on the site known as 'Crimond' (number 85), which is located to the east of Ludlow Road, leading between Church Stretton Town and the village of Little Stretton.
- 2.2 The property, built in the 1960's currently consists of a brick and white uPVC clad single-storey, two-bedroom bungalow beneath a concrete tile roof and with an attached garage. It is situated along the southern fringes of Church Stretton Town and is set back in the plot, close to Brockhurst Wood, an area of Ancient and Semi-natural Woodland, which is also protected by a Tree Preservation Order. Meanwhile a watercourse runs south / north and divides the amenity space. The property is located outside of the town's conservation area, although it is wholly within the Shropshire Hills Area of Outstanding Natural Beauty, (AONB).
- 2.3 The dwelling is sited closest to the northern boundary and to a neighbouring bungalow at this side, whilst a larger residential dwelling also stands further away, to the south. The gardens and grounds reach, mainly forward of the existing building, although they also extend to the east / rear, before meeting with the foot of the woodland.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have objected to the application and the Local Member has requested the application is taken to the Planning Regulatory Committee. The Chair and Vice Chair of the South Planning , in consultation with the Principal Officer consider that the material planning considerations in this case require consideration by Committee, as set out in Part 8 of the Shropshire Council Constitution.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Shropshire Council Trees – objection.

12 June 2020 – objection.

In principle the Council's Tree Team have no objection to some form of proportionate renovation / extension of the dwelling at 85 Ludlow Road, but for the following reasons we are recommending refusal of this application as proposed:

Brockhurst Wood, which lies on higher ground, to the east of the site, is an ancient woodland site (ASNW). This irreplaceable natural asset is protected by a Tree Preservation Order. There are further ancient woodland and a Site of Special Scientific Interest (SSSI) less than 200 metres to the west and an ASNW site within 600 metres to the east. As a result, not only is the site important habitat in its own right, but it is doubly so as part of a mosaic of other important ecological habitat and landscape sites / features in the surrounding area.

The original development of the buildings along Ludlow Road introduced domestic dwellings close to mature woodland growing on a steep bank with shallow soils. From an arboricultural and habitat perspective the development was poor and would not sit well with current good practice and sustainable development principles. In recent years the Shropshire Council Tree Team have been contacted by a number of residents adjacent to this woodland with concerns in relation to the proximity of large woodland trees effecting the enjoyment of their property. It is neither sustainable nor good practice to encourage or support development that has potential to exacerbate such concerns, especially when the site is large enough to accommodate a new development without introducing the footprint of the new dwelling and associated ancillary buildings further east than the existing property footprint.

National and local policies for sustainable development clearly put weight not just on how a development looks but also on how it functions its relationship to the wider area. Section 4.7 of the submitted ecological assessment gives an immediate response to the effects of the development on trees and Section 5 suggests that “no significant impacts on features of natural conservation value are predicted”. But the report does not take account of guidance on good practice set out in the Government’s and Woodland Trust’s guidance on development and ancient woodland, which clearly seek to distance one from the other through the provision of buffer zones. The concept of maintaining the maximum possible buffer zone at this site is particularly relevant in order that a sustainable development is achieved but also to ensure that development at this site sets a positive rather than detrimental precedent for any future development proposals along Ludlow Road.

Given the importance of the woodland, not just now but for its future dynamics of growth decline and structural change, the Tree Team are recommending refusal because the application introduces occupied or high value structures closer to the woodland than the eastern extent of the existing foundations of the current dwelling. The Tree Team consider this to be contrary to local and national aspirations for sustainable development because it exacerbates the potential for conflict between future occupants and the neighbouring irreplaceable woodland habitat, with the likely degradation of that habitat and its contribution to local amenity without being able to offer any form of compensation or realistic mitigation of that impact and without addressing the principles behind SAMDev Policy MD12 by providing evidence that the benefits of the development clearly outweigh the value of the asset being affected.

On the basis that the Tree Team are unable to offer support for this application we are not recommending conditions, however if after consideration the Case Officer concludes that it is expedient to proceed with this application as presented then the Tree Team would be happy to recommend conditions at that time.

13 July 2020 – objection.

The Council’s Tree Team maintain the comments and observations submitted in their consultee comments dated 12th June 2020 (and in their consultee comments on pre-application enquiry reference PREAPP/20/00078) which stated that:

The Tree Team would recommend refusal for an application that introduced, occupied or provided high value structures closer to the woodland than the eastern extent of the foundations of the current dwelling but for further information and clarity add the following:

The issues at this site stem not from whether the applicant can excavate to the boundary / woodland edge without effecting the existing trees directly, but how the development and outbuildings, once constructed, would then sit in relation to the woodland and the potential for future proximity issues to have a detrimental effect on the woodland and vice versa.

This is a question of long-term sustainability constraints. Putting a new domestic development and high value targets close to the woodland (ASNW) is inviting problems for the future, especially when there are already well established concerns being expressed by many residents of Ludlow Road in relation to the woodland. As such the Tree Teams objection to the layout of the main building and the outbuildings remains as given in previous consultee comments.

Ancient Semi-Natural Woodlands (ANSW) are of value because of their long-standing in the landscape, over which time they have been subject to incremental changes over hundreds of years in structure, species and a range of dynamic interactions between them and the surrounding landscape / land use / weather patterns and a host of other variables. It has been identified in government guidance and academic research that unsympathetic development that results in immediate or potential future proximity related issues can affect those natural dynamic interactions with considerable potential to detract from the long-term value and quality of and ongoing development of ASNW sites.

There is a wealth of government guidance stating the importance of Ancient Woodland as an irreplaceable priority habitat and of its role as key features in Environmental networks / green infrastructure and the Landscape. These values are replicated through local guidance given in The Shropshire Council Natural Environment Guidance Note 11, Environmental Networks policies MD2 & MD12 of the SAMDev Plan and Core Strategy Policies CS6 & CS17 the underlying principles of which are derived from the National Planning Policy Framework (NPPF) and the commitments made in the Governments 25 year plan for the environment, which in relation to planning applications seeks to establish the principle of biodiversity net gain through, amongst other things, sustainable development. Some evidence of which can be taken from the following:

Government Policy on Ancient Woodland - Keepers of time and place: England's ancient woodlands and trees represent a living cultural heritage, a natural equivalent to our great churches and castles. They are also our richest wildlife habitat and are highly valued by people as places of tranquillity and inspiration. NPPF Section 170, NPPF 175 (c), the governments standing guidance on protecting ancient woodland from development, (Also Section 114 of SAMDev MD12).

<https://www.gov.uk/guidance/natural-environment> : Government guidance on the natural environment suggests that planning authorities need to consider the opportunities that individual development proposals may provide to conserve and enhance biodiversity and geodiversity and contribute to habitat connectivity in the wider area (including as part of the Nature Recovery Network).

4.1.2 Shropshire Council Drainage – comment.

The applicant proposes to connect the proposed surface water drainage into the existing main surface water sewer. Drainage calculations should be provided to limit the discharge rate from the site equivalent to 5.0 l/s runoff rate. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or to any others in the vicinity.

A condition is recommended in relation to surface and foul water drainage and informative comments are provided regarding urban creep.

4.1.3 Shropshire Hills AONB – comment.

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.4 Shropshire Council Affordable Housing – no objection.

There are no affordable housing obligations associated with this proposal.

4.1.5 Shropshire Council Highways – no objection.

The application site was subject to a pre-application enquiry where no objection was raised from a transport or highways perspective. The access remains unaltered and there is an increase in parking spaces from the current number, which is acceptable.

4.1.6 Shropshire Council Ecology – comment.

Following receipt of an Ecological Impact Assessment and Preliminary Roost Assessment for Bats, (conducted by Eco Tech and dated April 2020), it was recommended that the installation of a bat and bird box would enhance the site for wildlife by providing additional roosting or nesting opportunities for declining species.

A condition in this regard is therefore provided whilst informative comments relating to general wildlife protection are also provided in the officer's report.

4.1.7 Severn Trent Water – no comment.

4.1.8 Church Stretton Town Council – objection.

As shown by the Environment Agency the flood zone plans do not indicate a serious flood risk at this site, so the remodelling of the levels would not present a major problem.

It is accepted that a rebuild on this site is sensible to achieve an updated and energy efficient property. Any new build should 'respect, maintain and enhance local distinctiveness and character' and be appropriate in scale, density and design so as not to be incongruous in the street scene. In the AONB it should also be sympathetic to the surrounding landscape and setting, including its proximity to the nearby ancient woodland.

The properties to the east side of Ludlow Road comprise bungalows of varying designs. The Town Council considers the proposed dwelling is not appropriate in scale or design in relation to the neighbouring properties and would have an overbearing impact on them.

Considering the floor plans closely, the house itself is in fact 2 units as the internal annex is self-contained with a bed/sitting room, bathroom and kitchen. With the garden room, this site would therefore contain three residential units in total which it is felt is excessive.

The overall form of the proposed new build is ill proportioned as an entity, as well as when viewed alongside adjacent bungalows. The west and south elevations would present a confused mix of extensive fenestration, vertical and horizontal cladding and render, with a confusing mix of roof slopes. The overall effect would appear overwhelming on the street scene. There would be afternoon overshadowing of the neighbouring property to the north.

When considering roofing materials, these should be in keeping with those used in the area and should be non-reflective. Photovoltaic tiles are preferred to solar panels.

Care should be taken with hard standing. All surfaces should be made of permeable materials.

The brook should not be diverted or blocked at any time.

If a garden room is to be built it should not encroach on the neighbouring property. It should only be used in connection with and ancillary to, the enjoyment of the proposed main dwelling. At no time should it be occupied as a separate dwelling or used for commercial purposes.

It is noted that a Certificate A declaration has been made on the application form but at the same time a Certificate B has been lodged, this is confusing.

4.2

Public Comments

4.2.1

This application was advertised via notice at the site and four neighbouring properties were notified by letter, on 21 May 2020.

A total of thirteen representations have been received, including the All Stretton Civic Society, which are summarised as follows:-

11 letters of objection received:

- ☐ Scale and design and its impact on the street scene and AONB;
- ☐ Residential amenity impacts, including building off party wall, privacy impacts and overshadowing;
Are existing foundations capable of carrying additional load;

- ☐ Roof lights should be fixed and obscure glazed;
- ☐ Parking insufficient to accommodate larger dwelling / impact on highway; Impact on adjacent woodland;
- ☐ Deeds state no separate building should be erected to provide additional sleeping arrangements; Drainage and wildlife concerns

2 letters of support received:

- ☐ Appearance acceptable
- ☐ Energy efficiency measures would be incorporated

5.0 THE MAIN ISSUES

Principle of development
 Affordable Housing Contribution
 Siting and design
 Scale and visual impact
 Residential amenity
 Drainage
 Ecology
 Highways
 Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Both national and local planning policies concentrate new residential development to locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new open-market housing to sites within market towns, other 'key centres' and certain named villages, (referred to as 'Community Hubs and Clusters'). These are identified in the Councils adopted Site Allocations and Management of Development (SAMDev) Plan.

6.1.2 Core Strategy Policy CS3 recognises Church Stretton Town as one of Shropshire's larger, 'sustainable' settlements and SAMDev Policy S5 sets a guideline of approximately 370 additional houses to be provided in the town throughout the period 2006-2026, on allocated land plus 'windfall' sites within a predefined development boundary. (It should be noted that the Council's 5 year land supply currently has a total of 312 housing completions and commitments between the period from 2006 to 31 March 2019).

6.1.3 The site proposed for development is a plot which already contains an occupied dwelling and the scheme would see this replaced with the proposed dwelling. The site is situated in an established residential area within the development boundary of Church Stretton Town and so, in principle the erection of a new open market dwelling at this site would be acceptable.

6.2 Affordable Housing Contribution

- 6.2.1 A revised version of the National Planning Policy Framework, (NPPF), published in February 2019 states, (at paragraph 63) that affordable housing provision should not be sought in connection with small scale open market developments. In the circumstances it would be accepted that no affordable housing payment would be required in this case.

6.3 Siting and Design

- 6.3.1 Core Strategy Policy CS6 encourages innovative design of new developments and promotes energy efficiency and design which mitigates and adapts to climate change. It also expects design to be of a high quality and be appropriate in scale, density, pattern and design, taking into account the local context and character. Meanwhile SAMDev Policy MD2 seeks to reinforce local distinctiveness by consideration of building forms, scale, heights, layout, density, plot sizes and how development functions in its relationship with the wider area.
- 6.3.2 Although the building would have a contemporary feel, the angular roof formations and external materials would be reminiscent of a bygone era and reflect the general vernacular of the area, particularly when viewing the property from the road. The proposed timber cladding would reflect the rustic woodland behind it and the orientation and function of the building would be designed, in part, with energy efficiency in mind. As such a solar roof is proposed to the south elevation; the precise details of which would be controlled by way of condition, along with precise details of material colour / finishes.
- 6.3.3 In relation to the outbuilding / detached annex, the low level of the building, coupled with its appearance and discreet position, to the south eastern corner of the site, would ensure it is subservient to the house and would not be prominent against its leafy setting.

6.4 Scale and visual impact

- 6.4.1 Despite the proposed building being taller, to provide a first floor and larger in footprint than the existing dwelling, the size of the plot would be more than capable of accommodating it. The house would utilise the existing footprint and despite also reaching beyond it, the development would extend mainly rearwards without overwhelming the surrounding built development or affecting the street scene. Other dwellings in the vicinity have also been developed over time and whilst the proposed application would see a new, two-storey dwelling in the locality, it would not be visually intrusive or a dominant addition in comparison to others around it.
- 6.4.2 The applicant has confirmed that the detached annex and additional living accommodation within the house is intended for extended family and dependants to stay. This includes two close relatives who are on the verge of requiring home care. It is noted that the internal annex area proposed within the house will not be separate from the main living accommodation, although a condition is attached in this regard and in regard to the proposed detached annex.

- 6.4.3 The rear woodland, retained roadside hedgerow and topography of the site would also conceal the development from views further afield, ensuring the Shropshire Hills AONB remains conserved. The land gradient to the east and west would further prevent the scheme from being an imposing addition in the landscape.
- 6.4.4 As aforementioned, the rear woodland is undoubtedly important to the setting as well as being valuable in its own right under a Tree Preservation Order and SAMDev Policy MD12 attaches great weight to conserving and enhancing the natural beauty of the Shropshire Hills AONB and to, amongst others, Ancient Woodland. By bringing residential development closer to the woodland, there may be a future pressure to have trees removed. However, it is understood that emergency tree work has been previously undertaken to safeguard an overhead electricity line, which sits higher and closer to the woodland than the proposed development. It is also acknowledged that the applicant can undertake reasonable work within the domestic curtilage under current permitted development rights associated with the existing dwelling and that such work has been carried out closer to the root protection areas of the nearby trees than is proposed under the development scheme. It is therefore considered that the proposed level of work would not threaten the woodland to any greater degree, although a condition is attached in the officer's report in order to control future permitted development rights associated with the new development, which may also give some additional protection to the adjacent woodland.
- 6.4.5 Although some planting and hard landscaping proposals have been provided with the application, further details would be necessary and so a landscaping condition is included in the officer's report.

6.5 Residential Amenity

- 6.5.1 The current dwelling is already positioned in close proximity to the nearest neighbouring dwelling, to the north and whilst it is acknowledged that the new development would obviously be taller in stature than the existing dwelling on site, its roof formation would slope, considerably away from the adjacent property, limiting additional overshadowing. The elongated roof angle would ensure the proposed roof lights, to the north, would not overlook and so a condition for the roof lights to be obscure glazed would be unnecessary.
- 6.5.2 The majority of glazing is proposed to the south and so there could be a perception that the development would overlook at this side. Much of the proposed glazing would, however provide roof cover and the south upper floor windows proposed would look out above the roof of the neighbouring property to the south, rather than looking directly into adjacent windows. There is also, currently some natural screening along this boundary line. As mentioned at paragraph 6.4.5, a landscaping condition is attached, which will establish what boundary treatments are to remain in place and what additional planting is proposed.

6.6 Drainage

- 6.6.1 The scheme proposes to connect to the main sewer and the Council's Drainage Officer has raised no objection in principle. Although it is recognised there are

existing main connections on site, a condition is provided to ensure the proposed drainage is satisfactory. No issues have been raised specifically in terms of the watercourse, which runs through the amenity grounds.

6.7 Ecology

6.7.1 The Council is legally obliged to have regard to biodiversity when exercising any of its statutory functions. There was no evidence of breeding / nesting birds and no evidence of roosting bats found on site. However, in order to provide ecological enhancements for protected wildlife, a condition is attached in relation to the erection of at least one bat or bird box on site, as recommended in the submitted ecological report. It is noted the Council's Ecology team have no overriding concerns and considered the proposals to be satisfactory.

6.8 Highways

6.8.1 The scheme does not propose to alter the existing access and it is understood that additional parking facilities are being provided at the site, which is considered satisfactory by the Council's Highways Officer.

6.9 Other Matters

6.9.1 Restrictive covenants provided within the title deeds of a property would be a civil matter and not one for the Local Planning Authority to consider. In regard to the foundations, these would be overseen at the building control stage of development.

7.0 CONCLUSION

A new open-market replacement dwelling is acceptable in principle in this established residential location, which is also within the development boundary of a sustainable settlement. On balance, there would be no overriding harm to the character and appearance of the Shropshire Hills AONB, the local, built and natural environment or to residential amenity. There are also no undue concerns regarding drainage, ecology or highway safety and no affordable housing contribution would be required in this instance. 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 control the critical aspects.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice.

However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan policies:
 CS1 - Strategic Approach
 CS3 - The Market Towns and Other Key Centres
 CS4 - Community Hubs and Community Clusters
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD12 - Natural Environment
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QA6I8JTDmia00>

List of Background Papers Design Statement Ecological Impact Assessment
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr. Lee Chapman Cllr David Evans
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. Demolition, construction work and associated bulk deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.
Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

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

4. Prior to their use, samples/precise details of all external materials and their colour / finishes, including those proposed to the outbuilding / annex shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.
Reason: In the interests of visual amenity.
5. Following demolition of the existing dwelling, no ground works shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
Reason: To ensure satisfactory drainage of the site and to avoid flooding.
6. Prior to their erection, precise details of the proposed roof mounted solar array, including their dimensions,, form and appearance / finish shall be submitted to and approved in writing by the local planning authority, whilst within three months following the cessation of their use, the solar panels and any associated equipment shall be removed and the roof reinstated to its former condition.
Reason: In the interests of visual amenity.
7. Following demolition of the existing dwelling, no above ground works shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include:
A survey of all existing trees and / or hedgerows on the site and along its boundaries
Identification and measures for the protection of existing trees and hedgerows which are to be retained
Details/schedules of proposed planting
Full details of the alignment, height and construction of any walls, fences, retaining structures or other boundary treatments/means of enclosure
Details/samples of hard surfacing materials
Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Thereafter all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst 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 ensure that the external appearance of the development is satisfactory and help ensure a reasonable standard of residential amenity.

8. Prior to the construction of any new retaining walls that are required to accommodate the replacement dwellings, details of their positioning, construction and appearance, together with any associated land regrading works, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To ensure that the retaining walls are adequate for their intended purpose and in the interests of the visual amenities of the area.

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

9. The development hereby approved shall provide ecological enhancements in the form of at least one bat box and at least one bird box in a suitable location on the development site before the development is brought into use and shall be retained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds.

10. The annex accommodation hereby permitted shall only be used as additional residential accommodation in association with the dwelling on the site known as 85 Ludlow Road and no part of the building/s shall be sold or let separately or otherwise severed to form a separate, independent dwelling unit or commercial enterprise.

Reason: To define the permission for the avoidance of doubt. The application seeks to incorporate the residential use into the existing dwelling only and does not seek permission for a new dwelling or holiday accommodation which could give rise to different planning implications requiring further assessment by the Local Planning Authority.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- o Extensions;
- o Additions or alterations to the roof, including dormer windows and rooflights;
- o Erection of porches and outbuildings

Reason: To maintain the scale, appearance and character of the development and to safeguard visual and residential amenity.

Informatives

1. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition work in buildings or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

3. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife. Consideration should also be given to ensure debris does not enter the watercourse during construction work.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

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

4. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.
The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:
Residential Dwellings per hectare Change allowance % of impermeable area
Less than 25 10
30 8
35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

5. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
6. 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 <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

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.

7. If alterations to the vehicular access or parking/turning areas would slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.
8. Before any new connection to the public mains sewer is made, including any indirect connection or reuse of an existing connection, consent from the service provider should be obtained.
9. Public sewers have statutory protection and cannot be built over or diverted without consent. In many cases where development is proposed within three metres of a public sewer, Severn Trent Water can direct the building control officer to decline an approval under the Building Regulations. You are therefore advised to discuss the proposals with Severn Trent Water at an early opportunity.
10. 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).
11. The provisions of the Party Wall etc. Act 1996 apply in respect of this development and you are required to notify all neighbours affected by the proposal before any work commences on the site.

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