

## DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) Order 1995

Town and Country Planning (Development Management Procedure) (England) Order 2010

<b>Location</b>	Wardens Cottage, The Down, Bridgnorth, Shropshire
<b>Proposed Development</b>	Refurbishment of existing cottage and proposed two storey extension at the rear of the property
<b>Application No.</b>	11/00458/FUL
<b>Date Received</b>	3rd February 2011
<b>Applicant</b>	Mottershead & Sons

Shropshire Council hereby **GRANT FULL PLANNING PERMISSION** subject to the conditions listed below.

### 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.

### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Development shall not commence until a European Protected Species (EPS) Licence with respect to bats has been obtained for the proposed work. Work shall be carried out strictly in accordance with the Protected Species Survey by BECL Environmental Consultants (2010) and the plans BS08/2010/06 and BS08/2010/07 by Balfours attached as an appendix to this planning permission. A copy of the granted EPS licence and accompanying documents should be supplied to the local planning authority prior to the

commencement of works on the site.

Reason: To ensure the protection of bats, a European protected Species

4. Prior to commencement of development a comprehensive written site investigation strategy shall be submitted to and approved in writing by the Local Planning Authority. Such a strategy shall facilitate the identification and potential impact of ground gases and vapours that have the potential to pose a risk to human health and the wider environment.

Reason: The site lies within 250 metres of a source of potential ground gas and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

5. Where investigations as required by condition 4 above, identify the presence of ground gases and vapours, development shall not begin until a scheme to protect the development from the effects of such gases and vapours has been submitted to and approved by the Local Planning Authority. The scheme shall include provisions for validation, monitoring and sampling. The scheme shall be implemented before the development is first occupied and be retained throughout the lifetime of the development.

Reason: The site lies within 250 metres of a source of potential ground gas and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

6. No development shall take place until details of the proposed septic tank in accordance with Building Regulation part H2, and details of the overflow system have been submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied until the scheme has been completed in accordance with the approved details.

Reason: To ensure provision of proper foul water drainage of the site in order to prevent pollution of the water environment.

7. No development shall take place until a scheme of 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 PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

8. A total of 3 artificial nests, such as Schwegler number 10 swallow cups, Schwegler 1FB bird box, 2H robin box, Schwegler bird houses or sparrow terraces (or direct woodcrete equivalents of the above) shall be erected on the site, in locations to be agreed with the local planning authority, prior to first occupation of the buildings hereby permitted and thereafter retained for the lifetime of the development.

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

9. Prior to occupation of the development, the scheme to investigate and identify the presence of ground gases and vapours as required by condition 6 above, shall be implemented and shall be retained throughout the lifetime of the development.

Reason: The site lies within 250 metres of a source of potential ground gas and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

### **Reason for Approval**

1. It is considered that the proposed extension is of an appropriate scale and design for the dwelling and that the development will not have an adverse impact on visual or residential amenities. Subject to appropriate conditions including the requirement for a European Protected Species Licence, the proposed development will not adversely affect protected species or habitats. Additional information relating to the provision of adequate drainage and to deal with potential contamination are subject to conditions attached to planning permission. As such the development accords with PPS1 and Core Strategy policies CS5 and CS6.

### **Informatives**

1. POLICIES MATERIAL TO THE DETERMINATION OF THE APPLICATION:

In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
PPS1 – Delivering Sustainable Development

West Midlands Regional Spatial Strategy Policies:  
QE3 – Creating a High Quality Built Environment for all

Core Strategy:  
CS5 – Countryside and Green Belt  
CS6 – Sustainable Design and Development Principles

2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. 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 (General Development Procedure) Order 1995 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](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee to be paid is £85 per request (or £25 where the related permission was for householder development). The fee is payable per request.

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.

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
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 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.

### **Approved Drawings**

<b>Plan Type</b>	<b>Plan No.</b>	<b>Date Received</b>
Site Location Plan	<i>BS08/2010/01</i>	03.02.2011
Existing Floorplans	<i>BS08/2010/02</i>	03.02.2011
Existing Floorplans	<i>BS08/2010/03</i>	03.02.2011
Existing Elevations	<i>BS08/2010/04</i>	03.02.2011

Proposed Floorplans	<i>BS08/2010/05</i>	03.02.2011
Other documents	<i>BS08/2010/08</i>	03.02.2011
Proposed Floorplans	<i>BS08/2010/06</i>	11.04.2011
Proposed Elevations	<i>BS08/2010/07</i>	11.04.2011

**11/00458/FUL**

**Ian Kilby Development Manager**  
**Date of Decision: 8th July 2011**

## **NOTES**

### **Appeals to the Secretary of State**

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then the applicant can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

An appeal must be made within six months of the date of this notice, or 12-weeks if the scheme is for that of "household" development. The appeal must be made on a form which can be obtained from the Planning Inspectorate at Customs Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online through the Planning Portal website at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is 28 days of the date on the decision notice or the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA has to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council requiring the Council to purchase the interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.