

# DECISION NOTICE



Date: 7th November 2019

J Ross Developments  
c/o Arrol And Snell Ltd  
Andrew Arrol  
St. Mary  
Shrewsbury  
SY1 1EG

Our Ref: 17/05429/FUL  
Your Ref: Swiss Cottage  
Brogyntyn

Dear J Ross Developments c/o Arrol And Snell Ltd

## DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England) Order 2015

<b>Location:</b>	Swiss Cottage , Whitwell Lane, Pant-Glas, Oswestry
<b>Proposed Development:</b>	Landscape alterations including removal of trees, formation of new pedestrian bridge to lake island, formation of new vehicular access onto Whitwell Lane, repairs to existing listed building, erection of single storey side extension and detached garage and workshop and installation of package treatment plant
<b>Application No.</b>	17/05429/FUL
<b>Date Received:</b>	9th November 2017
<b>Applicant:</b>	J Ross Developments

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

### STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings as amended by the following plans:  
Block plan 1026-01-200 C; Proposed elevations 1026-01-201 C; Proposed ground floor 1026-01-202 C; Proposed first floor 1026-01-203 C all received on the

20th February 2019

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

### **CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of the completion of the development approved.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and Arboricultural Method Statement forming part of the Arboricultural Report have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements [e.g. hibernacula, integrated bat and bird boxes];
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a lighting plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK.

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

6. Prior to commencement of work, a Bat Mitigation Method Statement must be provided to the Local Planning Authority and approved in writing. The development shall be carried out in strict accordance with the approved details.

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

## **CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

7. A minimum of three artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), and/or small birds (32mm hole, standard design) shall be erected on the site prior to occupation of the building. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

8. A minimum of three external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to occupation of the building. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

## **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

9. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between March and August inclusive, unless an appropriately qualified and experienced ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the Local Planning Authority that no nesting birds will be harmed and/or that there are appropriate measures in place to protect structures used by nesting birds on site.

Reason: To ensure the protection of nesting birds, which are protected under the Wildlife and Countryside Act 1981 (as amended).

10. Notwithstanding the details shown on the approved plans, details of landscape works to be submitted for approval in writing prior to construction shall include for a small group of appropriate tree species to be planted to screen the extension to the south west of the building from across the lake and ringfort and additional planting to screen views to the garage and log store from the east within the development site. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To safeguard the amenity of the area.

Part of this proposed extension overlaps the south & west corner of the Listed Building with large glass sliding doors proposed to its eastern elevation, which may be evident and potentially intrusive in views across the adjacent lake to the east, including from the Brogyntyn Ring Fort. The Trust requests that consideration be given to the inclusion of a small group of appropriate tree species be planted to screen this possibly detrimental view.

It is also requested that views from the east towards the proposed new garage and log store should be similarly screened by appropriate planting within the development site.

11. Works shall be carried out strictly in accordance with section 5.3.5 Invasive Species of the Preliminary Ecological Appraisal prepared by Greenscape Environmental Ltd received 12th September 2019.

Reason: To prevent the spread of invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

12. The existing vehicular access must be permanently closed within 3 months of the hereby approved new access being implemented.

Reason: In the interests of highways safety.

## **INFORMATIVES**

This planning permission notice must be read in conjunction with the listed building consent notice where additional conditions are attached.

Hazel dormice are a European Protected Species 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 dormouse; and to damage, destroy or obstruct access to its resting places. There is an unlimited fine and/or up to six months imprisonment for such offences.

If a dormouse should be discovered on site at any point during the development then work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice. The Local Planning Authority should also be informed.

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.

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.

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email

[buildingcontrol@shropshire.gov.uk](mailto:buildingcontrol@shropshire.gov.uk) or visit our website [www.buildshropshire.co.uk](http://www.buildshropshire.co.uk) for pre-application advice and a competitive fee.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Shropshire and Staffordshire Sustainable Drainage Systems (SuDS) Handbook. Preference should be given to drainage measures which allow rainwater to soak away naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort.

### **Approved Drawings**

<b>Plan Type</b>	<b>Plan No.</b>	<b>Date Received</b>
Block Plan	1026-01-200, Rev. C	20.02.2019
Proposed Elevations	1026-01-201, Rev. C	20.02.2019
Proposed Floorplans	1026-01-202, Rev. C	20.02.2019
Proposed Floorplans	1026-01-203, Rev. C	20.02.2019

**17/05429/FUL**



**Ian Kilby, Planning Services Manager**  
**Date of Decision: 7th November 2019**

## NOTES

### Conditions

You will see that your decision notice includes a number of conditions:

- You must comply with all of the conditions. If you are unclear about any of them, please contact the Planning Officer who dealt with the application.
- Some of the conditions may require you to submit further information to the Council for approval. Most conditions will need to be complied with before you start work on site.
- If you think any of the conditions are unreasonable you may appeal to the First Secretary of State, through the [Planning Inspectorate](#).
- Please also ensure that you comply with the requirements of any Legal Agreement that may accompany the planning permission.

### Informatives

Your decision notice includes a number of informatives. This gives you some extra guidance and advice which will help the development process. Please note your Decision Notice gives permission only under the Town and Country Planning Acts. You may need other approvals, for example under the Building Regulations, or Party Wall Act, or permission from your neighbour to go onto his/her land.

### Amendments

If you need to alter your approved drawings please send full details to us regardless of how small the alteration is. Your case officer will determine whether this can be agreed through a simplified exchange of correspondence or whether a revised application needs to be submitted. Further guidance can be found at [www.shropshire.gov.uk/planning](http://www.shropshire.gov.uk/planning) . You should not commence work until the amendment has been approved in writing by the Council.

### 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, or minor commercial application, or within 8 weeks in the case of advertisement appeals. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.

**If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority ([appeals@shropshire.gov.uk](mailto:appeals@shropshire.gov.uk)) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.**

### **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.