

Homes Plus  
c/o Munro Associates  
Mr Phil Oliver  
Unit 29 The Rural Enterprise Centre  
Stafford Drive  
Battlefield Enterprise Park  
Shrewsbury  
SY13FE

Date: 23rd May 2023

Our Ref: 23/00946/VAR  
Your Ref: Mount Close Variation

Dear Homes Plus c/o Munro Associates

## DETERMINATION OF APPLICATION FOR VARIATION OF CONDITION

<b>Location:</b>	Proposed Development Land Off, Mount Close, Pontesbury, Shrewsbury
<b>Proposed Development:</b>	Application under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition No. 2 attached to planning permission 18/05670/FUL dated 19 February 2020
<b>Application No.</b>	23/00946/VAR
<b>Date Received:</b>	3rd March 2023
<b>Applicant:</b>	Homes Plus

Shropshire Council hereby **GRANT VARIATION OF CONDITION** as shown below. Please note that the conditions must be met otherwise legal action may be taken to prevent the development from proceeding.

### Reason for Approval

The proposed variation to condition 2 (approved plans) pertaining to planning permission ref 18/05670/FUL is acceptable in that the revised plans will be consistent with the aims and objectives of the NPPF and will not significantly affect the character, appearance and visual amenity of the new development and local area. Neither will the proposal cause unacceptable harm to the residential amenities of neighbouring properties.

Finer details have been largely previously agreed but conditions will be included on this permission to require implementation in accordance with approved details. Verification reports are required to confirm implementation of contaminated land remediation and coal workings stabilisation strategies.



A contribution to affordable housing was required on the original planning permission 18/05670/FUL and the s106 agreement remains applicable to this new permission.

The proposal is considered to be in accordance with the NPPF (as revised) and policies CS3, 5,6, 11, 17 and 18 of the adopted Shropshire Core Strategy 2015, as well as of SAMDev Policies MD2, 7A and MD12, and the Type and Affordability of Housing SPD.

## **VARIATION OF CONDITIONS**

### **STANDARD CONDITIONS**

1. 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.

2. Landscaping for the development shall be fully implemented in accordance with approved drawing 17.147-1005 REV H and will be completed within the first available planting season after the first residential occupation of any unit of the approved development.

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

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

3. a) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy (Ruddlesden Geotechnical: Contamination Remediation Strategy, Land off Mount Close, Pontesbury, Shropshire, for Housing Plus; Report ref. CG/SR/19425/CRS, dated 16th May 2023, Issue 2).

b) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance - Land contamination: risk management (Environment Agency, 2019) and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation proposal is subject to the approval in writing by the Local Planning Authority.

c) Following completion of measures identified in the approved remediation scheme and prior to first occupation of any residential unit on the approved development a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in

relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

4. (a) The works detailed as being necessary to stabilise previous coal workings shall be carried out in accordance with the approved remedial measures outlined within the Ruddlesden Geotechnical Ltd Specification for the Stabilisation of Shallow Mineworkings (15 December 2020), reference DWA/SR/19425/SSSMW.  
(b) Prior to the first residential occupation of any unit within the approved development a competent person shall provide a written report to the local planning authority confirming that the approved remedial measures outlined within the Ruddlesden Geotechnical Ltd Specification for the Stabilisation of Shallow Mineworkings (15 December 2020), reference DWA/SR/19425/SSSMW, (or any subsequent LPA & Coal Authority approved remediation strategy), have been fully implemented and completed and no dwelling shall be occupied until the local planning authority has approved this report.

Reason: In the interests of site stability and safety of occupiers

5. Prior to first residential occupation of any unit of the development, bird boxes and artificial nests shall be erected in accordance with details provided on approved plan 17.147 1007. The boxes and nests shall thereafter be 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.

6. The proposed surface and foul water drainage schemes shall be installed in accordance with the approved Engineering Layout Drawing No: J01879/A1/001 REV.G dated 27 November 2020 prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

7. Prior to first residential occupation of any unit of the development, bat boxes shall be erected in accordance with details provided on approved plan 17.147 1007. 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**

8. All works of construction throughout the construction period shall take place in accordance with the approved Construction Method Statement.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

9. The external materials and their colour shall be provided strictly in accordance with the details submitted with the application and indicated on the approved plans.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

10. External lighting shall be installed in strict accordance with details provided on approved plan 17.147 1007 and thereafter retained for the lifetime of the development.

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

11. The construction of all new roads, footways, accesses and service margins, as well as the system for the disposal of highway surface water shall be fully implemented and completed in accordance with the approved plans and details.

Reason: To ensure a satisfactory highway is provided within the site.

### **Schedule 1 - Approved plans, drawings, documents**

Description	Reference	Date Received
Site Plan	17.147-1002 REV J	03.03.2023
Landscaping Details	17.147-1005 REV H	03.03.2023
Other Documents	materials	03.03.2023
Other Plans	17.147-1007	03.03.2023
Other Plans	J01879-A1-003	03.03.2023
Other Plans	J01879-A1-005	03.03.2023
Other Plans	J01879-A1-100 REV G	03.03.2023
Mixed/Combined Plans	17-147 - 210 REV B	03.03.2023
Mixed/Combined Plans	17-147 - 215 REV A	03.03.2023
Mixed/Combined Plans	17-147 - 220 REV B	03.03.2023
Mixed/Combined Plans	17-147 - 230 REV B	03.03.2023
Mixed/Combined Plans	17-147 - 240 REV B	03.03.2023
Mixed/Combined Plans	17-147 - 200, Rev. C	28.04.2023
Other Documents	CMS V5	22.05.2023
Other Documents	DWA/SR/19425/SSSMW	22.05.2023
Other Documents	CG/SR/19425/CRS	16.05.2023

## INFORMATIVES

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.

Information on how to comply with contaminated land conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to Severn Trent under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contact our Development Services Team (Tel: 0800 707 6600).

The development hereby approved is subject to the existing Section 106 agreement (by way of Clause 16.1), under planning permission 18/05670/FUL dated 19 February 2020.

### Nesting birds

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

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

All vegetation clearance, tree removal and scrub removal and/or 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 vegetation and buildings for active bird nests should be carried out. If vegetation or buildings 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.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

[If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.]

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>

Under the Highways Act 1980 - Section 184(11) you are required to submit an application to form a crossing within the highway over a footway, grass verge or other highway margin. Please note that there will be a charge for the application. Applications forms can be obtained through the web site [www.shropshire.gov.uk/hwmaint.nsf](http://www.shropshire.gov.uk/hwmaint.nsf). If you wish further advice please contact the Shropshire Council's Highway Development Control Team.

General site informative for wildlife protection

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.]

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.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

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.

You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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.

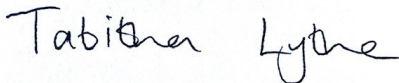
Shropshire Council as Highway Authority will not adopt the access road within the site which will remain private..

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 <https://www.shropshire.gov.uk/building-control/> 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>

If your project relates to a **Listed Building** please be aware that if, during the process of obtaining Building Regulation Approval or undertaking Fire Safety works amendments to the scheme as approved under the Listed Building Consent are requested, it is very likely that you will need to amend your approved drawings regardless of how minor the alteration may be. If this is the case, please contact the Case Officer and they will determine what action is required. Work should not be proceed until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

**23/00946/VAR**



**Tabitha Lythe**  
Planning and Development Services Manager  
**Date of Decision: 23rd May 2023**



## 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. This is **particularly important** if the project involves a **Listed Building** and work should not be proceeded until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

### 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 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. 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.

**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 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 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 (as amended).