

DECISION NOTICE

Mr Brian Francis
c/o Trevor Williams
TWAarchitects
Crossfields
Strawmoor Lane
Oaken
Wolverhampton
WV8 2LD

Date: 30th January 2023

Our Ref: 22/04889/FUL
Your Ref: Dairy House Ludstone

Dear Mr Brian Francis c/o Trevor Williams

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

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

Location:	Dairy House, Ludstone, Claverley, Wolverhampton
Proposed Development:	Change of Use of an Outbuilding to a Residential Building.
Application No.	22/04889/FUL
Date Received:	28th October 2022
Applicant:	Mr Brian Francis

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, drawings and documents as listed in Schedule 1 below



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. No works shall take place to buildings on site until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of bats, which are European Protected Species.

4. No development shall take place until details of the means of access, including the sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

3. Prior to occupation of the building a minimum of 4 Roosting opportunities shall be created. This will include ridge access tiles and integrated/external bat boxes. The roosting opportunities 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 180 of the NPPF.

5. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site
 - A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for; Sparrows (32mm hole, terrace design), Starlings (42mm hole, starling specific), small birds (32mm hole, standard design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.
 - A minimum of 2 artificial nests, of integrated brick design, suitable for swifts (swift bricks).

The boxes shall be sited at in suitable locations and at least 2m from the ground, with a clear flight path with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

For swift boxes: Boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

6. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). 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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

7. Prior to occupation of the building the Local Planning Authority shall receive a brief notification that all works to the site occurred strictly in accordance with the mitigation and enhancement measures as provided in Section 4.3 of the Bat Characterisation Survey (Midland Ecology, May to July 2022) and Section 4.2.2 of the Preliminary Roost Assessment (Midland Ecology, February 2022). This shall include photographs of installed bat and bird boxes at the site and any pre-commencement checks undertaken.

Reason: To ensure the protection of and enhancements for bats which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

8. Prior to occupation of the building a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include:
Treatment of the residential boundaries/means of enclosure, position, height and appearance;
Details of surfacing to the parking area.
The work shall be carried out in accordance with such details as may be approved in writing by the Local Planning Authority before the dwelling hereby approved are first occupied.

Reason: To protect the visual and residential amenity of the area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or 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:-
 - extension to the building
 - free standing building, enclosure, swimming or other pool within the curtilage of the development
 - addition or alteration to the roof
 - erection of a porch

- fences, gates or walls or other means of enclosure
- any windows, rooflights or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and appearance of the existing building and the visual amenities of the area

10. This permission relates only to the conversion as indicated on the drawings hereby approved. It does not grant or convey any consent or permission for any works of demolition, reconstruction, construction or alteration affecting the external appearance of the existing building that are not indicated on the approved plans.

Reason: To define the permission and to ensure compliance with adopted planning policies.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Location Plan	3020-SK-01	28.10.2022
Floor Plan - Proposed	3020-SK-10, Rev. A	04.01.2023
Proposed Elevations	3020-SK-11, Rev. A	04.01.2023
Other Documents	3020-SK-12, Rev. A	04.01.2023

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.

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

DRAINAGE INFORMATIVE

A sustainable scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils SuDS Handbook which is available in the Related Documents Section on the Councils Website:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-andmaintenance/sustainable-drainage-systems-handbook/>

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365.

Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook.

Shropshire Council will not permit new connections to the Highway Drainage network.

Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance

ECOLOGY INFORMATIVES

- NESTING WILD 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 conversion 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 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.

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

- GENERAL SITE INFORMATIVE FOR WILDLIFE PROTECTION

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 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.

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.

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.

- LANDSCAPING INFORMATIVES

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

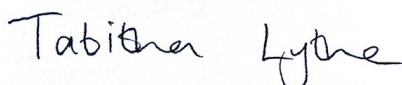
Please contact me, or one of the other Ecology team members, if you have any queries on the above.

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 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).

22/04889/FUL



Tabitha Lythe, Planning and Development Services Manager
Date of Decision: 30th January 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 . 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 (as amended).

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) and Planning Inspectorate (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).