

REF/2016/0879

**IN THE PROPERTY CHAMBER (LAND REGISTRATION)
FIRST-TIER TRIBUNAL
(TITLE NUMBER SL147821)**

MICHAEL MOORE

Applicant

-and-

**(1) ANTHONY LIGHTFOOT
(2) HELEN LIGHTFOOT**

Respondents

IMPORTANT DOCUMENTS – B

This is Important Document “B” referred to in the Applicant’s Statement of Case.



**NORTH SHROPSHIRE
DISTRICT COUNCIL**

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DETERMINATION OF APPLICATION FOR OUTLINE PLANNING PERMISSION

Town and Country Planning Act 1990
Town and Country Planning (General Permitted Development) Order 1995
Town and Country Planning (General Development Procedure) Order 1995

Location: Phoenix Rubber Ltd Pipe Gate Market Drayton Shropshire

Proposal Redevelopment of former rubber works for the erection of 25 dwellings, construction of new estate roads and pedestrian access

Application No. 06/00102/OUT
N06/25/WO/39 OUTLINE

Date Received 11th January 2006

Applicant Phoenix Rubber

The North Shropshire District Council hereby **GRANT OUTLINE PLANNING PERMISSION** subject to the conditions and reasons listed below. Please note that the conditions must be met otherwise legal action may be taken to prevent the development from proceeding.

CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. The approval of the Local Planning Authority shall be obtained in writing with respect to the following "reserved matters" before any development is commenced.
 - The siting of the building(s)
 - The design of the building(s)
 - The external appearance of the building(s)
 - The means of access to the building(s)



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- **The landscaping of the site**

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

3. No development shall take place until samples of types and colours of all external materials, including hard surfacing have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. The samples required by the above condition shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory.

5. No doors or windows shall be installed until detailed plans of the windows and doors at scale 1:20 and sections at minimum 1:5 together with details of proposed finishes have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

5. No development shall take place until detailed plans of the windows and doors at scale 1:20 and sections at minimum 1:5 together with details of proposed finishes have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

6. No development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- Existing and proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)



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- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines etc. indicating lines, manholes, supports, etc)
- Retained historic landscape features and proposals for restoration, where relevant
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables

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

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

8. No development shall take place until details of the means of access, including the layout, construction and sightlines, have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory means of access to the highway.

9. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

10. No development shall take place until details of measures to be taken to prevent mud from vehicles leaving the site during the construction works being deposited on the public highway, have been submitted to and approved by the Local Planning Authority in writing and fully implemented. Such measures shall be retained for the duration of the construction period.



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Reason: In the interests of highway safety.

11. No development shall take place until an investigation of the site has been undertaken to quantify the type, extent and concentration of any soil contamination which may exist. The investigation shall be undertaken in accordance with a brief which shall first be agreed in writing with the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include recommendations for a scheme of remediation and foundation design, protection and implementation. The approved scheme shall be implemented in full and written evidence to confirm completion of the work provided to the Local Planning Authority.

Reason: To ensure that the site is fully remediated before development takes place and that any buildings are suitably protected.

12. No development shall take place until a scheme of foul drainage, and 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.

13. The development shall be carried out strictly in accordance with the deposited location plan drawing 017 received 11th January 2006 and amended plan and design principles received 7th April 2006 by the Local Planning Authority.

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

14. At the junction of the main estate road/ access with the adjoining highway visibility splays in both directions along the adjoining highway shall be provided as follows:

- (a) A point 4.5 metres along the centre line of the main estate road/access measured from the continuation of the nearer edge of the adjoining highway carriageway.
(b) Points 120 metres along the nearer edge of the adjoining highway carriageway measured from the intersection of the centre line of the main estate road/access.
(c) A straight line joining the above points.

Reason: To provide a satisfactory measure of visibility from the main estate road / access in both directions along the adjoining highway.

15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 or any order revoking and re-erecting that Order with or without modification, no hedges, fences, growths or other structures shall be planted or erected within the visibility splays specified in condition 14 above.

Reason: To maintain a satisfactory measure of visibility from the road junction(s)/access in the interests of highway safety.



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REASONS FOR APPROVAL:

The proposal is acceptable in principle and responds positively to context and form of development in Pipegate. The proposal retains the public footpath through the site and provides play space, recreation land and on-site affordable housing. Accordingly the proposal complies with policies G1, D1, H4, H12 and F4 of the North Shropshire Local Plan.

INFORMATIVES:

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. The property is situated within an area that may be affected by former uses, which could have given rise to contamination. As a consequence, all excavations should be undertaken with care. Anything uncovered that may be contaminated should be reported immediately to the Local Planning Authority.
3. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.
4. The applicant is reminded that temporary closure approval for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.
5. The proposed development involves the demolition of existing buildings, care should be taken, prior and during the development, to identify any protected species on site and notice given to the appropriate body under current legislation.

On behalf of North Shropshire District Council

06/00102/OUT

Date of Decision: 3rd September 2007