

Committee and date

South Planning Committee

2 February 2016

Development Management Report

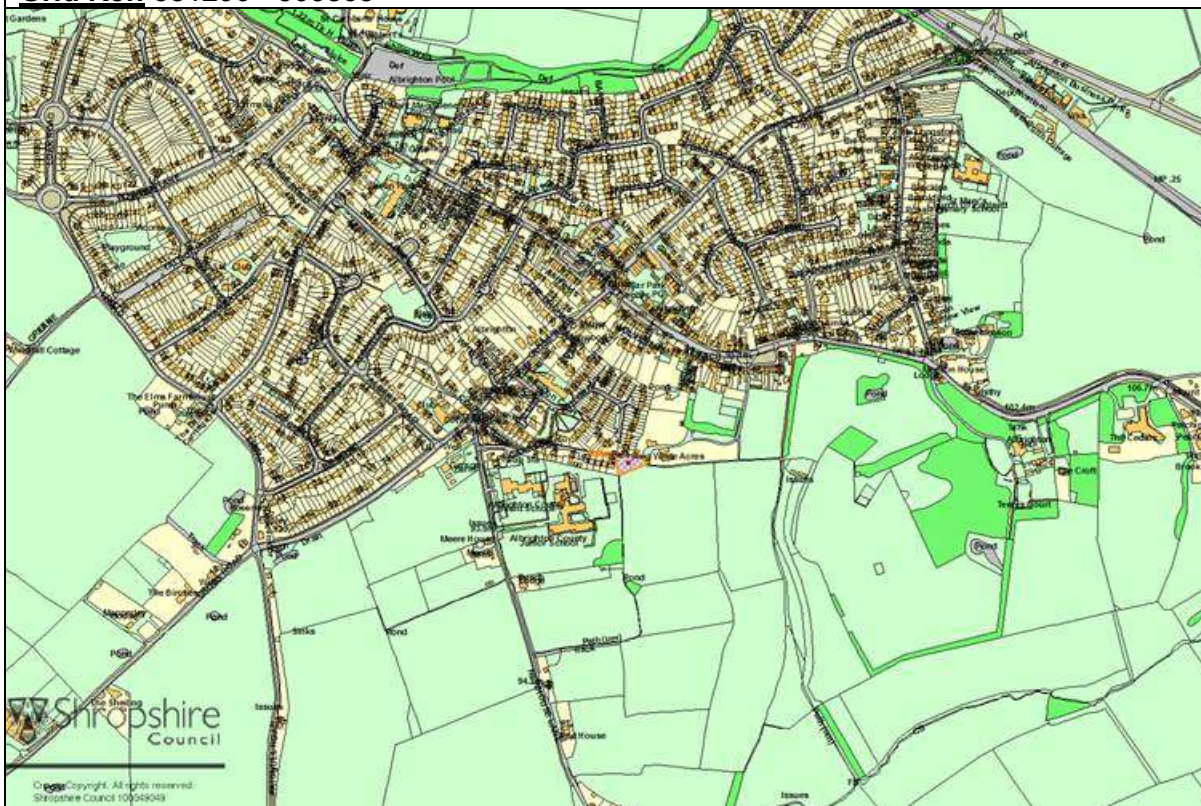
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | | |
|--|--|------------|
| Application Number: 14/03657/OUT | Parish: | Albrighton |
| Proposal: Outline application for residential development (to include access) | | |
| Site Address: Development Land East Of Garridge Close Albrighton Shropshire | | |
| Applicant: Shropshire Council | | |
| Case Officer: Richard Fortune | email: planningdmse@shropshire.gov.uk | |

Grid Ref: 381296 - 303865



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

Contact: Tim Rogers (01743) 258773

Recommendation:- Grant Permission subject to the completion of a Memorandum of Understanding to secure an affordable housing contribution and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This proposal relates to some 0.16 hectares (0.4 acres) of land which is currently vacant, but which as last used as agricultural pasture land. Details of the appearance, landscaping, layout and scale are reserved for later approval should outline consent be granted. Vehicular access to the development would be gained over Garridge Close to the west, which comprises of a cul-de-sac with turning head, from which an approximately 50 metre long section of private drive some 4.8 metres wide, with adjacent 2.0metres wide footpath/bridleway, leads to the western site boundary. A 0.7metre service strip is also shown on the southern side of the private drive. This section of private drive, bridleway/footpath and service strip forms part of the application site.
- 1.2 An illustrative site layout drawing has been submitted with the application, showing four properties (A semi-detached pair and two detached properties) sited as a continuation of the existing row of properties along Garridge Close, with the access road along the northern side of the site also giving vehicular access into the grounds of a property known as 'White Acres'. It is envisaged that development would not exceed two storeys. The illustrative layout shows the public bridleway through the site retained and the proposed buildings standing clear of three trees which are the subject to a tree preservation order which are positioned on and outside of the eastern site boundary.
- 1.3 The Design and Access Statement advises that, with a grant of outline permission, the land would be sold by Shropshire Council and a detailed scheme submitted by a developer in due course.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated on the southern side of Albrighton. A public footpath/bridleway crosses the site. To the north and west is existing residential development. The grounds to the White Acres dwelling wrap around the eastern end of the site, with agricultural land to the south. At the eastern end of the site is a group of oak and ash trees, which are the subject of tree preservation orders. There is a damson tree close to the northern site boundary also a group of young birch, sycamore and ash trees close to the southern boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is one made by the Council in relation to land/premises owned by the Council which is not in line with statutory functions. The application must therefore be determined by Committee.

4.0 Community Representations

- Consultee Comments

4.1 Albrighton Parish Council – Objection:

The land in question is part of the green belt and should not be considered suitable for residential development and the council also registered concerns regarding access to the proposed development and the safety of residents and children attending school at the nearby Albrighton Primary School in Newhouse Lane.

Councillors recommended that this application merits a site visit and consideration by the planning committee.

4.2 SC Highways Development Control – No Objection:

The proposal seeks to extend an existing adopted unclassified highway to provide access for 3 further dwellings and indicates that the proposed new access will serve adjacent land at White Acres.

Garridge Close was designed as an experimental 'shared space', at a time when such developments were tightly controlled in respect to traffic and pedestrian capacities, in the interests of highway safety. Subsequently, following extensive research and practice this type of estate road design has become best practice (Manual for Streets) and have been found to be safe environments even with significantly more development than previously envisaged. In the circumstances it is considered that the proposed increase in vehicular and pedestrian activity associated with these 3 dwellings and any further potential development, is unlikely to compromise highway safety or the layout of this 'shared surface' road.

Any further proposed extension of Garridge Close to serve any future development at White Acres, should be discussed with the local highway authority, to determine the appropriate scale and number of dwellings, acceptable in highway safety terms, from both Garridge Close and the private accommodation lane via the Harp Hotel on High Street.

In addition, such a development will also require the creation of a public pedestrian route through the site from the existing estate road to High Street, via the private access to the Harp Hotel, in order to encourage sustainable travel to and between local amenities.

Conditions recommended with regard to the design and construction of the new road section, footways and accesses; details of parking; on site construction.

4.3 SC Rights of Way – Comment:

The application affects Bridleway 7 Albrighton the route of which is shown on the attached plan. It is noted that the intention is to retain the public right of way on its definitive line. The developer should be aware of the following

The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards. Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.

Building materials, debris, etc must not be stored or deposited on the right of way. There must be no reduction of the width of the right of way.

The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.4 SC Affordable Housing – No Objection:

Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

4.5 SC Drainage – No Objection:

The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted:

1. On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer and soakaways. Connection to a main sewer should not be made, as it can result in increased flood risk elsewhere. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

The development lies within a groundwater Source Protection Zone 3. Surface water run-off must be treated through a filtration unit prior to entering the soakaway. Surface water should pass through a silt trap or catchpit just prior to entering the soakaway to reduce sediment build up within the soakaway. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to minimise flood risk elsewhere as a result of the development.

2. If non permeable surfacing is used on the new access, driveway and parking area and/or the new access slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access runs onto the highway.

3. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new access, driveway, parking area/ paved area

Attenuation

Greywater recycling system

Green roofs

Details of the use of SuDS should be indicated on the drainage plan.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

4. Informative Consent is required from the service provider to connect into the foul main sewer.

4.6 SC Ecology – No Objection: **Great Crested Newts**

There is one mapped pond within 250m of the application site, sited 178m to the south. The Habitat Suitability Index score calculated by Greenscape was 0.35, which indicates poor habitat for great crested newts. No further survey is recommended.

The following informative is recommended:

Informative

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

Reptiles

I consider that the site does have potential to support low numbers of common reptile species. It is recommended that Risk Avoidance Measures to avoid any harm to them during construction are required.

Condition

1. All development or site clearance procedures on the site to which this consent applies shall be undertaken in line with the ***Risk Avoidance

Measures for reptiles***

Reason: To ensure the protection of reptiles, protected species

Informative

The adder, common lizard, grass snake and slow worm are protected against intentional killing or injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Nesting birds and bats

The following condition and informative are recommended:

Condition

2. Prior to the first occupation of the dwellings an integral Schwegler bat box and 3 artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site.

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

Informative

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.

Under Regulation 61 of the Conservation of Habitats and Species Regulations (2010), the proposed works will not have a likely significant effect on any internationally designated site. An Appropriate Assessment is not required.

The intention to have a landscaping scheme submitted at Reserved Matters stage is welcomed and should be conditioned.

- 4.7 SC Trees – No Objection, subject to suitable tree protection conditions:
I have visited the site and reviewed the information submitted with this application and wish to provide the following comments as regards tree-related aspects of the proposed development.

I generally agree with the assessment of the trees provided in the BS:5837 Survey and Report & Arboricultural Implications Assessment, except I would consider the ash tree (T1 in the report) to be a category 'B' tree rather than a category 'C' – ie a

tree 'of moderate quality with an estimated life expectancy of at least 20 years'. The ash is also prominent in the view when approaching the site from the west, off the end of Garridge Close.

I would therefore suggest that this ash tree should be retained and protected during any future development, along with the offsite mature oak (T3 in the report). This is contrary to the alternative option put forward under section 2.9 of the tree report, which considers removing trees T1 and T2, subject to appropriate replacement planting. I would discount this option.

It will be necessary to avoid root damage to retained trees during installation of the access road and path, if approval is given to this application, which includes access. This will require use of a suitable 'no-dig' construction technique, such as a 3-dimensional cellular confinement system to act as a load-bearing sub-base for a porous surface dressing to the access road and path.

In the context of tree protection during development, I note that section 2.12 of the tree report says that the sketch plan provided does not accurately show the canopy spread of the trees (nor does it show their Root Protection Area). An accurate tree survey plan will be required, showing both canopy spread and Root Protection Area of the trees, in accordance with British Standard 5837: 2012 – Trees in Relation to Design Demolition and Construction.

Section 2.12 goes on to say that the canopy spread of the oak tree T3 would almost touch the gable of the eastern-most property, as shown on the submitted layout. Whilst this is an outline application and the layout is purely indicative (aside from access), I would strongly resist any proposal that proposed a property in such close proximity to mature protected trees. In my opinion this would create an unsatisfactory juxtaposition between trees and future occupants, due to overbearing presence and concerns as to safety of the trees. This would inevitably lead to pressure for excessive pruning or removal of the trees.

In summary, I do not object to the principle of the proposed development on arboricultural grounds, subject to suitable tree protection conditions to be dealt with as reserved matters as follows:

- ② Prior to delivery of materials or commencement of any development activity on site, a Tree Protection Plan shall be submitted to the written satisfaction of the LPA, accurately plotting the trees and their root protection areas in accordance with British Standard 5837: 2012 – Trees in Relation to Design, Demolition and Construction. The Plan shall be based upon a final approved layout and identify the trees to be removed and those to be retained, and specify and clearly show the location of measures to be used to protect retained trees during the development.
Reason: to avoid causing damage to significant trees during implementation of the development.

- ② Prior to commencement of development, a competent arborist shall submit to the written satisfaction of the LPA a schedule of tree works to be carried out to enable the development. The tree works shall be carried out in

accordance with that schedule, prior to installation of the approved tree protection measures. Following installation, the tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development and shall not be moved or removed, even temporarily, without the prior written agreement of the LPA.

Reason: to avoid causing damage to significant trees during implementation of the development.

- ② Prior to delivery of materials or commencement of any development activity on site, an Arboricultural Method Statement shall be submitted to the written satisfaction of the LPA. The Method Statement shall describe how any works within or that could affect the Root Protection Area of a retained tree shall be designed, implemented and monitored so as to avoid causing damage to such trees. It shall specifically show how the access road and foot path are to be constructed without causing damage to the roots of protected trees within and adjacent the site.

Reason: to avoid causing damage to significant trees during implementation of the development.

Finally, if possible I would recommend a condition be imposed restricting future development of the site to two detached or blocks of semi-detached properties, so as to prevent locating a dwelling in too close proximity to mature protected trees within and adjacent the eastern end of the site (trees T1 – T3 inclusive in the tree report).

-Public Comments

4.8 10 Objections:

-Development on Green Belt land previously rejected as inappropriate as cannot produce more than 5 properties.

-Development on Green Belt land at Loak Road recently refused.

-This Green Belt land does not meet the criteria for exceptional development.

-Should explore all areas of brownfield sites within Development Boundary.

-There are more appropriate sites in Albrighton.

-Harm safety of users of bridle path, especially children at school time.

-Extra traffic on Garridge Close and New House Lane detrimental to highway safety.

-Width of Garridge Close/New House Lane not suitable for construction traffic.

-No footpath beyond the frontage of the first house in Garridge Close.

-Add to existing parking problems.

-Little space for trade/visitor parking to existing house in Garridge Close and more houses would make parking virtually impossible.

-Junction of New House Lane with Cross Road requires caution.

-New House Lane is a narrow country lane.

-Poor accessibility for emergency vehicles.

-Direct threat to safety of cats and dogs.

-Argument for additional access to White Acres a weak one, which has managed with one vehicular access for the past 20 years.

-Question whether there is a hidden agenda to open up the possibility for access to aid development at White Acres for 20+ houses and Garridge Close unsuitable for that volume of extra traffic.

-There are tree preservation orders on three of the trees.

-Harm character of cul-de-sac.

-Loss of property value and would seek compensation if scheme goes ahead.

-Detract from neighbour amenity.

-Added pollution to the local school and threat to environment.

5.0 THE MAIN ISSUES

Principle of development

Sustainability

Scale, layout, appearance and landscaping

Highway Safety and Accessibility

Drainage

Residential Amenity

Affordable Housing

Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, and notes planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises of the Shropshire Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan

6.1.2 Prior to the adoption of the (SAMDev) Plan in December 2015, the area of the application site which excludes the existing access road serving four properties at Garridge Close was situated within the Green Belt. However through the SAMDev Plan the land is now excluded from the Green Belt and falls within the whole application site falls within the Albrighton development boundary.

6.1.3 The application site is also part of the allocated housing site in the SAMDev policy S1 for the Albrighton Area – Land at White Acres (ALB003). This housing allocation confirms that which as set out in the Albrighton Neighbourhood Plan 'Light', dated June 2013. The Development Guidelines for that policy, of which the current application site forms only a small part, envisages a capacity of 20 units and states:

“Development to deliver housing that is capable of occupation by people of retirement age. A proportion of one and two-bed units is sought within the

development. Development proposals should respect and enhance the character and significance of the Conservation Area and its setting, and provide an attractive pedestrian route between the High Street and Garridge Close. Vehicular access should accord with 'Manual for Streets' concept of shared streets with very low vehicular speeds."

6.1.4 The above policy context is a significant change to the material planning considerations which previously applied to this land when it was designated as Green Belt. It means that today there is no in-principle objection to residential development on this application site.

6.2 Sustainability

6.2.1 The site is approximately 250 metres from Albrighton Town Centre which has a range of facilities and services. The housing allocation shows that the Council accepts the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities without making long journeys and over reliance on the private motor vehicle.

6.2.2 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.3 Economic role – The proposed development will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers will access and use local services and facilities within Albrighton. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

- 6.2.4 Social role - The proposal will help boost the supply of open market housing and will provide a contribution to affordable housing at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and will benefit both the existing and future residents and help meet the needs of present and future generations.
- 6.2.5 Environmental role – The application site has no specific heritage, cultural or ecological designation. (While part of the housing allocation ALB003 falls within the Albrighton Conservation Area, that conservation area is some 90 metres from the current application site at the closest point). With regard to its ecological value the proposals would not result in any harm to these interests and the impact of development on existing trees can be safeguarded by the tree protection conditions recommended by the County Arboriculturist – see 4.7 above, and would also be a matter considered in detail at the reserved matters stage. The proposal would help contribute to a low carbon economy as the site is very accessible on foot or by cycle and by public transport to the array of services and facilities in Albrighton and further afield.
- 6.2.6 It is considered that the proposed development is sustainable having regard to the three dimensions of sustainable development. The proposed development would be acceptable in principle subject to a satisfactory scale, layout, appearance and, landscaping, which are matters which would be addressed at the reserved matters stage. The NPPF indicates that a proposal of this nature should be supported provided there are no adverse impacts that would outweigh the benefits.
- 6.3 Scale, layout, appearance and landscaping**
- 6.3.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment. SAMDev Plan policies MD2, MD12 and MD13 also include criteria to be taken into account in considering scale, layout, appearance and landscaping. The above are matters which would be considered at the reserved matters stage, should outline planning permission be given.
- 6.3.2 The alignment of the access road is a matter included in the present application and this would follow an alignment close and parallel to the northern site boundary. A damson tree would be removed, but this tree is less than 5 metres high and of a poor form as it divides into four twisted stems at less than 1 metre above ground level. It is considered that the removal of this tree would not detract from the visual amenities of the area.
- 6.3.3 The block plan submitted with the application also shows three dwellings is for illustrative purposes only, with vehicular access from Garridge Close being the only matter to be considered in detail at this outline stage. However the small size of the application site, coupled with the retention of the public bridleway route and the protection of the TPO trees, would restrict the number of dwellings that the application site could accommodate. It would be appropriate to attach the tree

protection conditions recommended by the County Arboriculturalist to inform the layout and landscaping reserved matters submissions.

6.4 Highway Safety and Accessibility

6.4.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development, which in the context of highways means development should only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. This proposal must be assessed in the context of the above national guidance and Development Plan policies.

6.4.2 The inclusion of this land within an allocated housing site in the SAMDev Plan shows that it is considered that the site can be safely accessed. Shropshire Council Highways, in their comments set out at 4.2 above, show that they are content that housing of the scale that could be accommodated by the application site can be accessed safely over Garridge Close. The access arrangements for any proposals that come forward in the future for the remainder of the ALB003 housing allocation would be assessed at that time against the development guidelines for that allocation.

6.5 Drainage

6.5.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development.

6.5.2 The Council’s Flood and Water Management Team have advised that details of the proposed surface water drainage can be conditioned and submitted for approval at the reserved matters stage in the event of outline planning permission being given. They do not envisage any unresolvable technical issues to achieving satisfactory drainage here for the development proposed. A foul sewerage connection is available. The precise drainage details would be fully assessed when a detailed scheme for the site is submitted for approval, should the principle of development be accepted.

6.6 Residential Amenity

6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of

existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise.

- 6.6.2 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere with SC Public Protection recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays and Bank Holidays) to mitigate the temporary impact. This matter could be conditioned on any approval issued, along with a condition requiring a construction method statement.

6.7 Affordable Housing

- 6.7.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. The proposal will deliver affordable housing at the prevailing rate to comply with Core Strategy policy CS11 and the associated Type and Affordability of Housing SPD. The delivery of the affordable housing contribution would be secured through a section 106 Agreement, with the amount being determined at the reserved matters stage in the event of outline planning permission being granted. With the applicant being Shropshire Council in this case, there would be the need for the completion of a Memorandum of Understanding to secure the affordable housing contribution through a section 106 Agreement on disposal of the land. This Memorandum would be supported also by a planning condition stating:

No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed to secure an affordable housing contribution in accordance with the Council's adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it).

6.8 Ecology

- 6.8.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. SAMDev Plan policy MD12 relating to the natural environment supplements these policies. The Council's Planning Ecologist has raised no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by conditions relating to the provision of bat boxes and artificial nests. The precise details of the landscaping would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatives relating to great crested newts, reptiles and nesting birds would be attached to any outline planning permission issued.

7.0 CONCLUSION

- 7.1 There is no in principle planning policy objection to residential development on the application site, due to the site being within the settlement development boundary and part of an allocated housing site in the Site Allocations and Management of

Development (SAMDev) Plan. (Policy S1 Albrighton Area and allocation ALB003).

7.2 There are no landscape impact, highway safety, drainage, residential amenity or ecological reasons that would weigh against the principle of residential development on this site. A contribution towards affordable housing would be secured through the Memorandum of Understanding/Section 106 Agreement mechanism.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:
CS1 Strategic Approach
CS3 Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations and Management of Development (SAMDev) Plan:
MD2 Sustainable Design
MD12 The Natural Environment
MD13 The Historic Environment
S1 Albrighton Area

SPD on the Type and Affordability of Housing
Albrighton Neighbourhood Plan 'Light' June 2013

RELEVANT PLANNING HISTORY:

BR/99/0414: Construction of a private drive – Refused 22nd July 1999. Appeal dismissed 18th April 2000.

BR/99/0043: Construction of private drive – Withdrawn 24th Feb. 1999.

Contact: Tim Rogers (01743) 258773

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

| |
|---|
| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) |
|---|

| |
|-----------------------------|
| Design and Access Statement |
|-----------------------------|

| |
|--|
| Cabinet Member (Portfolio Holder) |
|--|

| |
|---------------|
| Cllr M. Price |
|---------------|

| |
|---------------------|
| Local Member |
|---------------------|

| |
|-------------------|
| Cllr Malcolm Pate |
|-------------------|

| |
|-------------------|
| Appendices |
|-------------------|

| |
|-------------------------|
| APPENDIX 1 - Conditions |
|-------------------------|

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 3 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. All development or site clearance procedures on the site to which this consent applies shall be undertaken in line with a Risk Avoidance Measures for reptiles statement, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of reptiles, protected species

5. Prior to the first occupation of the dwellings an integral Schwegler bat box and 3 artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site in locations which have been approved in writing by the Local Planning Authority. The bat box and artificial nests shall thereafter be maintained in position.

Reason: To ensure the provision of roosting opportunities for bats, which are a European Protected Species, and nesting opportunities for wild birds.

6. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

7. No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed to secure an affordable housing contribution in accordance with the Council's adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it).

Reason: To secure the provision of an element of affordable housing within the development, in accordance with Shropshire Core Strategy policies CS9 and CS11.

8. Prior to delivery of materials or commencement of any development activity on site, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority, accurately plotting the trees and their root protection areas in accordance with British Standard 5837: 2012 - Trees in Relation to Design, Demolition and Construction. The Plan shall be based upon a final approved layout and identify the trees to be removed and those to be retained, and specify and clearly show the location of measures to be used to protect retained trees during the development.

Reason: To avoid causing damage to significant trees during implementation of the development.

9. Prior to commencement of development, a schedule of tree works to be carried out to enable the development shall be submitted to and approved in writing by the Local Planning Authority. The tree works shall be carried out in accordance with that schedule, prior to installation of the approved tree protection measures. Following installation, the tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development and shall not be moved or removed, even temporarily, without the prior written agreement of the Local Planning Authority.

Reason: To avoid causing damage to significant trees during implementation of the development.

10. Prior to delivery of materials or commencement of any development activity on site, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall describe how any works within or that could affect the Root Protection Area of a retained tree shall be designed, implemented and monitored so as to avoid causing damage to such trees. It shall specifically show how the access road and foot path are to be constructed without causing damage to the roots of protected trees within and adjacent the site.

Reason: This information is required before the commencement of development to avoid causing damage to significant trees during implementation of the development.

11. 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 highway 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: This information is required before the commencement of development to ensure a satisfactory access to the site.

12. Before first occupation details for the parking of vehicles shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

13. Before any other operations are commenced, the proposed vehicular access shall be provided and constructed to base course level and completed to adoptable standard as shown on the application drawings before the development is fully occupied and thereafter maintained.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

15. Demolition or construction works shall not take place outside the following times:
- Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13:00hrs
 - Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by the National Planning Policy Framework, paragraph 187.
2. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

3. The adder, common lizard, grass snake and slow worm are protected against intentional killing or injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
4. 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.

5. The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards. Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times. Building materials, debris, etc must not be stored or deposited on the right of way. There must be no reduction of the width of the right of way. The alignment of the right of way must not be altered. The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
6. 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 (Development Management Procedure) Order 2010 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 or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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.