



Committee and date
South Planning Committee
13 March 2018

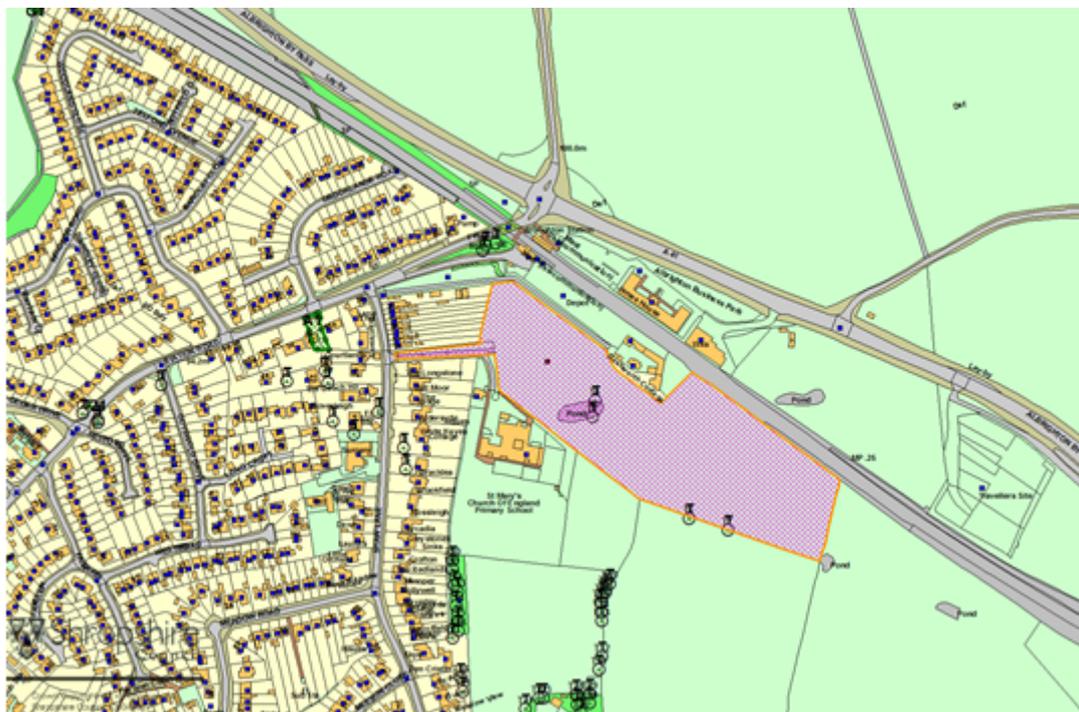
Development Management Report

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Summary of Application

Application Number: 17/03774/FUL	Parish: Albrighton
Proposal: Residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses; improved access	
Site Address: Proposed Residential Development Land East Of Shaw Lane Albrighton Shropshire	
Applicant: Jessup	
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk

Grid Ref: 381895 - 304421



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Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement in respect of affordable housing and maintenance of public open space, and to secure the provision of a raised table at the junction of the access with Shaw Lane, together with on-street parking restrictions within the development prior to and after any adoption by the local highway authority, and the conditions set out in Appendix 1. That delegated authority be given to the Area Planning Manager to amend the conditions as may be required as part of concluding the content of the Section 106 Agreement.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposals relate to agricultural land, situated on the eastern edge of Albrighton. The land is part of an allocation for residential development (ref ALB002) in the Adopted SAMDev plan, with the southern portion of this allocation already having planning permission through its allocation for development in the Bridgnorth District Local Plan (ref ALB1) and the grant of outline permission in December 2011 (ref 08/0907) and reserved matters approval in June 2015 (ref 14/05456/REM), and a resolution to permit application 15/02448/FUL, subject to the completion of a Section 106 Agreement relating to affordable housing and the maintenance of public open space.
- 1.2 The proposed vehicular access to the site would be from Shaw Lane. The land which currently contains the school access drive and the adjacent field access, along with part of the garden to the dwelling on the northern side of the present access arrangement, would be combined to form a 5.5 metre wide access road with 2 metre wide footways on either side. The access road would, beyond the school entrance, follow a curving 'S bend' alignment with the extra care building (Containing 21 one bedroomed and 53 two bedroomed flats) and its associated 37 space car park on the northern side. The south side of this road section would be public open space that would incorporate an existing pond and an attenuation pond. Amendments made during the course of considering the application have added a 12 space parking area for railway station users on the southern side of this road section.
- 1.3 Along the northern side of the access road, where it would revert to a relatively straight alignment, there would be three pairs of semi-detached two bedroomed bungalows, two pairs of which would have an outlook over the public open space opposite. Each of these properties would have two tandem car parking spaces. The southern boundary of this area of public open space would be with the school grounds, with the eastern end formed by a private drive serving three detached dwellings and a semi-detached two bedroomed dwelling. There would be variations in terms of handing and fenestration treatment to the four bedroomed detached dwellings. All these dwellings would have two off-road parking spaces, with the detached dwellings also featuring a single integral garage. The semi-detached pair of dwellings at the entrance to the private drive would be dual aspect, with one of the units also fronting the main access road.

- 1.4 Towards the centre of the site there would be a staggered cross roads. The southern spur would be a short cul-de-sac serving three detached dwellings and a semi-detached dwelling on its western side. This road has been re-aligned on amended drawings to line up with a cul-de-sac in application 15/02448/FUL for housing development to the south, to allow for a pedestrian and cycle connection, but there would be no vehicular access connection to proposed development to the south. These house designs would also feature variations in handing and fenestration treatment, with two off road parking spaces each and single garages for the detached units. On the eastern side of the cul-de-sac, and immediately south of the main access road, would be an area of open space which would be adjacent to two large trees and a hedgerow along the southern site boundary. This area of open space would contain a second attenuation pond as part of the surface water drainage system.
- 1.5 The northern spur off the cross roads would also form a cul-de-sac and would have a pair of dual fronted properties either side of the junction: That to the west would be a semi-detached pair, with that on the eastern side being the end of a terrace of four dwellings. The houses on the western side of the road would be in the form of a pair of semi-detached dwellings and a terrace of four, with a terrace of four on the eastern side. They would be mix of two bedroomed dwellings, with the four mid terrace units containing three bedrooms, with the third bedrooms over an open fronted parking area giving access also to their rear gardens. Each dwelling would have two off-road parking spaces. There would be an area of public open space adjacent to the cul-de-sac turning head.
- 1.6 The main access road would continue on a straight alignment in the eastern portion of the site up to the eastern site boundary. To the east of the public open space referred to in paragraphs 1.2 and 1.3 above, there would a row of three short terraces, each containing four dwellings. This grouping would contain six two bedroomed and six three bedroomed dwellings, in a similar form to the other short terraces in the development, but with the dwelling at the western end of the group having its main entrance on the side, overlooking the public open space. Each property would have two off-road parking spaces.
- 1.7 There would be a loop road off the northern side of the main access road that would enclose a further area of public open space. Around the northern edge of this loop there would be a mix of semi-detached and terraces dwellings. There would be two short private drives each serving four dwellings, with the remaining properties having parking spaces accessed direct from the loop road. The group would contain 12 two bedroomed and 4 three bedroomed dwellings, again with each having tow off-road parking spaces.
- 1.8 The proposed extra care building would have a 'U' shaped floor plan enclosing three sides of the parking area, with a short wing extending out in a south easterly direction. It would be predominantly three storey building with a dual pitched roof, but the ends of the building would step down to two storeys. The elevations would be given a vertical emphasis by the palette of facing materials proposed (brick and

render), breaks in the eaves by short bays being roofed by extensions to the main roof plain to eaves lines tight above windows and balconies (with steel and glass balustrades) set between those bays. The windows would be predominantly two bay casements, with french windows to some ground floor openings and onto balcony areas. The building would contain 74 flats. Facilities that would be provided on the ground floor would include a managers and administration offices; staff room; laundry; buggy store; commercial kitchen; kitchen staff office; kitchen store; café/restaurant; communal lounge and a hair dressers area. There would be assisted bathroom provided on the first floor of the building.

- 1.9 The proposed dwellings would be a mix of 36 two bed roomed, 16 three bed roomed and 6 four bed roomed dwellings. The elevations would include a mix of facing brick with rendered elements; projecting gables, pitched roof and flat roofed open canopy porches, bay windows, dual pitched and flat roofed dormers, juliet balconies, brick string courses, window heads and sills, variations in ridge heights to elements of the detached dwelling designs and within the semi-detached and terraced units. Some of the detached dwellings (plots 55, 64) would feature first floor glazing to the front gable extending up into the gable apex. The roofs would be a mix of gabled and hipped roofs of grey interlocking tiles.
- 1.10 The landscaping scheme would include the retention of existing boundary hedgerow and trees and trees within the site around the pond; new native hedge and tree planting to the site boundary with the school; new hedging to supplement fencing to edges of the public open space close to the railway boundary; trees and sections of hedges to front garden boundaries and new tree planting within the areas of public open space. Some 96 new trees are proposed of 20 species, including field maple, horse chestnut, alder, snowy mespil, silver birch, beech, wild cherry, oak, whitebeam mountain ash and lime. The hedging would be a mix of maple, hazel, hawthorn, holly, privet and guilder rose.
- 1.11 An affordable housing statement has been submitted which states that the 74 extra care apartments and 6 extra care bungalows would be for people over the age of 55 (With 24 hour care services available to those that need them), and 30 of the dwellings would be for general needs at affordable rents. It is intended that the extra care accommodation would be let and managed by Choices, who are part on The Wrekin Housing Group, on affordable rents. The 30 general needs two and three bed houses would be let and managed by The Wrekin Housing Trust, with the balance (a mix of 28 two, three and four bed houses) being open market properties.
- 1.12 A Planning and Design and Access Statement; Transport Assessment; Landscape Management Plan; Flood Risk Assessment ; Noise Report; Ecological Report; Phase 1 Site Appraisal and Heritage Statement accompany the application drawings.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is situated to the east of Shaw Lane and is currently agricultural land. The access from Shaw Lane is bordered by existing residential properties and their gardens. Adjacent to part of the southern site boundary is St Marys Primary School and associated land, with agricultural land adjoining the remainder of this boundary. (The latter land forms part of the allocated housing site and is the subject of planning application 15/02448/FUL for residential development). The eastern site boundary adjoins agricultural land. To the north is the Wolverhampton to Telford railway line, a residential property and a range of buildings formerly used as a builders yard with permission for residential development and access to those properties. The area beyond the private access is used for caravan storage. To the west are the long rear gardens to properties on Shaw Lane.

2.2 The site has an area of approximately 3.5 Hectares.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised and the wide public in these proposals warrant the application being determined by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

(Where consultees have made more than one comment, the latest comments are set out first in order to show where earlier concerns have been overcome).

4.1 Albrighton Parish Council – Object:
Albrighton Parish Council at its meeting on 7th September objected to planning application 17/03774/FUL on a number of grounds despite approving development in this area of the village as outlined in the Neighbourhood Plan 'Light' of June 2013.

One of the key problems identified by members is the issue of access to the site. The proposal would see a large number of extra vehicles in the area of Shaw Lane/Station Road that is already heavily congested as residents make use of the Primary School and the medical centre and people travelling from the railway station use local streets to park their cars. The suggestion in the application that the development would link to one to the south allowing access from Kingswood Road is not corroborated by the other developer concerned. The station car park which was included in the original proposal for this area of the village, to remove on street parking by commuters, appears to have been lost and this is a major concern for

the council and makes the application difficult to support.

Councillors were also concerned about the ability of the drainage system to cope with the extra houses and apartments and the additional workload for the doctors that would inevitably result from 74 extra care apartments and 6 bungalows reserved for the elderly. Members also noted that there was a reduction in the amount of open space, which now seems to comprise of one sports pitch, which falls far short of the needs outlined in the Neighbourhood Plan.

4.1.1 Donington with Boscobel Parish Council – Object:

Although the application does not sit within the parish boundary it was felt that the application is proposing such great impact, that the council needed to address this and offer its comments as follows:

Traffic problems already existing in the area (Shaw lane and Station Road are heavily congested with residents accessing the medical centre and Primary School, not to mention the vast number of cars parked along the streets by commuters using the railway station) will become impossible. The original proposal for this site had provision for a railway station car park, which would have helped to ease the current situation regarding on street parking. This application has no provision for commuter car parking and this is seen by the Council as a major flaw in the application. The Council has concerns about the current drainage system and how this will be able to cope with all the additional homes that are proposed, as areas of both Shaw Lane and Station Road are still prone to flooding after heavy rain, even though major works by Severn Trent took place after the 2006 flooding to remedy this. Concerns have been raised over the makeup of the housing stock, having an extra 74 care apartments and 6 bungalows will surely put extensive pressure on the local medical facility. The Neighbourhood Plan "Light" of June 2013 outlined that there was a need for low cost housing, and the Council would hope to see young people and families moving into the area rather than such a migration of elderly to what is already a predominantly older persons' parish.

4.2 SC Highways Development Control (20.02.18) – No Objection:

Further comments made by the applicant's transport consultant and the additional information provide relating to the proposed station parking has been considered. Some concerns remain with respect to impact of road on school travel behaviours, on un-restricted street parking in the proposed development being by commuters and school visitors, parents and staff, leading to further vehicle trips passing the school entrance in both directions; and the right radius bends which would be effective in reducing vehicle speeds, but not sufficient in width to accommodate delivery vehicles and refuse vehicles; location of station parking spaces not ideal due to no direct access to the station; assumptions made about likely staff levels at the extra care facility and their use of more sustainable modes of travel.

Despite the above, In terms of policy considerations, Section 32 of the National

Planning Policy Framework states the following;

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure*
- safe and suitable access to the site can be achieved for all people*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*

In terms of the location of the development then it is considered that it is in a sustainable location, within close proximity to local amenities such as the Primary School, Medical centre and Railway station. Therefore, there are opportunities for sustainable travel modes.

The development will provide carriageway width of 5.5 metres with a 2 metre footway therefore provision has been made for pedestrians to use the site. Most notably Paragraph 32 of the NPPF, states that Development should only be prevented or refused on transport grounds where the residual impact is severe. Shropshire Council would therefore need to demonstrate the impact of the Development is severe. Whilst Shropshire Council as Highway Authority have a number of concerns with the application under considered it is not felt in appeal situation a Highway refusal could be sustained.

It is felt a more appropriate position would be to require the applicant to undertake a number of improvements to the transport network, within the site and on the surrounding network to ensure a more satisfactory application is taken forward that limit the significant impact of the Development.

These measures are as follows;

- 1) Parking within the site should be restricted, it is recommended that a condition is attached to any permission granted to require the Developer to introduce a restriction on parking on the main access road within the site, prior to the occupation of say the 25 dwelling, this will reduce the concerns with regard to vehicles driving into the site to locate a parking space during school time or prior to catching a train from the nearby station. A Highway contribution can either be secured through a Section 106 Agreement or a clause inserted within the Section 38 agreement that requires the Developer to make a contribution to cover the cost of a formal Traffic Regulation Order to restrict parking within the site.

- 2) Details of the permitting scheme for the station parking should be submitted for approval prior to commencement and remain in place for the duration of the development.
- 3) Details of access to the site via the junction with Shaw Lane should be submitted for approval prior to commencement, it is recommended that these details include a raised plateau at the junction with Shaw Lane, this will reduce vehicle speeds for vehicles entering the site and restrict parking within close proximity to the junction and protect the proposed visibility splays.
- 4) A Travel Plan should be submitted to cover the residential and 'Extra Care' facility to ensure that sustainable travel is maximised where possible.
- 5) In terms of deliveries to the 'Extra Care' facility these should be restricted to outside School drop off times.
- 6) A construction management plan should be submitted and approved prior to commencement that controls all vehicles within the site, however specifically restricts construction vehicles entering the site between 8.15-9am and 2.45-3.30pm, depending on school times.
- 7) Details of the construction of the road, should be submitted for approval prior to occupation of any part of the development to include the Extra Care facility, all visibility splays within the site should be maintained and kept clear at all times.

4.2.1 SC Highways Development Control (18.12.2017) – Comment:

- In SAMDev Plan process recommended a predominantly pedestrian and cycle access only via the school driveway off Shaw Lane, requiring all vehicle access to be from Kingswood Road. This was required to maximise sustainable connectivity for the new development, as well as minimise any potential conflict of child pedestrian activity and vehicular traffic along the current school driveway.
- Remain concerned about the scale of development and the impact of vehicles accessing and exiting the site vis Shaw Lane; would encourage applicant to reduce the scale of development or seek alternative vehicular access to the site for at least the residential dwellings.
- Notwithstanding the above concerns, the proposed link in the scheme and the development to the south should be restricted to emergency, pedestrian or cycle only to prevent a through vehicular traffic route being created.
- Details of the proposed access via Shaw Lane should be provided; consideration given to parked vehicles and if necessary the introduction of a Traffic Regulation Order preventing parking and the associated displacement.
- Transport Assessment needs to clarify and address the type of housing to be provided in terms of trip generation.
- Provision of car parking for the station needs to be taken into account in the --- Transport Assessment.

Remain concerned about the likely impact the proposed development will have on travel behaviour, the proposed development could provide un-restricted access to on street parking, and increase the number of vehicles passing the school. Whilst it is suggested within the technical note sent 25th October 2017, that residents will be leaving the site to access employment outside of the Albrighton area before 8am, so wont conflict with school movements, cannot agree with this assumption and will need to seek further re-assurance. Further consideration also needs to be given to the care home, is it likely staff will be arriving? Or will it be supportive living so the number of staff will be minimal? Will there be deliveries to the site, can these be restricted to outside school times?

4.2.2 SC Highways Development Control (13.11.2017) – Cannot Support at present time:

The planning application has failed to adequately demonstrate the impact of the proposed vehicular and pedestrian activity, of the proposed development, on the local highway network, and in particular its likely effect on the local primary school access. Therefore, the Highway Authority cannot currently support this planning application.

Comments/Observations:

The following comments relate specifically to the Savoy Consulting Technical Note, and amended site plan (15003/2 REV G) submitted 25/10/2017.

It is acknowledged that this revised site plan now shows the potential for one point of vehicular/pedestrian connectivity between this proposed development and the adjacent Millfields Development (Boningale Homes). Although, this is considered to be a positive step towards a more acceptable estate road layout, another points of connection on the eastern site boundary is preferred and was expected as part of the original whole site allocation. .

The deficiencies in the TA as expressed in WSP's Highway Advice Note (21/09/2017) have not yet been addressed or otherwise satisfactorily justified, to determine whether the data used is appropriate for this location. Secondly, the proposed layout of the development has now been significantly changed, providing unencumbered vehicular and pedestrian access to/from the adjacent development, which has not been considered within the original TA, for this site.

Notwithstanding the above, the developer has also failed to acknowledge that this development proposal will significantly alter the local highway situation adjacent to the established primary school. Such that any current travel behaviours experienced are likely to change. Due to the opportunities, specifically created by the proposed development, in providing direct vehicular access and unrestricted on-street parking immediately outside the school entrance, which has not been available previously. As well as, significantly increasing the number of vehicles physically passing the school gates, generated by the new developments proposed.

In the circumstances, and without a revised Transport Assessment, it is considered that from a highways and transport perspective, the highway authority cannot support this planning application, at this time.

4.2.3 SC Highways Development Control (02.10.2017) – Do not approve in current form:

The principle of residential development at this location is considered generally acceptable, subject to the provision of appropriate access arrangements serving the site, in accordance with the previous expectations for this development site.

The original highway and transport consideration of the potential development site, through the SAMDev process, recommended a predominantly pedestrian and cycle access only via the school driveway off Shaw Lane. Requiring all vehicle use to be restricted to the adjacent residential development, off Kingswood Road. This was required to maximise sustainable connectivity for the new development, as well as minimise any potential conflict of child pedestrian activity and vehicular traffic along the current school driveway.

In addition, the expectation of vehicular routing via Kingswood Road, and subsequent connectivity to the wider strategic network, for the current planning application will be lost. It should be noted that in general Highway & Transport terms the previously agreed Kingswood Road connection it considered more appropriate and safer than the current proposal to only use Shaw Lane.

Currently, the existing arrangements for school pick up/drop off on Shaw Lane, works well and in terms of road safety this is supported by the PIC record. However, with the proposed widening of the existing school access road, effectively providing a new public highway (access for all) will fundamentally change how parents/children access the school. Insofar as, providing an opportunity for parents to park immediately in the vicinity to the school entrance, significantly increasing the potential in pedestrian/vehicular conflicts, not just with parents/children but also with the development construction traffic and the subsequent occupiers of the new dwellings.

Ideally, access to this development site should be restricted to pedestrians, cyclists and emergency vehicles, via the school driveway, as previously indicated. However, if some form of concession is required to allow some development. It is considered that this would be better limited to the extra care facility only, together with an improved private access road, with public pedestrian/cycle access allowed. As the associated vehicular impact will be limited. Therefore, all the residential housing traffic from the remaining elements of the development will have to be routed via the Millfields development.

The following comments are specific to the submitted Transport Assessment and Junction Capacity Information, which in the context of the advice above, does not provide sufficient justification to support the application, as submitted.

- The application refers to 74 apartments as opposed information to the TA which refers to 69 apartments. This needs to be noted but is not critical to the assessment findings.
- The 5 year PIC data is now 1 year out of date. It is noted that there is no evidence in the report of a zero output.
- The report does not address the walking distance to the nearest bus stop. It is suspected that much of the development proposed is considerably greater from the bus stops on High Street than the 400m ideal.
- The design year quoted is 2021. However, it is more appropriate for a design year which is 5 years after expected full dwelling occupation. However, given the RFC's in the junction assessment are quite low, then a later design year may not change the results significantly.
- The detailed TRICS data is normally required to check the suitability of the selected sites. However, given the junction assessment performs well within capacity, it is considered that there will be no need to request this information on this occasion.

4.3 SC Ecology (11.12.17) – No Objection:

Great Crested Newt Habitat Suitability Survey was carried out in May 2017 and a Phase 1 Preliminary Ecological Appraisal in July 2017 by Stefan Bodnar.

Habitats

Habitats on the site consist of improved grassland, hedgerows, mature and semi-mature trees, and a pond.

Trees and hedgerows should be retained where possible. 'If any trees or hedges are unavoidably lost to accommodate the scheme, suitable compensation planting should be carried out.'

The landscaping scheme should include native tree, hedgerow, shrub and wildflower planting, using native species of local provenance.

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.

A Habitat Management Plan should be produced for the site, particularly in relation to pond improvements.

Connectivity should be maintained and enhanced along the southern boundary (to ensure that the ponds are not isolated from each other), along the northern boundary (along the railway line, which is an ecological corridor) and along the eastern boundary (to connect the southern and northern boundaries).

Bats

Four trees on the site contain potential roosting features: two ash trees in the northern hedgerow, one oak tree in the southern hedgerow and one crack willow at the pond margin.

None of the trees will be directly affected by the development. Should any works to the 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.

Bat boxes should be erected on the new dwellings to provide additional roosting opportunities for bats.

The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance. There should be no illumination of the hedgerows, trees, pond or location of bat boxes.

Badgers

A pre-commencement survey should be carried out to determine whether any setts are present on or within 30m of the site and whether there is any evidence of foraging or commuting on the site. If any evidence of badgers is observed during the pre-commencement survey, an appropriate mitigation strategy will be required.

Great crested newts

There are a number of ponds within 500m of the site. Pond 1 is an on-site pond. Pond 2 lies adjacent to the eastern boundary. Pond 3 lies approximately 115m to the south-east. Pond 4 lies approximately 265m to the south-west. Pond 5 lies approximately 410m to the south-west. Pond 6 lies approximately 25m to the north.

The ponds were subject to Habitat Suitability Index (HSI) assessments in 2015 by Tyler Grange. Ponds 1 and 5 were calculated as having 'Good' suitability to support great crested newts, Ponds 3 and 4 had 'Average' suitability and Pond 2 had 'Below Average' suitability. Pond 6 was not identified during the 2015 survey (it may not have existed at the time). An additional pond was identified approximately 115m to the south; this pond was small and nearly choked up so does not seem to exist any more.

Tyler Grange carried out presence/absence surveys in 2015. Pond 4 'was scoped out following the HSI assessment as it was considered not to be suitable for GCNs due to the fact it comprised a garden duck pond of brick and concrete construction with vertical edges and the presence of fish.'

No great crested newts were recorded during the surveys. Smooth newts were recorded in Ponds 2, 3, 5 and the additional pond and frogs (or tadpoles) were recorded in Ponds 1, 2 and the additional pond.

HSI assessments in May 2017 calculated Ponds 1 and 5 as having 'Below Average' suitability and Pond 4 as having 'Poor' suitability. Ponds 2, 3 and 6 were dry at the time of the survey 'and showed little evidence of holding water in recent times.'

Suitable terrestrial habitats for amphibians are limited to the hedgerows and pond margin.

No further consideration of great crested newts is required but the following working methods should be

In order to protect amphibians from harm, section 4 of the Great Crested Newt Habitat Suitability Survey and Newt Mitigation Strategy contains the following method statement that should be followed in full prior to and during development:

- A toolbox talk will be provided to site staff.
- 'Any clearance of vegetation, leaf litter and masonry should be carried out carefully and any common newts or other amphibians other than great crested newts found, should be removed immediately to a place of safety.'
- 'Carefully strip [øf] any paved area or gravel on which the development is to take place.'
- The duration of groundworks will be kept as short as possible.
- Works will be undertaken during daylight hours only.
- Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.
- Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.
- If a great crested newt is discovered at any time, works must immediately cease and a suitably qualified ecologist contacted for advice.

The on-site pond (and adjacent pond, if possible) should be enhanced as part of this proposal and measures to undertake this should be included within a Habitat Management Plan.

Connectivity between the on-site pond and the wider site must be maintained and enhanced. There must be no illumination of the pond. Refugia and/or hibernacula should be created in suitable locations on the site, e.g. around existing ponds and along the southern boundary. The site layout should include amphibian.-friendly drainage solutions. These elements should be included in the Habitat Management Plan.

Reptiles

Tyler Grange carried out a reptile survey on the site in July 2014. No reptiles were recorded but a small number of toads were observed.

Update surveys are not considered necessary, provided that the method statement and enhancements recommended in relation to amphibians are followed in full.

Birds

The hedgerows and trees provide potential nesting opportunities for birds.

Any vegetation removal should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

The mature trees contain suitable roosting opportunities for owls. 'The grassland is currently unmanaged and has developed a tussocky sward with a high number of field voles present, its structure and prey availability make the site highly suitable for foraging birds of prey and owls. A foraging kestrel was seen on site during the survey, and the site could provide foraging habitat for barn owl and tawny owl'.

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for a range of bird species. The apartment building is particularly suitable for swift boxes.

Other species

The site boundaries and the pond margin provide suitable habitats for hedgehogs

Connectivity around the site should be retained and enhanced through the use of hedgerows and, where fencing is to be used, gaps in the gravel boards.

Hedgehog boxes should be located in suitable locations on the site, e.g. around the site boundaries.

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Conditions recommended requiring a pre-commencement survey/check for badgers; approval and implementation of a habitat management plan; submission of a report demonstrating the implementation of the great crested newt reasonable

avoidance mitigation measures strategy; approval of an external lighting plan; provision of bat, bird and hedgehog boxes.

- 4.3.1 SC Ecology (30.08.2017) – Additional information required relating to great crested newts and environmental network. Without this information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).
- 4.4 SC Regulatory Services (12.12.17) – Recommend contaminated land condition and noise insulation condition for properties in close proximity to the railway line be attached to any approval:

Patrick Parsons on behalf of Jessup Brothers Ltd, have submitted a Phase I Site Appraisal, Shaw Lane, Albrighton; ref. B16295 dated December 2016. The Phase I Report has also reviewed previous site investigations by Komex and Worley Parsons on behalf of Second Site Property Holdings Ltd and National Grid Property Holdings Ltd (Gas Companies).

The proposed development site includes what is thought to be an area where former infrastructure (tanks/gasholder) associated with the Albrighton Gasworks were located. The actual gasworks (now a builders yard) where the primary coal gas manufacturing works were carried out is less than 15m from the site boundary in places and is known to be significantly contaminated as no remediation has been carried out and many of the below ground gasworks features and associated contamination remain. This site has been subject to a site investigation required by a previous planning permission and a current application is being considered. Public Protection has not had the benefit of seeing these reports by Komex and Worley Parsons and would welcome copies in order to review any additional information associated with the use of part of the proposed development site as part of the gasworks.

Having regard to the above the full contaminated land conditions should be included if permission was granted.

Having regard to the above partial land use as part of the gasworks, the Environment Agency should be consulted as it meets their consultation matrix.

In relation to noise an assessment has been provided that specifies mitigation. Recommend the following condition should this application be granted approval:

Glazing and ventilation with the ability to provide the mitigation stated in Table 5 and table 7 of the noise.co.uk noise report reference 17522-1 shall be installed to all facades marked in section 13.7 of the same report. In addition a 1.8m high close boarded fence with a minimum density of 15kg per square metre shall be installed along the boundary of the site that adjoins the railway to the north.

Reason: to protect the health and wellbeing of future residents.

4.4.1 SC Regulatory Services (24.11.2017) – Comment:

There is historic land use at an adjacent site which is thought to have been a gas works. Recommend condition requiring an investigation into potential land contamination and remediation on any approval issued.

4.4.2 SC Regulatory Services (30.08.2017) – Comment:

Noise assessment required as application proposes residential properties close to the railway line. Adjacent to a site which contained a gas holder and a condition relating to contaminated land is recommended.

4.5 Environment Agency (02.01.2018) – No Objection:

Groundwater: The site is located above a Secondary Aquifer, groundwater Source Protection Zone (SPZ3), WFD groundwater body, WFD drinking water protected area and contains a surface water body. We consider the previous gas works land use to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.

We have reviewed the Phase 1 Site Appraisal (Ref: B16295, dated 16.12.2016) and are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details will be required in order to ensure that risks are appropriately addressed prior to the development commencing and being occupied. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected.

Groundwater is potentially at shallow depth and the site is located in a groundwater source protection zone (SPZ3); we do not agree with the desk study conclusions that there is a low risk to controlled waters and further comprehensive intrusive investigation and analysis will be required. We are aware of a development proposal adjacent to this site for which we have recommended contaminated land conditions. We are aware that significant soil and groundwater impacts have arisen as a result of the former gasworks activities on the adjacent site. Therefore as well as the former gasworks infrastructure on this site there may also be off site sources of gas works contamination to take into account and the scope of intrusive investigation works and monitoring should be designed accordingly. When undertaking the required further site investigation reference should be made to the DoE Industry Profile for gas works (<https://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/198-doe-industry-profiles>) to ensure that a comprehensive list of potential gas works' contaminants is tested. For example in addition to the determinands proposed, analysis for ammonia, nitrate, sulphide, sulphate, thiocyanates, complex and free cyanide should also be included.

Condition: No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority: 1. The results of a site investigation based on the submitted Site Appraisal and a detailed risk assessment, including a revised CSM. 2. Based on the risk assessment in (1) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary. 3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (2). The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

Piling or any other foundation designs using penetrative methods can result in risks to controlled waters. It should be demonstrated that any proposed piling will not result in contamination of groundwater.

Condition: Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential

pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

4.6 Severn Trent Water – No Objections:

Recommend condition requiring the submission and approval of drainage plans for the disposal of foul and surface water flows and the scheme implemented in accordance with the approved details before the development is first brought into use, to ensure satisfactory drainage; to prevent or avoid exacerbating any flooding issues and to minimise the risk of pollution.

4.7 SC Affordable Housing (25.01.2018) - No Objection.

The extra care element of this current proposal is supported for the reasons outlined by the applicant in the supporting documentation. The units will provide rented tenure; the terms and allocation of which should be reflected in the S106 Agreement should the development be supported. The 30 rented units will support the delivery of affordable housing in an area of high housing need and therefore this element of the proposal is supported by the Housing Enabling team. The following conditions were suggested for the extra care scheme at Ellesmere Road, Shrewsbury and should be reflected in the current proposal:-

1. The extra care residential units of accommodation (Sui generis) shall not be used for any other purposes including those uses within Use Class C2 or C3 of the Town and Country Planning (Uses Classes) Order 1987 as amended, and the occupation of the extra care units hereby approved shall be limited to persons who have reached the age of 55 and who are in need of extra care.

Reason: The extra care apartment block is unsuitable for general needs housing due to the lack of parking and amenity provision.

2. The extra care units shall solely be occupied by those demonstrating a local connection as defined in the Shropshire Affordable Housing Allocation Policy.

Reason: To meet the identified extra care housing need in Shropshire

3. The extra care accommodation made up of 74 units shall be made available as Affordable Rent extra care accommodation and shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

The S106 should reflect the following tenures: affordable/discounted and social rented tenure.

4.8 SC Conservation (29.01.18) – No Objection:

Following initial comments a Heritage Impact Assessment has been undertaken and now accompanies this application. The assessment concludes that there will be minor impact upon the Designated Heritage Assets identified at Albrighton Railway Station and that the harm caused by the development upon these heritage assets would be less than substantial. We would generally concur that the harm caused would be less than substantial in this case, this harm must therefore be weighed against the public benefits of the scheme by decision makers.

4.8.1 SC Conservation (07.09.2017) – Comment:

The site does not lie within a conservation area but the north western edge of the development lies within close proximity to the Grade II listed Railway Station, footbridge and railway bridge. The application includes a brief design and access statement but no attempt has been made to assess the impact of the proposal on the adjacent heritage assets. The proposed extra care apartment block is set to the north western boundary of the site within approximately 30 meters of the nearest listed building. The scale and dominance of this building in this location has the potential to have a detrimental impact upon the listed building. This needs to be explored further in a heritage impact assessment. Please re-consult conservation when this information is available.

4.9 West Mercia Constabulary – No Objection:

Applicants should aim to achieve Secured by Design (SPD) award status.

4.10 SC Archaeology – No Objection:

An archaeological and heritage desk-based assessment (EDP, April 2015, Report Reference EDP2602_02b) was recently compiled in relation to this application site (available under application 15/02448/FUL). This report concluded that the current proposed development site is considered to have a low archaeological potential for all periods.

In addition to the results of the desk based assessment, it is noted that the transcription of the Tithe Award map for Albrighton Parish of 1846 indicates that the western extent of the development area was known as Great Show or Brick Kiln Field. It also records a Pit, which today forms the pond lying within this part of the application site, and may represent the remains of a former clay pit. There is therefore some potential for below ground remains relating to postmedieval brick kilns to be present within the proposed development site, and as such the application site is considered to be of low to moderate archaeological potential.

RECOMMENDATION:

In view of the above, and in relation to Paragraph 141 of the NPPF and Policy

MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works associated with the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4.11 SC Parks and Recreation – No comments.

4.12 SC Drainage – No Objection:

The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The proposed surface water drainage strategy in the FRA is acceptable in principle.

The use of soakaways should be investigated in the first instance for surface water disposal. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Should 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 + 35% 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 the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development.

3. Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be

provided to ensure that the drainage system remains in good working order throughout its lifetime.

4. Details of the proposed highway surface water drainage systems should be provided.

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

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

-Public Comments

4.14 64 Objections have been received which are summarised below. The full text of the comments may be viewed on the planning file:

-Traffic congestion problems on Shaw Lane caused by doctors' surgery and school; no mention of this linked issue in Transport Assessment.

-With linked road to Boningale development it can be assumed that some of this traffic will seek egress onto Shaw Lane to reach M54.

-Station parking is also a problem, with parking restrictions pushing car parking onto Shaw Lane and adjacent roads.

-Use of rail and school likely to have to expand, with requirements for more car parking.

-Safety issues with access alongside that to the school.

-At peak times up to 200 children are deposited or collected at the school in a short period of time; driveway and footway are used to manage this flow.

-Improved perimeter school fencing needed for security with adjacent land changed from agricultural to residential use; planning condition needed to ensure safe perimeter fencing and gates to school site.

-If development is for Senior Citizens would be no surprise if ambulance traffic adds to congestion.

-Question times of traffic counts when school day end at 1515 and that time was not covered.

-Construction traffic a safety risk to school children.

-Noise from construction works harm health and education of school pupils and staff and education of pupils.

-Should not access into Shaw Lane but find a route closer to the station.

- Other developments in the area which have been approved must be taken into account to assess overall impact.
- All access should be via Kingswood Road.
- Hazardous driving on Shaw Lane from 8.00am to at least 6.30pm.

- Need independent traffic survey.

- Need to increase station parking.
- The development should provide better parking for the school and station users.
- Inadequate public transport service to cope with increased passenger numbers.

- Overload foul drainage in Shaw Lane.
- School access road prone to flooding.
- Drainage should not be connected to overloaded pipes in Shaw Lane.

- Charing for parking at The Crown Public House will exacerbate congestion in the Shaw Lane area.

- Object to large 3 storey building as no other buildings of 3 storey scale in village
- Additional patients for already full medical centre.

- Site for care home more suited for commuter homes.
- Noise disturbance from railway would affect residents.
- Village needs more young folk and not a sizeable car home.

- Previous suggested plan by Boningale Homes had more merit.

- Density of development not sustainable.

4.14 Albrighton and District Civic Society – Object:

- Access would only be from the widened school drive and there are not rights to drain into the Boningale Homes drainage/sewage system to the south.
- Considerable traffic congestion problems in Shaw Lane; traffic study done avoiding times when school children were being brought to/from school and not always when the medical centre was open.
- Not acceptable for development to use Shaw Lane for access.
- Foul and surface water joint drainage pipe in Shaw lane to be connected to is already overloaded; whilst drainage works done after major flooding a few years ago the system is still fragile in the Shaw Lane area.
- No additional parking proposed for railway station users.
- Would lose the benefits offered by the overall Boningale Pkan for the whole site; original SAMDev based concept would be fundamentally and adversely changed.

4.15 St Marys School – Comment:

-Priority is to ensure proposals have no negative effects on the school and its operation.

-Lichfield Diocesan Trust owns the area of the school buildings and the top part of the drive, with Shropshire Council owning the playing fields and former caretaker's house.

-Current exclusive use of school access allows school to manage the peak flow of children and parents at the start and end of the day by closing off all vehicular access along driveway and member of staff standing by gates onto Shaw Lane. ---- Proposals would remove the school's ability to separate vehicles and children at peak demand.

-Developer's proposals to increase footpath on south side of access road to a minimum 2.2 width, install barrier fencing at the kerb on the south side of the access road, install raised table on access road in front of school entrance, provide new gates at school entrance and lighting, and to provide double yellow 'no parking' lines the length of the access road ending after the vehicular entrance to the sheltered housing are proposals that will improve safety for the children.

-Development proposal would require school boundary fencing to be improved to meet child safeguarding requirements. Preference would be for 2m high Paladin colour coated weldmesh fencing to the school boundary proposed by the developer or made on condition of a planning permission.

4.16 Letter from MP (Mark Pritchard) – Objects:

-The Development is not contained in the SAMDev Plan

-Development does not include parking for the station which is essential for the future of the railway.

-The three storey extra care apartments would be detrimental to the visual amenities of the area.

-Concerns over highway congestion and highway safety with access and egress solely from Shaw Lane.

-No approved sewage and drainage scheme for the development and system is already overloaded causing flooding in the area.

-Not in keeping with the ancient character of the area.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structures and impact on setting of heritage assets

Landscaping and Ecology

Open Space

Residential and School Amenity

Highway Safety and Parking

Drainage

Contamination
Housing Mix
Archaeology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The land comprising the application site is part of the housing land allocation ALB002 set out in the adopted Shropshire Council Site Allocations and Management of Development (SAMDev) Plan under the settlement policies set out in that document. The schedule S1.1a: Housing Sites for land east of Shaw Lane (ALB002) has a provision guideline of 180 units. The Development Guidelines set out in this housing allocation state:

“The provision of affordable housing as part of the development should have particular emphasis on intermediate housing for local needs, assisting any innovative forms of community-led provision as appropriate. Amongst the market housing, a proportion of one or two bed units will be sought.

Development proposals should help provide additional parking in the vicinity of Albrighton railway station. As part of the development, land will be provided on or adjoining the site for open space and leisure facilities including a children’s play area, adult football pitch, youth shelter, multi-use games area and leisure centre/sports hall, with good pedestrian connections to the village.

Proposals must provide for the long term comprehensive development of this site and facilitate an eventual through-road between Kingswood Road and the northern end of Shaw Lane. The site layout should allow for integration with future development on the safeguarded land over the longer term.”

6.1.2 The Albrighton Neighbourhood Plan ‘Light’ was endorsed by Shropshire Council in September 2013. Whilst the ANPL has not been subject to independent examination and has not gone through a referendum, and as such does not form part of the Development, it is a material consideration that reflects the views of the community. That document also identifies the land which includes the current application site as a location for up to 180 dwellings.

6.1.3 There is no in-principle Development Plan Housing Policy objection to residential development on this land. The acceptability or otherwise of this proposal is to be determined by the consideration of the detailed planning issues set out below.

6.2 Siting, scale and design of structures and impact on setting of heritage assets

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60

that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local 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 policy MD2 relates to Sustainable Design and complements policy CS6, seeking to ensure, among a number of matters, that development responds appropriately to the form and layout of existing development in the vicinity; reflects locally characteristic architectural design and details; and to embrace opportunities for contemporary design solutions which take reference from and reinforce local distinctiveness.

- 6.2.2 The proposed house types would be well proportioned and appropriate for this location. The proposed external finishes would reflect features found in and around Albrighton. The inclusion of short projecting front gables to some dwellings, in a variety of forms and styles, bay windows, canopy porches and variations in ridge heights and setbacks from the roads would provide variety and interest to the street scenes. The proposed extra care building would utilise the same palette of materials and finishes proposed for the dwellings and, while a large structure, the fenestration detailing, coupled with the lower end sections, would ensure that the building would not appear out of scale with its setting.
- 6.2.3 There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for local authorities to have a specific duty to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses in the carrying out of statutory functions (Section 66). There is a similar duty (Section 72) with regard to having special regard to the impact of developments upon the setting of Conservation Areas. The Heritage Assessment Statement submitted identifies that the listed buildings in the locality include the Albrighton Railway Station and foot bridge, and railway bridge, all listed grade 2. It assesses the impact of the proposed development on these designated heritage assets in accordance with Section 12 of the National Planning Policy Framework (NPPF). It demonstrates that the development would not be visible and hence would have a negligible impact on the station buildings as a group from the platforms; there would be no inter-visibility with the railway bridge and, while the short north west wing of the apartments would be visible in a view of the south west elevation of the station as seen from the junction of Shaw Lane and Station Road, the impact would be minor on this view. The apartments would be clearly seen from the half landing of the southern end of the footbridge, but this would be a minor impact to the collective view of the group when viewed from the footbridge. The Assessment also states that the roofs of the apartments would cause impact on views out of the station building and car park, with this impact being partially mediated by the existing screen of conifer trees. Officers consider the conclusions to this assessment to be sound. The Conservation Officer concurs that the harm to the designated heritage assets at

Albrighton Railway Station would be less than substantial in this case.

Paragraph 134 of the NPPF states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

This is a site that has been identified through the SAMDev Plan as one for residential development and the specific proposal put forward would provide a high proportion of affordable homes (Discussed further at 6.9 below). It is considered that this public benefit is sufficient to outweigh the negligible and minor impacts that the development would have on the listed railway structures. A refusal on the grounds of an unacceptable impact on the setting of listed buildings could not be sustained in this case.

- 6.2.4 The two Albrighton Conservation Areas are some 250 metres and 400 metres respectively from the application site and would not be impacted upon by the proposed development, due to the topography and the presence of existing built development.

6.3 Landscaping and Ecology

- 6.3.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. SAMDev Plan policy MD12 sets out how the avoidance of harm to Shropshire’s natural assets and their conservation, enhancement and restoration will be achieved. The Planning Ecologist has assessed the revised scheme and is content that Great Crested Newts are not a constraint at this site. There are no badger setts that would be affected by the proposals. The four trees identified as having bat roosting potential would be retained in the development. Conditions are recommended which include approval and implementation of a habitat management plan; adherence to the great crested newt reasonable avoidance mitigation measures strategy; approval of any external lighting; provision of bat, bird and hedgehog boxes and a pre-commencement check for badger activity. It is considered therefore that the proposals would not harm ecological interests.
- 6.3.2 The proposed development would retain the existing trees that are of landscape significance within the site, incorporating them into two of the areas of public open space. The new tree and hedge planting proposed would be of appropriate species and the proposed positioning within the areas of public open space, in selected positions in the street scene in private gardens and on site boundaries, would enhance the townscape.
- 6.3.3 It is considered therefore, for the reasons explained in Section 6.2 of this report and paragraphs 6.3.1 and 6.3.2 above, that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy

policy CS6 and SAMDev Policy MD2 and would not detract from the quality of the built environment and landscape setting to this part of Albrighton, satisfying also Core Strategy policy CS17, SAMDev Plan policy MD12 and the neighbourhood plan 'light' design considerations set out in policy ALB11.

6.4 Open Space

6.4.1 The Council adopted in January 2012 Open Space Interim Planning Guidance. This guidance has been updated and incorporated into the adopted Site Allocations and Management of Development Plan (SAMDev) in policy MD2 which advises that the amount of public open space to be provided by a residential development should be calculated on the basis of 30 sqm per bedroom. Sustainable urban drainage (SuDS) areas may be counted as part of the open space in a development where they are shown to be capable of dual use. For example a SuDS pool which does not hold water permanently and has gentle gradients to its banks can function as part of the public open space. Two of the areas of public open space would accommodate attenuation ponds (SuDs pools) in this case.

6.4.2 The quantity of public open space that would be provided within four areas of the development, and around the extra care building would amount to some 9125sqm (Excluding the pond), exceeding the target of 8490sqm from applying the 30sqm set out in policy MD2. Open space can be in the form of space for play, recreation, formal or informal uses including semi-natural open space. It is considered that the amount of open space in the various forms which would be delivered by the proposed development would be acceptable in the context of SAMDev policy MD2.

6.5 Residential and School amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest dwellings to the proposals are Dashworth Cottage adjacent to the northern site boundary, properties along Shaw Lane and the caretakers dwelling at the school. In the case of Dashworth Cottage, and the planning permission for dwellings on the adjacent builder's yard (ref 17/02469/FUL), the development scheme proposes bungalows to the south/south west of them to ensure that privacy would not be unduly harmed and to ensure no significant loss of sunlight/daylight or overbearing impacts. With respect to the properties on Shaw Lane there would be a separation distance of some 75 metres from the extra care building to the east/north east of them. The former caretakers dwelling is situated some 50 metres south of the proposed extra care building, with the shortest distance between the latter and the school building to the south measuring some 45 metres. It is considered that these separation distances, coupled with the juxtaposition of existing and proposed buildings, would ensure that residential and school amenity would not be unduly harmed in terms of privacy, daylight/overshadowing and the new development would not be overbearing.

6.5.2 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself. A noise and vibration assessment has been submitted with the application which makes recommendations for attenuation in respect of glazing to be incorporated in the

specification of windows in properties near to the railway line. The Council's Regulatory Services Team are content with the findings of the noise report and recommend a condition requiring the specified standard of glazing to be installed, together with a 1.8m high fence with a minimum density of 15kg per square metre be installed along the boundary of the site that adjoins the railway to the north, in order to safeguard the residential amenity of the proposed development.

6.5.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue can be addressed by conditions requiring the submission and approval of a construction method statement and restricting construction times to 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturdays and no construction on Sundays, Bank or Public Holidays.

6.5.4 The school premises would be adjacent to the large area of open space in the application site which contains the existing pond, with the side gardens of two dwellings abutting the remainder of the boundary with the school and associated land. The application drawings show the existing fence to the boundary with the school retained and supplemented with new hedge planting by the open space, and a 1.8m high close boarded fence installed to enclose the side and rear gardens of the dwellings. Comments received have expressed concern that the proposed development would increase the vulnerability of the school premises to crime and impact on the school's safeguarding obligations to school children. It is not uncommon for school grounds to be surrounded by residential development or to have public footpaths in close proximity. The presence of the proposed houses would give passive surveillance of areas of the school grounds, which it is suggested would be an enhancement to security. Details of fencing to enclose the rear garden areas and the edge of the public open space would be conditioned on any approval issued, to allow the adequacy of the existing fencing on this boundary to be reviewed.

6.6 Highway Safety and Parking

6.6.1 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 whether:

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. 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 and part of achieving this is to ensure the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

- 6.6.2 Highways Development Control have commented that they are content that the proposed highway layout within the site is acceptable on highway safety grounds. (At the time of writing this report the agent has been asked to check the vehicle tracking for service vehicles on the tighter bends in the development, which may lead to some minor adjustments of the layout) The SAMDev Plan Housing site allocation S1.1a (ALB002) policy sets out a number of development guidelines setting out what it is expected development proposals for the land will achieve: These include the statement –

“Proposals must provide for the long term comprehensive development of this site and facilitate an eventual through-road between Kingswood Road and the northern end of Shaw Lane. The site layout should allow for integration with future development on the safeguarded land over the longer term.”

- 6.6.3 The proposed site layout would leave open the option of an easterly extension of the main access road into the safeguarded land. The amended site layout plan has amended the alignment of the southern cul-de-sac so that it would align with a road in the layout of the residential development in planning application 15/02448/FUL, on which (At the time of writing) it has been resolved to grant planning permission subject to the completion of a Section 106 Agreement relating to affordable housing and the maintenance of public open space. This alignment would provide a through route for pedestrian and cyclists, but not for motor vehicles, in accordance with the above development guideline.

- 6.6.4 The two parking spaces proposed for each dwelling accords with the parking standards of the former Bridgnorth District Council for Southeast Shropshire and matches that which has been accepted in the schemes for the southern part of this allocated housing site. The amount of parking proposed for the extra care flats (37 spaces to serve 74 flats) equates to one space for two flats and this slightly exceeds the ratio of spaces to flats that was accepted in the extra care development at Salop Street Bridgnorth (27 spaces to serve 58 flats – ref 11/01349/FUL). It is considered that the amount of off road parking proposed for the residential accommodation would be adequate and not result in conditions detrimental to highway safety.

- 6.6.5 The SAMDev Plan Housing site allocation S1.1a (ALB002) policy includes Development Guidelines which include the statement:

“Development proposals should help to provide additional parking in the vicinity of Albrighton railway station.”

This is echoed by the Albrighton Neighbourhood Plan Light policy ALB2b which states that any development will be expected to provide or enable the provision of additional parking adjacent to Albrighton railway station in order to serve the parking needs of rail passengers using the station. Both policies are silent on the

quantity of parking or how it would be managed. If this parking is to be provided within the housing site allocation the expectation is that this would be in the north west corner of the allocation, closest to the railway station with the pedestrian route being the shortest possible via Shaw Lane. Vehicular access to the car park area would be either from the south via Kingswood Road and the road infrastructure in the approved schemes for residential development in the southern half of the allocation, or from Shaw Lane if that access and the immediate local road network is shown to have adequate capacity. This area, however, would be occupied by the extracare flats in the present scheme, and as originally submitted the site layout would not have delivered any on-site parking for the railway station.

6.6.6 The applicants have responded to this development guideline by amending the proposed site plan to provide 12 car parking spaces within the site for the benefit of users of the railway station. (The station approach and forecourt can accommodate 26 vehicles with tight parking). These spaces would be positioned opposite the proposed extra-care accommodation, on the southern side of the access road. The car parking would be on the basis of permit holders only, with permits issued by Jessup who would retain ownership of the spaces. They state that appropriate signage would be erected adjacent to the spaces setting out how permits could be obtained. The application as amended would therefore deliver an increase of some 46% in the amount of off-road parking available in the immediate locality for railway station users. It is considered that the provision of these spaces and their management as proposed would address the development guideline of the SAMDev Plan housing allocation S1.1a (ALB002).

6.6.7 An area of concern raised by the Council's Highways Development Control Team, the Parish Council and objectors with respect to highway safety matters is the capacity of the local road network and a single access from Shaw Lane, with the alterations proposed, to accommodate safely the amount of vehicular likely to be generated by the proposed development. The Transport Assessment submitted with the application comments that there have been no personal injury collisions in the vicinity of the site for the latest five year period and the analysis shows no evidence of any existing road safety problems on Shaw Lane. It comments that it is possible to walk to all local amenities from the site within 10 minutes, and to cycle to them within 5 minutes. The site is close to Albrighton railway station and an hourly bus service runs along Station Road providing hourly connections to Wolverhampton, Albrighton centre, Shifnal and Telford. The modelling of traffic movements, based on survey data from June 2016, national trip generation data relating to the type and scale of accommodation proposed, and projected forward to 2021 have been analysed by the Transport Consultants, who conclude the improved school/site access, and Shaw Lane to both the north and south of that access would (With the proposed development) continue to operate satisfactorily both now and in the future. The Assessment concludes that the residual cumulative impact of the development (See paragraph 6.6.1 above) cannot be considered to be "severe" as defined by paragraph 32 of the NPPF, and comments therefore that the development should not be prevented or refused on highway or transport grounds.

6.6.8 The Council's Highways Consultants raised queries about this Assessment and the

conclusions reached. A Technical Note to supplement to the Transport Assessment was submitted by the applicant's transport consultant in response to the queries raised. The comments of the Council's Highway Consultants on this Technical Note may be found at paragraph 4.2.1. A meeting was subsequently held with the applicant's agent and transport consultant which identified issues to be addressed from a highways perspective. A further Technical Note was submitted by the applicant's Transport Consultant in response to the issues raised by SC Highways Development Control at the beginning of January 2018. In summary, this response states:

-It is unacceptable to their client that vehicular access to the full development cannot be taken from Shaw Lane and that it will be possible to maximise sustainable connectivity for this development by providing potential pedestrian and cycle links to the Boningale Homes development.

-The school driveway is under the control of their client and the school has a right of access over it.

-Their client is not prepared to either reduce the scale of the development served from Shaw Lane or to seek an alternative vehicular access (From the South) as the traffic generated from the current proposals is very modest in scale and the road and junction layout entirely fit for purpose. The access would be improved to adoptable standards and the school gates relocated to where the school's vehicular access turns into the school grounds.

-The footway on the school side of the access would be widened to 2.2m with a guard rail provided, and a raised table introduced in response to the school's request for traffic calming measures.

-Happy for the access to the adjoining development to be restricted to pedestrian and cycle only but at this time do not believe it is necessary to include emergency vehicle access, but potential for future vehicular connectivity provide for in submitted layout.

-Visibility splays at the site access on Shaw Lane of 2.4m x 43m accord with Manual for Streets.

-Client not adverse to the introduction of a Traffic Regulation Order on Shaw Lane preventing parking either side of the site access and along the new access road up to the vehicular access to the school, which could be dealt with by a financial contribution if a need is established once the development is complete.

-Visibility splays from the school and care home accesses accord with the advice in Manual for Streets.

-Car parking provided in line with advice provided by Shropshire Council in December 2016 and the SPD published by Bridgnorth District Council in 2004.

-There are likely to be 13 people employed in connection with the extra care accommodation; many care and catering staff likely to be local people who would walk and any traffic generation associated with the extra care accommodation is very likely to be outside the traditional peak hour periods.

-Client is currently pursuing two possible options to provide additional station parking off site, which would not affect the findings of the Traffic Assessment. (This has now been addressed by on-site provision and the Consultant has advised that the number of spaces, controlled by permit, can be accommodated safely by the

access road)).

-Traffic counts for original transport assessment show that in the morning peak that commuters travelling along Shaw Lane had left for work before any children arrived for school. Traffic flows on Shaw Lane in the traditional peak periods are very modest with a total two-way flow of 135 vehicles recorded in the morning peak and 137 vehicles in the evening peak.

-Transport Assessment shows that the two way flow resulting from the proposed development will be 50 vehicles in the AM peak and 54 in the PM peak, which is less than one vehicle a minute on average.

-General observation that many primary schools in Shropshire that front directly onto roads have far higher traffic flows than those recorded on Shaw Lane or the predicted flows on the access road.

-2011 census data shows that the largest employer for people living in Albrighton is RAF Cosford with over 30% working there, with a further 11% living and working locally so opportunities to walk or cycle to work are real.

-Believe that there is every likelihood, depending on parents' existing travel patterns, children will walk to school. At time of original surveys no more than a dozen cars were observed dropping children off at the primary school and this will not change as a result of this development. There were one or two examples of children arriving with adults on a bicycle.

-Client happy to restrict deliveries to the site during the construction phase to avoid the school start and finish times and this matter has already been discussed with the school.

-Remain of the view that there are no overriding highway reasons why a highway objection can or should be maintained.

- 6.6.9 The Council's Developing Highways Manager, South and Central, response to the above is set out at 4.2. Assessed against the bullet points set out in paragraph 32 of the NPPF, the site is in a sustainable location close to local amenities and public transport facilities, giving opportunities for sustainable travel modes which the travel plans would promote; the access into the site incorporating the pedestrian barrier by the school entrance and the carriageway and pavement widths, together with parking restrictions, would achieve a safe and suitable access to the site for all people, with pedestrian and cycle access also being achievable from the remainder of the allocated housing site to the south; and the alterations to Shaw Lane associated with the widened access road would be an improvement measure to assist in limiting the impacts of development. It is considered that the residual cumulative impacts of the development would not be severe in the context of highway safety. There is no fundamental access capacity or local road capacity issues, which in turn would lead to conditions detrimental to highway safety, that would justify a refusal on highway safety grounds in this case, with the mitigation that can be achieved through planning conditions and clauses in a Section 106 Agreement to address the measures raised in the Highways no objection response. The Section 106 Agreement would secure the provision of a raised table on Shaw Lane at the point of access into the site and restrict parking on the access road, with conditions 3 to 9 in Appendix A addressing the other matters.

6.7 Drainage

- 6.7.1 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 the existing runoff rate and not result in an increase in runoff. SAMDev Plan policy MD2 also seeks to incorporate sustainable drainage techniques in developments. A Flood Risk Assessment has been submitted with the application. This confirms that the proposed development falls within flood zone 1. The objective of the sequential test in the NPPF and the associated Technical Guidance is to direct new development to the least flood-prone areas: This scheme meets this objective and passes the sequential test. The Flood Risk Assessment comments that the sustainable drainage system be designed for the 1 in 100 year storm event, plus climate change with discharge of surface water from the site restricted to Greenfield run-off rates, achieved via the installation of flow control devices. The main foul and surface water for the development would be adopted by Severn Trent Water.
- 6.7.2 The Council's Flood and Waste Water Management Team and Severn Trent Water are content that the precise foul and surface water drainage details can be the subject of a condition on any planning approval issued in this case. The work carried out so far, including the surface water drainage strategy in the Flood Risk Assessment is acceptable in principle, and sufficient to demonstrate that the proposal would not increase the risk of flooding elsewhere or cause pollution of the water environment.

6.8 Contamination

- 6.8.1 Shropshire Core Strategy policy CS6 seeks to secure safe development. With regard to contamination, paragraph 120 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer. It continues at paragraph 121 that decisions should ensure that decisions take account of matters including pollution from previous uses and that adequate site investigation information, prepared by a competent person, is presented.
- 6.8.2 A Phase 1 Site Appraisal Report has been submitted which has been produced by Patrick Parsons. This recommends that a Phase 2 ground investigation be commissioned to include a review all existing site investigation information; window sampling investigation to confirm ground conditions and collect samples for analysis; installation of gas monitoring wells; chemical analysis of soils followed by a risk assessment so that the risk to human health and controlled waters can be determined; and geotechnical and geochemical soils testing of the founding strata to assess strength and suitable grade(s) of buried concrete. The Council's Regulatory Services Team and The Environment Agency are content that these further investigations and the appropriate remediation can be addressed satisfactorily through appropriate conditions on any planning permission issued.

6.9 Housing Mix

6.9.1 Throughout the whole development of 138 units there would be 36 two bedroomed properties; 16 three bedroomed properties and 6 four bedroomed properties; with for the over 55 age groups 6 two bedroomed bungalows; 21 one bedroomed flats and 53 two bedroomed flats. The proportion of affordable dwelling units would be some 79.7%, (110 units) which is well in excess of the minimum current 15% prevailing rate for affordable housing in Albrighton under Core Strategy policies CS9 and CS11. The precise dwelling mix is a marketing decision for the applicant, but it is considered that the mix of development proposed here is varied and would be in accordance with Core Strategy policy CS11 and SAMDev Plan policy MD3, which seek to achieve mixed, balanced and inclusive communities, and the development guidelines to the SAMDev housing allocation S1.1a (ALB002) when considered in conjunction with the range of properties included in permission 08/0907 and the associated reserved matters 14/05456/REM, together with 15/02448/FUL, for the southern part of this housing allocation. (Cumulatively there would be 185 dwellings comprising of 9 one bedroomed; 70 two bedroomed; 54 three bedroomed; 47 four bedroomed and 5 five bedroomed dwellings; plus 21 one bedroomed and 53 two bedroomed extracare apartments on the allocated housing site). The Albrighton Neighbourhood Plan Light does not have the status or weight of a statutory Neighbourhood Plan in determining applications and pre-dates the SAMDev Plan. It has the aspiration that development on the allocated housing site should deliver at least 20% of the units as one and two bedroomed properties and this figure would be comfortably exceeded by this specific development proposal. While the 21 one bedroom flats is less than the 40% of the total of one and two bedroom accommodation referred to in the Neighbourhood Plan Light, this proposal would deliver a high number of two bedroom units in the form of flats, bungalows and dwellings. A refusal relating to a 40%/60% one bed/two bed unit balance not being achieved could not be sustained.

6.9.2 With regard to the extra care flats, the applicants have stated:

"The provision of older peoples housing is growing in importance as outlined in Shropshire Council's 'Core Strategy' Planning Policy.

Paragraph 4.31 states "Development in Market Towns and Key Centres provides a robust basis for meeting the future needs of Shropshire. The ageing population is a particular issue in Shropshire, where 28.4% of the population is expected to be over the age of 65 by 2026. This represents a rise from 50,100 persons in Shropshire over the age of 65 in 2006 to 93,600 persons by 2026. The elderly are more dependent on local services and public transport than the population as a whole, giving an added impetus to the achievement of accessible centres that can provide a good range of services"

Policy CS11 addresses the issue of an ageing population, which is particularly important in Shropshire, seeking to ensure that new housing development meets the Lifetime Homes Standard and that there is adequate provision of specialist accommodation, such as extra care housing."

The Supplementary Planning Document on the "Type and Affordability of Housing" further amplifies Policy CS11 as follows:

"Provision has to be made for the increasing number of elderly people in Shropshire and for other vulnerable groups who need either specialist accommodation or a setting where appropriate support can be provided. This provision may be made through the provision of new market housing (eg. for older people), adaptation to existing housing or through some form of specialist provision, such as supported housing for adults with learning difficulties or other types of accommodation to enable people to live independently in their own homes".

The Herefordshire & Shropshire Joint Housing Strategy goes on to say "Herefordshire and Shropshire have some of the fastest growing populations of older people in the region and this presents a particular challenge in terms of meeting the needs and expectations of a growing number of elderly and infirm residents". (Pg10)

*"Therefore one of the key considerations in meeting housing need is:
· Provision of specialist accommodation which meets local needs including for older people such as Extra Care housing*

"The growth in the proportion of older people (as outlined previously) presents particular challenges. In particular, it is recognised that there are particular issues relating to feelings of social isolation, a lack of housing advice and housing options, and a desire to stay independent for as long as possible."

They comment that the proposed scheme at Shaw Lane, Albrighton will contribute directly towards meeting housing needs locally. While there has been no quantification of the local needs specific to Albrighton and its hinterland, the mix of affordable units proposed in the form of flats, bungalows and dwellings, and the care packages that would be associated with the extra care element of this affordable housing would not be out of step with the development guidelines for the housing allocation seeking innovative forms of provision.

- 6.9.3 The Council's Affordable Housing Team has no objections to the number and mix of affordable dwellings in this area of high housing need and the proposed extra care accommodation is also supported in this location for the reasons outlined by the applicant in the supporting information. A Section 106 Agreement would be required as part of any grant of planning permission to ensure that the accommodation remains affordable and be of the appropriate tenures.

6.10 Archaeology

6.10.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policy MD13 seek to protect the historic environment, which includes areas of archaeological interest. They accord with paragraph 141 of the NPPF. An Archaeological and Heritage Assessment has been submitted with the application. The Council's Archaeology Team have studied this report and note that the 1846 Tithe Award map indicates the western extent of the development area was known as Great Show or Brick Kiln Field and it records a pit, which today forms the pond. They consider there to be some potential for below ground remains relating to the post-medieval brick kilns to be present, with the site having low to moderate archaeological potential. A condition requiring a programme of archaeological work to be approved by the local planning authority is recommended as part any planning permission issued, and this would comprise of a watching brief during ground works associated with the development.

7.0 CONCLUSION

- 7.1 The proposed residential development on this land, which forms part of an allocated housing site within the adopted SAMDev Plan, is acceptable in principle.
- 7.2 There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The development of this land, on part of an allocated housing site, would not detract from the wider landscape setting of Albrighton or the immediate locality, including the setting of listed buildings in the area. The site layout and design of the bungalows, houses and flats would not unduly harm neighbour amenity. There are no ecological, tree protection, archaeological, drainage or contamination reasons that would justify a refusal of planning permission, with appropriate planning conditions being able to safeguard these interests. The amount of open space that would be provided within the development, in various forms, is satisfactory. Affordable housing would be provided in excess of the current prevailing rate and the extra care accommodation would address a growing need for specialist accommodation for the elderly.
- 7.3 The proposed internal road network would not be detrimental to highway safety; and the site is within walking distance of local services and facilities. The proposed layout would not prejudice an eventual through road between Kingswood Road and the northern end of Shaw Lane and would provide a pedestrian and cycle connection to the residential development land to the south. The layout would allow for integration with future development on the safeguarded land over the long term. Station parking would be provided in response to the housing allocation development guideline, with appropriate operation of these spaces achieved through a management plan secured through a planning condition.
- 7.4 There is no fundamental access junction capacity or local road capacity constraints for the scale of development proposed. Taking account of the amendments made to the proposals during the course of considering the application, the highway related measures which can be secured through the recommended conditions and

the Section 106 Agreement, and that a safe and suitable site access would be achieved for vehicles and pedestrians which takes into account the presence of the school premises, it is considered the residual cumulative transport related impacts of the development would not be severe. In such situations the National Planning Policy Framework states clearly that development should not be prevented or refused on transport grounds.

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 six weeks 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 The 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 Plan:

MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD12 The Natural Environment
MD13 The Historic Environment
S1 Albrighton Area

SPD on the Type and Affordability of Housing
Open Space IPG

Albrighton Neighbourhood Plan 'Light' June 2013

RELEVANT PLANNING HISTORY:

15/02448/FUL: Residential Development of 65 dwellings with access and associated works (Amended Description) at land east of Shaw Lane, Off Kingswood Road, Albrighton. (Relates to land south of the current application site, but originally included this land as well).

11. Additional Information

View details online:

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

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

Landscape Management Plan

Transport Assessment

Arboricultural Survey and Report

Flood Risk Assessment

Noise Report

Ecological Report

Newt Survey and Mitigation Strategy

Heritage Statement

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Malcolm Pate

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

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

3. Before the first occupation of any houses and bungalows in the development a Travel Plan for those properties shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented within one month of the first occupation of any house or bungalow.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in the NPPF.

4. Before the first occupation and use of extra care apartments and associated facilities, a Travel Plan for the residents and staff shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented within one month of the first occupation or use of the extra care apartments and associated facilities.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in the NPPF.

5. Prior to the commencement of the development full engineering details of the new access roads, footways, pedestrian safety barriers, parking areas, highway surface water drainage, street lighting and carriageway marking/signs shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings and extra care apartments that they would serve are first occupied, and the pedestrian safety barrier adjacent to the school entrance installed in accordance with a timetable which has been approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory access to the site, dwellings and associated facilities, in the interests of highway safety.

6. Before the dwellings on plots 55 to 59 are first occupied details of the construction, width and alignment of pedestrian and cycle path from the head of the turning head adjacent to plot 55 to the south western site boundary shall be submitted to and approved in writing by the Local Planning Authority. The path shall be constructed in accordance with the approved details prior to the first occupation of plots 55 to 59.

Reason: To provide pedestrian and cycle connectivity through the allocated housing site, in accordance with SAMDev Plan policy S1.1a (ALB002), in the interests of achieving a sustainable development and options to the use of the private car for local trips.

7. Before the first occupation of any residential property the station parking spaces shall be constructed and details of a management plan for the operation of those parking spaces, together with details of signage, shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be installed and the use of the parking area shall commence in accordance with a timetable which has been approved in writing by the Local Planning Authority and the station parking spaces shall thereafter be operated in accordance with the approved management plan.

Reason: In the interests of highway safety and residential amenity.

8. Notwithstanding the details shown on drawing number ADL192 Revision A, before the extra care apartments and associated facilities are brought into use visibility splays shall be provided at the car park entrance to those premises in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The visibility splay areas shall thereafter be maintained and kept clear of obstruction.

Reason: In the interests of highway safety.

9. 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:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials and timing of traffic movements to and from the site
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o 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.

10. Demolition and construction work shall not take place outside the following times:

- Monday to Friday 0730hrs 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.

11. The development shall be carried out in accordance with the recommendations of the Arboricultural Report by Tree Heritage Ltd in respect of land at Shaw Lane, Albrighton (Ref: TH17-74, dated 24th July 2017).

Reason: To safeguard existing trees and hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

12. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

13. 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.

14. No development approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation) submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall thereafter be carried on in complete accordance with the approved specification.

Reason: The site is known to hold archaeological interest and as such the information is required prior to commencement to ensure that any archaeology is recorded and taken into account in the development of the site.

15. Before any dwelling is first occupied a scheme of fencing to secure the south western boundary of the application site adjacent to the school premises shall be submitted to and approved in writing by the Local Planning Authority, and shall have been installed in accordance with the approved details. The fence shall thereafter be maintained in place.

Reason: In the interests of maintaining school security and to safeguard visual and residential amenity.

16. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy 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.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) 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 the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme 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.

17. Before first occupation of the dwellings on plots 13-16 and 27-40, glazing and ventilation with the ability to provide the mitigation stated in Table 5 and table 7 of the noise.co.uk noise report reference 17522-1 shall be installed to all facades marked in section 13.7 of the same report. In addition a 1.8m high close boarded fence with a minimum density of 15kg per square metre shall be installed along the boundary of the site that adjoins the railway to the north. Glazing and ventilation that conforms to the minimum standards set out in the noise report and the close boarded fence along the boundary with the railway shall be maintained in place for the life time of the development.

Reason: to protect the health and wellbeing of future residents.

18. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

19. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

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

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

21. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the great crested newt RAMMS, as set out in section 4 of the Great Crested Newt Habitat Suitability Survey and Newt Mitigation Strategy (Stefan Bodnar, October 2017).

Reason: To demonstrate compliance with the great crested newt RAMMS.

22. 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. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). 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.

23. Prior to first occupation / use of the buildings, the makes, models and locations of bat, bird and hedgehog 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 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design).
- A minimum of 5 hedgehog boxes.
- A minimum of 1 barn owl box.

The boxes shall be sited in suitable locations where they will be unaffected by artificial lighting and in accordance with a schedule which has been approved in writing by the Local Planning Authority. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

24. The extra care residential units of accommodation (Sui generis) shall not be used for any other purposes including those uses within Use Class C2 or C3 of the Town and Country Planning (Uses Classes) Order 1987 as amended, and the occupation of the extra care units hereby approved shall be limited to persons who have reached the age of 55 and who are in need of extra care.

Reason: The extra care apartment block is unsuitable for general needs housing due to the limited parking and amenity provision.

25. The extra care units shall solely be occupied by those demonstrating a local connection as defined in the Shropshire Affordable Housing Allocation Policy.

Reason: To meet the identified extra care housing need in Shropshire

26. The extra care accommodation made up of 74 units shall be made available as Affordable Rent extra care accommodation and shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

Informatives

1. 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 187.

2. In determining this application the Local Planning Authority gave consideration to the following policies:

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

Contact: Tim Rogers (01743) 258773

Shropshire Core Strategy policies:

CS1 Strategic Approach
 CS3 The 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 Plan:

MD1 Scale and Distribution of Development
 MD2 Sustainable Design
 MD3 Delivery of Housing Development
 MD12 The Natural Environment
 MD13 The Historic Environment
 S1 Albrighton Area

SPD on the Type and Affordability of Housing
 Open Space IPG

Albrighton Neighbourhood Plan Light June 2013

3. 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. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

4. 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. 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.

5. Barn owls are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure or take a barn owl; to take or destroy an active nest; to take or destroy an egg; and to disturb their active nests. An active nest is one that is being built, contains chicks or eggs, or on which fledged chicks are still dependant. Barn owls can breed at any time of the year in the U.K. There is an unlimited fine and/or up to six months imprisonment for such offences.

6. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. To avoid harming hedgehogs during the works, site clearance (including removal of piles of deadwood and other potential hibernation sites) should be undertaken between April and October. Materials should not be stacked in the working area before then unless they are raised up on pallets, or similar.

If a hibernating hedgehog is found on the site then 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.

7. 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 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 for active bird nests should be carried out. If vegetation 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. No clearance works can take place with 5m of an active nest.

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

8. 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.

9. Dewatering the proposed excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features. The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting Service (NPS) to confirm the legal requirements. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence. We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

10. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters or groundwater.