

Development Management Report

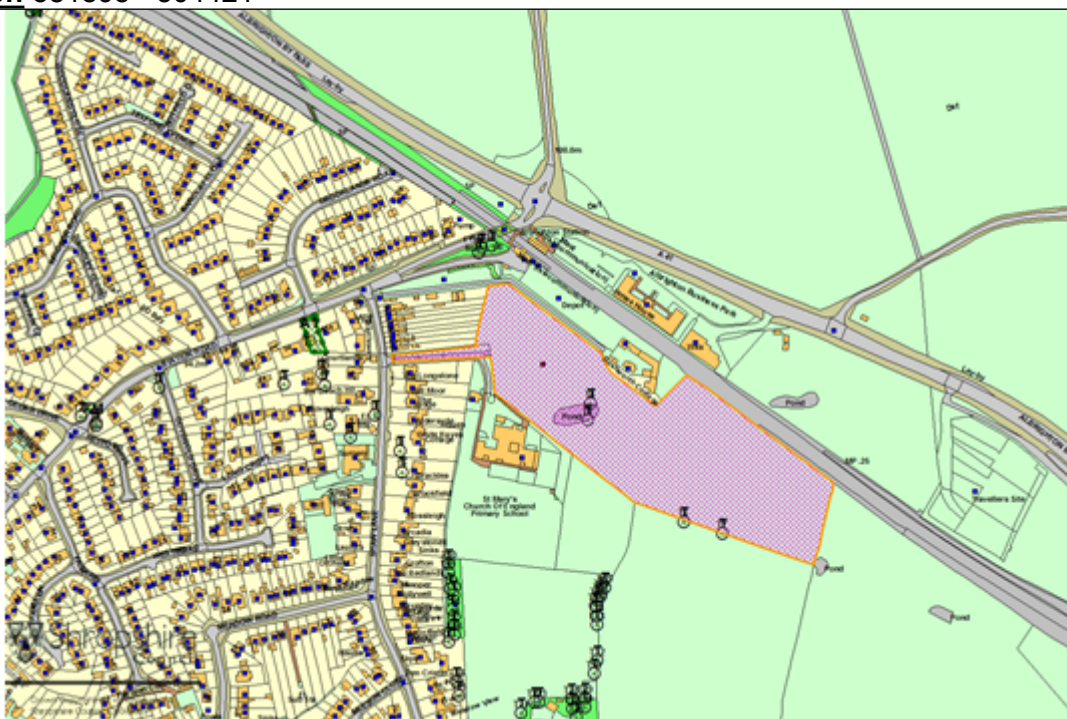
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/03579/FUL	<u>Parish:</u>	Albrighton
<u>Proposal:</u> Residential development of 6 bungalows and 58 houses (Revised scheme)		
<u>Site Address:</u> Proposed Residential Development Land East Of Shaw Lane Albrighton Shropshire		
<u>Applicant:</u> Jessup		
<u>Case Officer:</u> Richard Fortune	<u>email:</u> 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 At the June 2018 of the South Planning Committee planning application 17/03774/FUL for residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses, and improved access was refused, contrary to the Officer recommendation, for the following reason:

“It is acknowledged that the application site forms part of an adopted Development Plan housing allocation and would deliver new market housing and a high level of affordable housing broadly in line with the development guidelines for the site set out in Policy SI.1a of the SAMDev Plan. However, these benefits are not outweighed by a combination of negative factors which comprise:

- the vehicular access to the development being solely onto Shaw Lane with no assurance at this stage that access from Kingswood Road to the south could be achieved, which is the preferred option for the site as shown on the SAMDev Policies Map SI Map, with the consequence that the nature and scale of the development would create traffic flows that would exacerbate the existing traffic congestion already experienced in the Shaw Lane area because of the close proximity of the School, Railway Station and Doctors Surgery, to the detriment of highway and pedestrian safety;

- the bulk and massing of the predominantly three storey extra care building would be out of keeping with the character and appearance of the locality, leading to the over development of the area, and would have an adverse impact upon the setting of the listed railway station building, albeit less than substantial but still a significant harmful impact, and there are no public benefits sufficient to outweigh this harm.

The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17; Site Allocations and Management of Development (SAMDev) Plan policies MD2, MD13 and SI.1 and would not satisfy the environmental role of sustainable development set out in the National Planning Policy Framework.”

This revised application deletes the proposed 74 Extra Care apartments from the development and excludes the area which that structure would have occupied from the application site. The proposed mix of bungalows and houses, their designs, road and public open space layout and vehicular access arrangement remain identical to the previous application.

- 1.2 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 planning permission 15/02448/FUL granted on the 16th April 2018 following completion of the related Section 106 Agreement.
- 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 footway on the northern side and a 2.2 metre wide footway on the southern side. The access road would, beyond the school entrance, follow a curving 'S bend' alignment. The south side of this road section would be public open space that would incorporate an existing pond and an attenuation pond. There would be 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 pair of semi-detached two bedroomed dwellings. There would be variations in terms of handling 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 pair on its western side. This road has been re-aligned to line up with a cul-de-sac in planning permission 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 handling 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 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 1.3 and 1.4 above, there would be 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 terraced 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 two off-road parking spaces.
- 1.8 The proposed dwellings would be a mix of 36 two bedroomed, 16 three bedroomed and 6 four bedroomed 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.
- 1.9 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 75 new trees are proposed of 19 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 guelder rose.
- 1.10 The six bungalows would be for people over the age of 55, and 30 of the dwellings would be for general needs housing at 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.
- 1.11 A Planning and Design and Access Statement; Transport Assessment; Landscape Management Plan; Flood Risk Assessment ; Noise Report; Ecological Report; Arboricultural Survey and Report; Affordable Housing Statement and Phase 1 Site Appraisal and Heritage Statement accompany the application drawings. (Some of these documents make reference to extra care apartments which do not form part of this current planning application).

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 has planning permission for residential development – Ref. 15/02448/FUL). 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, along with an area of field outside of the current application site. 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 2.83 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 Committee decision on the previous application 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 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 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. The local Footpath Group have requested that if this application is considered that a bridleway or footpath is provided across the development to encourage locals to access this area on foot.

-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 the development. 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.

-Because of the range of serious issues that this planning application has raised

the parish council requests that this application is considered for refusal.

4.1.1 Donington with Boscobel Parish Council – Object:

1- Access, there is already a huge problem on Station Road and Shaw lane with cars parking in every available space nose to tail causing congestion. Other road users become backed up trying to pass each other and get through under the bridge, on occasions this has even halted emergency vehicles from accessing the road. This ongoing problem will only be amplified if a) the proposed application does not include adequate parking (for train station users) as was originally put forward. b) the proposed application does not confirm provision of vehicular access from Kingswood road from the South to help alleviate the traffic.

2- Drainage, there are already problems with the drainage system in the village not being able to cope, as was seen again, only earlier this year when large numbers of residents became flooded. The amount of properties being proposed would surely only aggravate this situation more.

3- Amenities, the size of the development will be putting extra pressure on already busy local amenities such as the doctors, which will inevitably cause residents already residing in the village and accessing these facilities a lower level of service.

4.2 SC Highways Development Control – No Objection:

It is noted that the application submitted is a variation to previously submitted application 17/03774/FUL, which retains the residential element of the Development but removes the extra-care facility. In terms of Highway considerations, we would therefore consider that the application has reduced the number of trips generated by the previous development by removing the extra care facility. However, It should be noted that in terms of the number of trips generated, the main area of Highway concerns related to the residential element of the previous development, as this was expected to generate the majority of trips in the peak hour. Shropshire Council as Highway Authority would continue to raise concerns with regard to the proposed development, and the majority of comments previously made in association with application 17/03774/FUL are still considered relevant.

It remains Shropshire Council's position that in line with the original highway and transport consideration of the potential development site, through the SAMDev process, that vehicular access for the proposed development is best served from Kingswood Road, and that the access off Shaw Lane, should be used predominantly for pedestrian and cycle access, with only vehicular access to the school being maintained via Shaw Lane, and emergency vehicular access to serve the proposed development and the Development to the south. This would 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. It is understood however that we can only consider that application submitted, and that whilst the proposed development is aligned that this could take place in the future, no vehicular access off Kingswood Road is currently proposed, as this requires substantial infrastructure and third party approval.

The Developer's proposed road design/site layout appears to have been focused principally on serving the new development. It is not considered that sufficient consideration has been given to the potential conflict around the school, and its potential use as a local community hub (breakfast/after school clubs/events/etc.)

Resulting in a mitigation proposal, which are limited to within the vicinity of the School entrance, proposing a raised plateau, (which is supported) and a pedestrian barrier along one footway to segregate children, using that footway, from the passing traffic. As an Authority in recent years we have moved away from the installation of pedestrian barriers unless there is a specific problem with pedestrians crossing at an inappropriate location. It is therefore not considered that this is an appropriate mitigation measure for this location.

Of particular concern is that applicant has failed to appreciate that this development will significantly alter the local highway situation adjacent to the established primary school and Shaw lane. Such that any school related travel behaviours currently experienced are likely to change. Specifically this development proposal will create a situation where parents, visitors and staff will have direct vehicular access and unrestricted on-street parking opportunities, immediately outside and in close proximity to the school entrance, which has not been available previously. Thereby, reducing the current trend of walking to school, as current on-street parking provision is at a premium, and is mostly used by the adjacent residents.

It should also be noted that, the new access/estate road will provide an opportunity for existing local residents, as well as commuters to park their vehicles, especially with the proposed additional station parking closer to their homes and/or the adjacent railway station. This will then have the knock on effect of generating further vehicular trips passing the school entrance in both directions. With drivers, setting down or picking up children and/or seeking to park along this new formed cul-de sac street. There will also be the need for these vehicles to undertake U-turning movements either within the carriageway or utilising private accesses and/or junctions, again presenting potential conflicts with pedestrians, other vehicles and new residents.

It is acknowledged that the tight radius bend between the school and the proposed development will be an effective vehicle speed reducing feature. However, this road design does not meet the Council's emerging highway specification for adoptable roads, and details of the road construction will need to be submitted for approval prior to commencement.

Details of proposed station parking have been submitted as part of the application, it is understood that these spaces will be privately managed which is supported, however in terms of location they are located on the apex of the bend. The location of the spaces is not considered ideal from a Highways perspective as no direct access to the station can be provided, and if the spaces are occupied then vehicles are likely to park on the adjacent highway network, causing an obstruction to the free flow of vehicles and potentially compromising Highway safety of all road users, specifically pedestrians.

Despite the above, 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, reducing the number of vehicular trips generated by the Development. The applicant has demonstrated that a satisfactory access can be provided, in terms of providing a carriageway width of 5.5 metres with a 2 metre footway which meets Shropshire Councils required standards.

In terms of Policy considerations, Paragraph 109 of the NPPF states; *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Shropshire Council as Highway Authority's view with regard to the previously submitted application was that the application could not be refused on Highway grounds as we could not demonstrate that the impact on the road networks would be severe. Any changes to this position would need to be justified. In relation to the application under consideration then the application has removed the extra care facility, thus removing a proportion of the trips generated by the Development. It remains Shropshire Council as Highways Authority position, that whilst we remain concerned about the likely impact of the Development on the surrounding Highway network, we cannot demonstrate that the Development will have an unacceptable impact on Highway safety, or the cumulative impacts on the road network would be severe, and therefore continue to raise no objection to the granting of consent.

It is felt a more appropriate position would be to require the applicant to undertake a number of improvements to the transport network, to mitigate the impact on the surrounding network.

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 25th 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 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.
- 5) Details of the construction of the road, should be submitted for approval prior to occupation of any part of the development, all visibility splays within the site should be maintained and kept clear at all times.

- 4.3 SC Ecology – 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 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.

4.4 SC Regulatory Services – No Objection:

– 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.

- 4.5 Environment Agency – No response received to consultation on the current application. The Environment Agency raised No Objection to previous application 17/03774/FUL and this revised proposal raises no new issues with regard to potential contamination: Their previous comments from January 2018 are set out below:

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.claire.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)).

(The NPPF paragraph references related to those in the pre-July 2018 version. The equivalent paragraphs in the new NPPF are paragraphs 170, 178 and 179).).

- 4.6 Severn Trent Water – No Objections:
The Asset Protection Manager (West) has commented: "We welcome the opportunity to make further comment on this site and please forgive us for the delay in responding, given recent incidents in storm events we have concerns that this

new development will impact it in ways we don't fully understand currently. The developer has a right of connection to public sewers which we fully respect however we would really appreciate it if we were able to apply amended drainage conditions to the site as proposed.

The first condition would be to afford us time to understand further the implications of adding foul flows to the sewer in Shaw Lane as proposed:

Condition: The development hereby proposed shall not commence until a full hydraulic modelling exercise has been undertaken on the surrounding sewerage system and the impact on sewers in Shaw Lane and elsewhere is understood.

Reason: To confirm that the site will not experience flooding within the red line nor exacerbate existing issues within the catchment, to confirm whether improvement works to the network or changes to the on-site drainage proposals are required to avoid this, to protect the environment.

(NB – we are commencing the hydraulic modelling work shortly and would hope to be able to discharge this condition within 6-8 weeks)

We would also like to pre-empt the outcome of the modelling by adding a further condition, that we could discharge at the same time as the first if the modelling returns a low risk.

Condition: The development hereby shall be occupied at a rate to be agreed in writing with Severn Trent Water Ltd. until any necessary changes and/or improvement works identified in condition 1 are completed.

Reason: to prevent creating or exacerbating any flooding inside or outside the site boundary, to protect the environment.

Ultimately the issue of sewer capacity sits with the sewerage undertaker to resolve. Developers have a right of connection for domestic flows to the nearest suitable sewer and if Severn Trent want to change the connection point or need to provide additional capacity in the sewerage system to accommodate the flows from new developments then we have the right to do that (at our cost) but we do sometimes need the planning system to support us in terms of providing time for us to fully understand what needs to be done and then get that designed and built. We usually only request pre-commencement conditions in the case of surface water flows into foul or combined sewers, since these enter the system from very early in the development process, whereas foul flows are only an issue once properties are occupied hence us asking for support to agree phasing of the occupations of this site with the developer.

I hope this puts some context around what we are trying to achieve and we can work with SCC and the developer to agree on the phasing requirements (or discharge the condition entirely if low risk) once we have completed the modelling exercise in the coming weeks."

Following further discussions with Severn Trent the conditions suggested by them have, with their agreement and that of the agent, been amended to the following to accord with the tests for conditions set out in Government Guidance:

1) Before development commences a phasing plan for the development, linked to

the results of the full hydraulic modelling exercise undertaken on the surrounding sewerage system and the timetable for implementation of any remedial measures identified as being needed in order to accommodate the foul drainage flows from this development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan, with the dwellings being occupied at a maximum rate linked to the completion of any off-site sewer remedial measures required as a result of the modelling exercise, which has been approved in writing by the Local Planning Authority in consultation with Severn Trent Water Ltd.

Reason: The condition is a pre-commencement condition to prevent creating or exacerbating any flooding inside or outside the site boundary, to protect the environment.

2) No development shall take place until a scheme of 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, in line with the approved phasing plan, 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.

4.7 SC Affordable Housing - No Objection.

The proposal relates to the provision of 58 dwellings; comprising 28 market dwellings broken down into 16 x 2 bed, 6 x 3 bed and 6 x 4 bed, together with 30 affordable rented homes and 6 x 2 bed affordable rented bungalows. The scheme is supported and welcomed from an affordable housing perspective. There is evidence of high housing need in Albrighton whereby 44 households are currently on the housing waiting list. Typically, this would be substantially less than actual need, given that many households would not consider the housing waiting list as an option for them. The affordable housing need in Albrighton is exacerbated by the high cost of market housing when compared to household income. The median house price for the town is £214,000 whereas the median household income is £31,764. The lack of affordable housing taken together with relatively slow turnover of properties, potentially worsens the situation. The average waiting time for a housing in Albrighton is 65 months (Shropshire Homepoint). Between the beginning of 2017, just 14 properties have been advertised as being available for rent through Homepoint. In addition, the Registered Provider (Wrekin Housing Trust) have been successful in securing Homes England grant funding for the affordable dwellings, however, grant availability is time limited and dependent upon commencement on site in early 2019 at the latest. In view of this, the proposal will show early delivery and provision of much needed affordable housing. Planning conditions should reflect the need of a Local Letting Plan to ensure a balanced community through the allocation process. The housing provided by this scheme would be a hugely beneficial in addressing in part the housing waiting list for this Parish.

4.8 SC Conservation – No Objection:

The new scheme has removed the area closest to the listed Railway Station from the development. The proposed residential development is considered to be at a distance that would not readily impact upon the setting of the station in this instance.

4.9 West Mercia Constabulary – No Objection to application 17/03774/FUL

Applicants should aim to achieve Secured by Design (SPD) award status. No further comments made in respect of this revised application.

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 199 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 Objection:

Based on the current design guidance (SAMDev Policy MD2) the development will provide 156 bedrooms and produces a requirement for 4680 sq m of Open Space. The total Open Space created within this development is 7425 sq m and therefore exceeds the minimum requirement by some 2745 sq m, ensuring that the policy requirement is met.

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

4.12 SC Drainage – No Objection:

The proposed drainage details, plan and calculations for surface and foul water drainage should be conditioned on any planning permission that is issued.

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

As the land is all rural, apart from the access road, the urban figure of 0.75 used in the discharge rate calculations is too large. The parameter should be recalculated using the actual amount of non-urbanised greenfield area and use that figure as the allowable discharge. A climate change of 35% should be used as per the Council's SuDS Manual.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

2. 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.

3. 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.

4. Highway gully spacing calculations should be provided.

Should gullies be the only means of removing surface water from the highway, spacing calculations will be based on a storm intensity of 50mm/hr with flow widths of:

0.5m on all carriageways with footways, or;

0.75m on all carriageways adjacent to a flush soft verge, or;

1.0m on carriageways which have a hard-shoulder.

Gully spacing shall be no less than 20m on balanced carriageways except in vulnerable areas for 1 in 100 year storm events.

Close spacing of gullies on a development will increase maintenance liability for both emptying and of the road surface around the ironwork. Amending the vertical profile or installing kerb drains should be considered where spacings are less than 20m. Alternatively, to reflect the increased liabilities, a commuted sum would be applied to any gully within the minimum 20m spacing.

In addition Shropshire Council's Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12 requires that exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site, or contribute to surface water flooding of any area outside of the development site.

Therefore the proposed management of exceedance flows generated by this return

period must also be considered and catered for.

This must be demonstrated by the provision of a contoured plan of the finished road levels showing the proposed management of any exceedance flow. (The discharge of any such flows across the adjacent land would not be permitted).

Vulnerable areas of the development, where exceedance is likely to result in the flooding of property, or contribute to flooding outside of the development site, highway gully spacing should be doubled over the entire length of highway contributing to the vulnerable area to ensure a 100mm/hr storm event is managed or attenuated on site.

4.13 Network Rail – No Objection in principle:

- The developer will remain fully responsible for the vehicle parking spaces included for station customers to use; signage should show that the spaces are for railway station customer parking only.

- A Risk Assessment and Method Statement should be submitted direct to Network Rail for all works to be undertaken within 10m of the operational railway.

- Trespass proof fencing should be provided adjacent to the boundary with the railway/railway land, with any existing Network Rail fencing and boundary treatments retained; any fencing over 1.8m in height will require Network Rail approval of details of foundations and wind loading calculations.

- No scaffolding to over-sail the railway.

- Any use of vibro-compaction machinery/piling machinery or piling to be the subject of a method statement to be submitted to the Network Rail Asset Protection Engineer for agreement.

- All drainage flows should be directed away from the railway, with soakaways at least 30m from the railway boundary and surface and foul waters less than 30m from the railway boundary in closed sealed pipe systems.

- High kerbs or crash barriers should be installed where turning areas are adjacent to the boundary with the operational railway.

- Public Comments

4.14 18 Objections have been received which are summarised below. The full text of the comments may be viewed on the planning file:

- No objection to land being put to residential use, but totally unacceptable to access from Shaw Lane.

- Previous application rejected by Planning Committee on access grounds and access must be made from Kingswood Road.

- Entrance should be at the Smithy end of Shaw Lane.

- Traffic congestion an ever increasing problem on Shaw Lane.

- Parents have problems parking when dropping off and picking up children from school.

- Visitors to doctors surgery have difficult problems getting parked.

- Rail users park their cars all day along Shaw Lane.

- Access to development is ill thought out and an accident waiting to happen.

- Another 64 homes would mean the arrival of around another 100 vehicles.

- Ask if anyone from the Planning Department has stood and observed Shaw Lane and the traffic and pedestrian flows.

- Traffic survey has proved to be incorrect and more realistic figures for parking were submitted covering a longer period of time.
- Assessment of station parking flawed; many of the commuters park in the adjoining roads as far as the junction of Station Road and Cotswold Drive and it is doubtful they have been included in the count.
- Traffic and noise reports are not an accurate representation.

- What is proposed for the land where the extra care building was previously proposed?
- Speculate that a further planning application for a 3 storey building would be forthcoming.

- Water drainage issue has not been resolved and, in view of recent local flooding, will become a further problem in the not too distant future.
- Would exacerbate the flooding issue.
- Severn Trent consistently fail to enhance the current drains network.
- Surface water from the proposed site has managed to travel 120 yards from the field down garden to door sill due to very poor drainage.
- Drains in Shaw Lane have always been an issue with blockages and water from proposed development would cause significant issues to those downstream of connections.
- Concerned about possible dewatering issues and impact on pond ecology with any change to the water table.
- Drainage connections should be to the south.
- Land is now acting as a flood plain due to the very high water table and any substantial building on this site without up to date, independent and proper assessment of flood risk should not be supported.
- Site plan out of date omitting newly constructed house on Shaw Lane.
- Supporting documents not updated to take account of removal of extra care facility from application.
- Density of housing not sustainable.
- Noise and pollution levels would rise, and dust would be detrimental to health of school children, staff and local residents.

- During construction phase many trades will be waiting for site access at 7 to 8am and leave at 4/5pm just in time for existing peak traffic volumes.
- Builders traffic could only access via Shaw Lane, via Station Road (through the village) or Station Road having come under the 10ft 6in height railway bridge, causing bottleneck in Shaw Lane/ at the bridge/village centre.

- Was broad support for the original Boningale Homes proposal.
- Applicants have not taken account of concerns raised at public meetings.

- No evidence of any dialogue with Boningale Homes to facilitate access from the south to address part of previous refusal reason.

- Object to Wrekin Homes owning the majority of the proposed houses; starter houses for young couples are needed to keep the village going and do not need any more care houses or apartments.
- No provision for first time buyer who do not come under the Wrekin Housing scheme.

4.14 Albrighton and District Civic Society – Object:

- Current application still includes the same point of access/off Shaw Lane that was a reason for refusal of the previous application.
- Previous application not rejected on drainage grounds and seemed to rely on Severn Trent carrying out a check/model test to ascertain if the present system is able to accept drainage water from the site.
- Common sense that adding water in a northerly direction will increase flooding risk in the north of the village.
- Unacceptable to deal with vital drainage matter as a condition and it should be considered a ground for rejection.
- Council's Flood and Water Manager on 30th July 2015 states that drainage should only be discharged southwards.
- No drainage water should be connected into the sewers in Shaw Lane and Station Road.
- Area which was once a gas works is understood to contain contaminated ground which would potentially affect run-off water into the public supply.

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.

At peak times up to 200 children are deposited or collected at the school within a short period of time.

Current application includes measures discussed with the school comprising;

- a) Pedestrian barrier on the footway that leads directly to the school.
- b) A wider footway on the school side
- c) Raised platform to slow traffic by school.

Ask that safety advice be taken on the detail of the pedestrian barrier with regard to start and finishing point and road crossing point(s). Would like parking restrictions to design out the possibility of parking between Shaw Lane and the school entrance.

Pleased to see that the application includes for the replacement of the existing fencing adjoining the school, replacing it with 2m high paladin mesh fencing with hedging in front, which is in line with Secured by Design for New School guidance. The preference is that the Boningale Homes fence in that development to the south matches what is proposed in this application. Pedestrian and vehicular gates at the entrance to the school shown on site layout drawing 04 should be provided as part of the fencing and to a similar specification.

4.16 Albrighton Development Action Group – Object:

- Current application still includes traffic access to/from Shaw Lane which was one of the points causing refusal of the previous application.

- Drainage waters from the site could not be connected into the sewers in Shaw Lane and/or Station Road as this would increase the risk of flooding.
- Council's Flood and Water Manager on 30th July 2015 states that drainage should only be discharged southwards.
- Issue of which direction drainage water is to go should be dealt with now and not later in some piecemeal fashion.
- True impact of the application cannot be assessed without an understanding of the nature and scale of the area marked "Future Development".

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 12 places an emphasis on achieving good design and achieving well-designed places in development schemes. At paragraph 127 it seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character and history while not preventing or discouraging appropriate innovation or change; establish a strong sense of place; to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and to create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. 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, and are safe developments. 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 areas of open space would give a spacious quality to the development, appropriate to this edge of village 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 with the previous application identified that the listed buildings in the locality include the Albrighton Railway Station and foot bridge, and railway bridge, all listed grade 2. It assessed the impact of the proposed development on these designated heritage assets in accordance with Section 12 of the then current National Planning Policy

Framework (NPPF) (Now Section 16 of the revised version). It asserted 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. The Conservation Officer concurred that the harm to the designated heritage assets at Albrighton Railway Station would be less than substantial in this case, but the Planning Committee (following the Committee site visit) came to the view that the harm would still be significant in respect of the impact of the proposed three storey extra care building. That structure however does not form part of the current application, which is identical in all other respects. It would therefore be consistent for the Committee to conclude that the current proposal would not harm the character and appearance of the locality, would not be an over development of the area, and would not have an adverse impact upon the setting of the listed railway station building. This re-submitted proposal without the extra care apartments addresses that section of refusal reason relating to a significant harmful impact set out at paragraph 1.1 above. A refusal on the grounds of an unacceptable impact on the character and appearance of the locality and 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 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, would amount to some 7425sqm (Excluding the pond), exceeding the target of 4680sqm from applying the 30sqm per bedroom standard 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 and the former caretakers dwelling, all the proposed dwellings are to the east of the existing school buildings and this separation distance across a field area, 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 9, seeks to promote sustainable transport. At paragraph 108 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all users. At paragraph 109 it states:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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 The previous application 17/03774/FUL, was refused by the South Planning Committee, contrary to the Officer recommendation, on a highway matter relating to the sole vehicular access being proposed from Shaw Lane. This element of the refusal reason states:

“It is acknowledged that the application site forms part of an adopted Development Plan housing allocation and would deliver new market housing and a high level of affordable housing broadly in line with the development guidelines for the site set out in Policy S1.1a of the SAMDev Plan. However, these benefits are not outweighed by a combination of negative factors which comprise:

- the vehicular access to the development being solely onto Shaw Lane with no assurance at this stage that access from Kingswood Road to the south could be achieved, which is the preferred option for the site as shown on the SAMDev Policies Map

SIMap, with the consequence that the nature and scale of the development would create traffic flows that would exacerbate the existing traffic congestion already experienced in the Shaw Lane area because of the close proximity of the School, Railway Station and Doctors Surgery, to the detriment of highway and pedestrian safety;

The current application has not amended the proposed vehicular access arrangement to the site from Shaw Lane.

- 6.6.3 The applicants have re-submitted the previous Transport Assessment, along with a Technical Note dated July 2018 which concludes:

“A Transport Assessment was produced in July 2016 that clearly demonstrated the proposed site access would operate well within accepted thresholds of capacity for a larger development comprising 74 extra care apartments, six bungalows and 58 houses. It therefore follows that the site access junction will continue to operate entirely satisfactorily for the smaller development proposed. This Technical Note clearly demonstrates that the predicted traffic flows on Shaw Lane resulting from this development will be very modest, even when taking into account the traffic flows from the Boningale Homes development. In the opinion of Savoy Consulting Shaw Lane will continue to operate well within the capacity of the local highway network, even when considering the existing on-street parking that takes place in the morning peak resulting from parents dropping off their children at the primary school and some patients at the GP surgery who choose to park on-street although there is a surgery car park available for their sue. In summary, therefore, Savoy consulting is of the very firm opinion that there will be no unacceptable impact on highway safety and the residual cumulative impacts on the road network cannot be classified as ‘severe’ as defined in paragraph 109 in the July 2018 National Planning Policy Framework.”

- 6.6.4 The Council’s Developing Highways Area Manager (South and Central) comments are set out in full at paragraph 4.2 above. Assessed against the bullet points set out in paragraph 108 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 plan 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. While the Highways Area Manager has a number of concerns, as set out in 4.2 above, taken together these matters are not sufficient to change the Officer view that it is not possible to demonstrate the proposed development would have an unacceptable impact on highway safety, or that the cumulative impacts on the road network would be severe.

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 8 in Appendix A addressing the other matters.

- 6.6.5 The proposed road, footpaths and highway verges adjacent to Plot 55 on the southern site boundary would be taken up to the site boundary as part of the works that are subject to this application. The Council's Developing Highways Area Manager has previously advised that, in the event of the highways in this application and those in planning permission 15/02448/FUL being constructed and offered for adoption, once the roads become part of the public highway there would then be the opportunity to move the point at which there would be a restrictor to prevent the through movement of vehicles to/from Shaw Lane and Kingswood Road, should it be deemed desirable for a proportion of the housing development in the current application site to be served from Kingswood Road.

(At the time of writing this report it was hoped to arrange a meeting with the developers who have control of the adjacent areas of land which form the housing allocation and representatives of the Parish Council to discuss the vehicular access arrangements/options. The Bonningale Homes representative was not available on the dates suggested and has set a pre-condition of a scheme being submitted for their consideration prior to such a meeting. The applicants have responded that whilst they are happy to have discussions with Bonningale Homes over a combined access, they feel that their proposals include a fully workable and technically compliant access. This current application has to be considered on the basis of the proposed access to Shaw Lane contained within it, as it is the only part of the application site that abuts an existing highway).

- 6.6.5 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.”

- 6.6.6 The proposed site layout would leave open the option of an easterly extension of the main access road into the safeguarded land. The proposed site layout plan alignment of the southern cul-de-sac would align with a road in the layout of the residential development in planning permission 15/02448/FUL. This alignment would provide a through route for pedestrian and cyclists, but not for motor vehicles, in accordance with the above development guideline.
- 6.6.7 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. 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.

- 6.6.8 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, is excluded from the current application site.

- 6.6.9 The applicants have responded to this development guideline by including in the proposed site layout an area for 12 car parking spaces 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 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 would therefore deliver an increase of some 46% in the amount of off-road parking available in the immediate locality for railway station users. The survey and assessment carried out by the applicants in response to queries raised in connection with the previous application has been re-submitted with this application. This states:

“BACKGROUND

It was described in the report to planning committee that the station approach and forecourt could accommodate 26 vehicles with tight parking.

SURVEY

A count of passengers using the station was carried out on the morning of Tuesday 20th March 2018, between 05.43 and 08.30. This period covered all trains departing the station that would be used by commuters.

On arrival at 05.43am it was observed that 2 vehicles had been parked on the station car park overnight and 7 residents' vehicles were parked outside properties in Shaw Lane.

The count was as follows:

Albrighton - New Street Dep 05.58am

- 1 commuter was dropped off at the station
- 2 vehicles with one commuter in each parked on the car park
- 5 commuters arrived at the station on foot
- 8 commuters boarded the train.

Albrighton - Shrewsbury Dep 06.26/ New Street Dep 06.32am

8 commuters arrived by car and parked on the station
1 commuter arrived by car but parked on the main road some 100mtrs away
4 commuters arrived on foot
1 commuter arrived on a bicycle and deposited it in the bicycle store
14 commuters boarded the train.

Albrighton - Shrewsbury Dep 07.04am

1 commuter arrived by car and parked on the car park
1 commuter arrived on foot
2 commuters boarded the train

Albrighton - New Street Dep 07.50am

9 vehicles arrived at the station parking in the remaining spaces
07.40am - car park is full
8 vehicles arrived after 07.40am and had to park on the roadside
4 commuters were dropped off
29 commuters arrived on foot
50 commuters boarded the train

Albrighton - Shrewsbury Dep 07.59am

3 commuters were dropped off
4 commuters arrived on foot
7 commuters boarded the train

It was observed that 6 commuters got off the train arriving from Shrewsbury at 07.59am

Albrighton - New Street Dep 08.21am

5 vehicles arrived and had to park on the roadside
3 commuters were dropped off
21 commuters arrived on foot
29 commuters boarded the train

On leaving the station area at 08.30am it was observed that a total of 14 vehicles were parked on the roadside with further vehicles parked in Shaw Lane outside the Albrighton Medical Practice but as the surgery was open it was presumed that the occupants of these vehicles were attending appointments with their G.P.

ANALYSIS

During the period covered the figures show 20 vehicle being parked by rail users, plus the 2 cars parked overnight. In addition one space was taken by those undertaking the survey, with a further 14 parking on the road. The total number of cars being parked by rail users was therefore 34 (20+14).

However 26 spaces should be available so the shortfall in spaces is 8 if the railway car parking was solely used by rail users.

COMMENTS

According to a report published by the Office of Rail and Road Data published in December 2017 Albrighton Station had a total of 99,380 entries and exits over a 12 month period By comparison Shifnal Railway Station had 166046 entries and exits during the same period.

Albrighton station has 26 car parking spaces, Shifnal 20 spaces. Based on passenger numbers there are 4320 entries and exits per parking space at Albrighton compared to 8302 entries and exits per parking space at Shifnal. Whilst this may indicate that Albrighton station possibly has an appropriate number of parking spaces when

compared to other stations, this does not cater for all rail users at the station.

To alleviate on-street parking a total of 12 car parking spaces are proposed within the development for rail users, the furthest of these being approx. 330m from the railway station. Taking an average walking speed of 3 miles per hour this would take approx. 4 minutes to walk to the station. It is considered that this is a reasonable distance to walk and that the provision of the 12 spaces more than makes up for the current shortfall of 8 spaces at the station. We would expect that any residents of the new development who wished to use the station would walk, this not impacting on the current situation."

- 6.6.10 The Committee accepted in the June 2018 consideration of the previous application 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) by providing additional parking: This matter did not form part of the reasons for refusing application 17/03774/FUL and there has been no material change in circumstances since June this year to now warrant a different decision on this stationing parking issue and the provision made in the proposed development.

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 (25%) 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 drainage for the development would be adopted by Severn Trent Water.
- 6.7.2 The comments of the Severn Trent Asset Protection Manager (West), as set out at 4.6 above makes it clear that:
"Ultimately the issue of sewer capacity sits with the sewerage undertaker to resolve. Developers have a right of connection for domestic flows to the nearest suitable sewer and if Severn Trent want to change the connection point or need to provide additional capacity in the sewerage system to accommodate the flows from new developments then we have the right to do that (at our cost) but we do sometimes need the planning system to support us in terms of providing time for us to fully understand what needs to be done and then get that designed and built."

The underlining above shows that the responsibility for ensuring that there is adequate sewer capacity rests with the sewerage undertaker (Severn Trent in this case) and not the applicant. The support sought by Severn Trent in this instance would be achieved through the two pre-commencement conditions below, which

have been agreed with Severn Trent and the applicant:

1) Before development commences a phasing plan for the development, linked to the results of the full hydraulic modelling exercise undertaken on the surrounding sewerage system and the timetable for implementation of any remedial measures identified as being needed in order to accommodate the foul drainage flows from this development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan, with the dwellings being occupied at a maximum rate linked to the completion of any off-site sewer remedial measures required as a result of the modelling exercise, which has been approved in writing by the Local Planning Authority in consultation with Severn Trent Water Ltd.

2) No development shall take place until a scheme of 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, in line with the approved phasing plan, is occupied/brought into use (whichever is the sooner).

6.7.3 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 the above conditions 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 in conjunction with the agreed pre-commencement drainage conditions to ensure 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, the NPPF advises at paragraph 178 states 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. It continues at paragraph 179 that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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 64 units there would be 36 two bedroomed properties; 16 three bedroomed properties and 6 four bedroomed properties; with 6 two bedroomed bungalows for the over 55 age groups. The proportion of affordable dwelling units would be some 56.25%, (36 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 applicant has advised that they are working with Wrekin Housing to deliver the affordable homes proposed and that grant funding is in place from Homes England. 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. 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 absence of one bedroom accommodation is clearly 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 42 properties (bungalows and two storey dwellings) out of a total of 64 properties. A refusal relating to a 40%/60% one bed/two bed unit balance not being achieved could not be sustained.

6.9.2 The Council's Affordable Housing Team has no objections to the number and mix of affordable dwellings in this area of high housing need. 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 189 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 11, 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 and houses 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.
- 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 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 proposals would not have an unacceptable impact on highway safety and the residual cumulative impacts of the development on the road network would not be severe. In such situations the National Planning Policy Framework states clearly that development should not be prevented or refused on highway 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

Contact: Tim Rogers (01743) 258773

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)

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

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Malcolm Pate

Appendices

APPENDIX 1 - Conditions

Contact: Tim Rogers (01743) 258773

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. 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 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. Before development commences a phasing plan for the development, linked to the results of the full hydraulic modelling exercise undertaken on the surrounding sewerage system and the timetable for implementation of any remedial measures identified as being needed in order to accommodate the foul drainage flows from this development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan, with the dwellings being occupied at a maximum rate linked to the completion of any off-site sewer remedial measures required as a result of the modelling exercise, which has been approved in writing by the Local Planning Authority in consultation with Severn Trent Water Ltd.

Reason: The condition is a pre-commencement condition to prevent creating or exacerbating any flooding inside or outside the site boundary, to protect the environment.

12. No development shall take place until a scheme of 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, in line with the approved phasing plan, 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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) and the Environment Agency's approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

18. 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.

Contact: Tim Rogers (01743) 258773

19. 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 175 of the NPPF.

20. 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.

21. 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.

22. 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).

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- 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 175 of the NPPF.

23. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials and colour finishes to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of the visual amenities of the area.

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 38.

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

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

Albington 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.

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