



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Friday, 25 May 2018

Committee:
South Planning Committee

Date: Tuesday, 5 June 2018

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Andy Boddington
Gwilym Butler
David Evans
Simon Harris
Nigel Hartin
Richard Huffer
Madge Shingleton
Robert Tindall
David Turner
Michael Wood
Tina Woodward

Substitute Members of the Committee

Jonny Keeley
Heather Kidd
Christian Lea
Elliott Lynch
Cecilia Motley
William Parr
Vivienne Parry
Kevin Turley
Leslie Winwood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Election of Chairman

2 Apologies for Absence

To receive any apologies for absence.

3 Appointment of Vice-Chairman

4 Minutes - TO FOLLOW

To confirm the minutes of the South Planning Committee meeting held on 9 May 2018 – TO FOLLOW

Contact Linda Jeavons (01743) 257716.

5 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 24 hours prior to the commencement of the meeting.

6 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

7 The Larches, Larches Lane, Oretton, Cleobury Mortimer, DY14 0TW (17/02689/FUL) (Pages 1 - 22)

Erection of a building for the housing of alpaca, the storage of hay and associated agricultural equipment for alpaca husbandry; formation of access track.

8 Proposed Residential Development Land East Of Shaw Lane, Albrighton (17/03774/FUL) (Pages 23 - 106)

Residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses; improved access.

9 Spicers Hall, Caravan Park, Spicers Hall Farm, Off Church Street, Claverley (17/05265/FUL) (Pages 107 - 126)

Application under Section 73A of the Town and Country Planning Act 1990 for ground levelling engineering operations.

10 11 Greenfields Road, Bridgnorth, Shropshire, WV16 4JG (18/01814/FUL) (Pages 127 - 132)

Erection of single storey front extension

11 Schedule of Appeals and Appeal Decisions (Pages 133 - 146)

12 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 3 July 2018, in the Shrewsbury Room, Shirehall.

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Committee and date

South Planning Committee

5 June 2018

Development Management Report

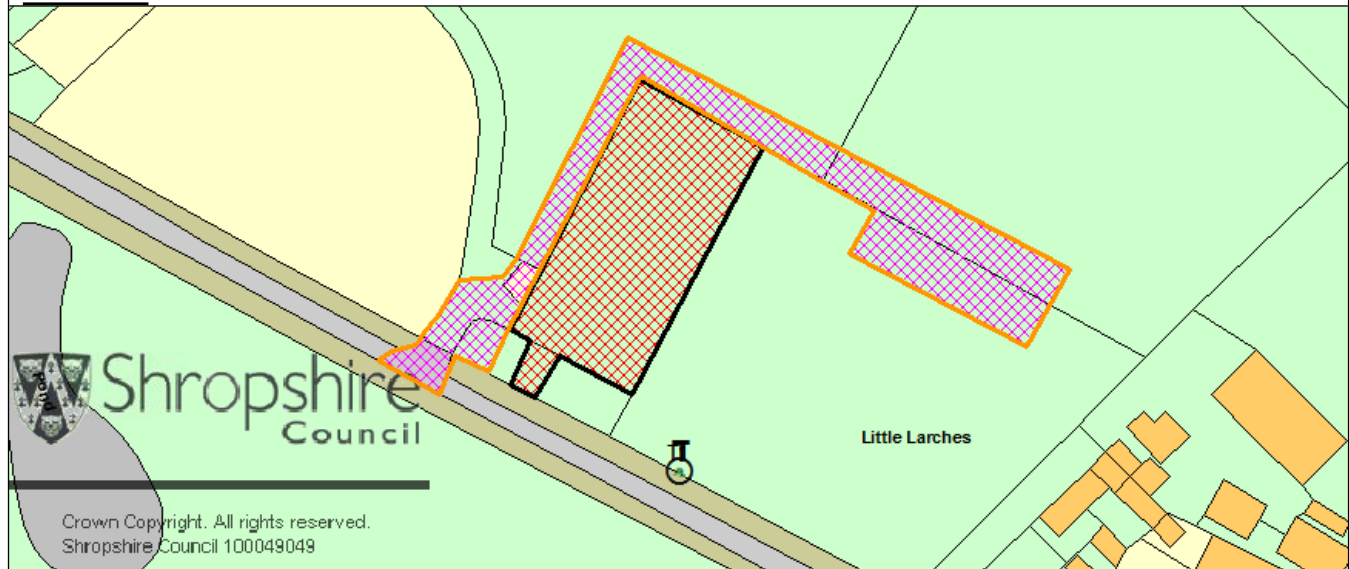
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/02689/FUL	Parish:	Farlow
Proposal: Erection of a building for the housing of alpaca, the storage of hay and associated agricultural equipment for alpaca husbandry; formation of access track		
Site Address: The Larches Larches Lane Oretton Cleobury Mortimer DY14 0TW		
Applicant: Mr & Mrs P Archer		
Case Officer: Mandy Starr	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 364636 - 280103



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 This application was deferred at the May 2018 South Planning Committee meeting in order to explore with the applicant re-positioning the building to the west of the power lines across the site and immediately adjacent to the northern side of the manege which is now used to exercise the alpacas, in order to increase the separation distance of the proposed building from the neighbouring 'Little Larches' property. The Committee also commented that such an adjustment would also reduce the amount of new hardstanding drive required which as proposed imp[acts on the paddock areas whose pasture is specically tended to ensure no contamination of the alpaca 'poo' that is collected. The proposal was described in the previous report as follows:

"1.1 The proposal is for the erection of a general purpose agricultural building for the housing of alpaca and the formation of a new access track and concrete apron to be positioned so as be along a field boundary on land that is sited to the south east of the applicant's dwelling of The Larches on land that is sited near to a property known as Little Larches. The building would have a shallow dual pitched roof, coloured anthracite, and would incorporate five rooflights on each roof slope. The walls would be of weatherboarding, with the south east elevation fully covered in horizontal cladding painted black. The south west elevation would feature four open, gated bays and one enclosed bay forming a store room. Within the upper part of te building there woukd be a mezzanine floor for hay and fodder storage. The building would measure some 22.86m by 11.16m, with a height of some 5.3m to the eaves and 6.52m to the ridge.

1.2 The proposed current location of this barn has been revised twice as the previous locations which were firstly to be positioned adjacent to the hedge and tree boundary along Larches Lane and further back into road side field itself were considered unacceptable and so the barn would now be sited further into this field effectively straddling both this paddock and the second paddock beyond.

1.3 In addition following the submission of further information regarding the use of the barn the application description was changed to solely being a building for the housing of alpaca (not any other livestock), the storage of hay and associated agricultural equipment for alpaca husbandry and formation of an access track to a field that is sited off Larches Lane Oreton."

1.2 The agent has now confirmed that in response to this application being deferred at the last South Committee that he client has agreed to remove the proposed access track that was proposed to run to the right hand side of the riding arena (now used as an exercise area for the alpaca). Instead his client has confirmed that that the access to the proposed building would use the current access routes that already

exist at the property and would need to provide a short length of new track beyond to the new building. However no changes are proposed to the location of the barn which is not to be changed. The response received with respect to the position of the proposed building states as follows:

“With regard to the location of the building, it is pivotal to the welfare of the animals and it is vital they can use the barn during the normal course of the day, whether it be for shade, relief from adverse weather, birthing, feeding or just relaxing. My client’s business is growing, their modest smallholding needs to sustain their growing alpaca herd, the rotation of sheep and pasture set aside for premium quality hay. My client does not have excess land and those who suggest otherwise have no understanding (and have not enquired) of how my client’s land is used. The position of this barn is critical and to this end my client wishes to keep the barn in its current proposed location and would like it scheduled for the 5/6/18 meeting. As this business continues to grow it will need a local workforce - whether casual, full or part time - which is a benefit to the local community, a fact which has been ignored by the Parish Council and derided by the local councillor during the site visit recently.

We would also like to point out that the business also spends the vast majority of its expense costs in the local community on things such as Hedge Trimming, Hay Making, Harrowing / rolling, Equipment repairs, Printing, Feed costs, Animal Welfare costs. And, if granted permission, it will use local tradesmen to construct the barn.”

2.0 SITE LOCATION/DESCRIPTION

2.1 The Larches is a detached property sited on the north side of Larches Lane which is an unmade track and Bridleway 0125/UN4 that runs roughly east/west between Foxholes in the west and New Road in the east. The lane is tree-lined in places as is the case here with both fields and dwellings alongside; although most of the dwellings are on the north side of the lane. The Larches is to the north west of the application site and has two vehicular access off the bridleway. To the south east is the property known as Little Larches which is separated from the application property by a public footpath that runs in a north easterly direction towards The Claypits. The land either side of Larches Lane is part of reasonably level plateau with a gentle slope up to the north west from the lower end of track. The application field itself is level as is the land beyond it to the east too.

2.2 This part of Oreton is not within the Shropshire Hills Area of Outstanding Natural Beauty nor is the village in a conservation area. There are no designated heritage assets nearby either.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation and the Ward Members have requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer,

consider that the material planning considerations raised in these proposals warrant the application being determined by the South Planning Committee.

- 3.2 The application was discussed at the South Committee on 9th May 2018 where it was resolved that *“the application be deferred to a future meeting to enable the applicant to give further consideration to the location of the building in order to address the impact on the surrounding area and neighbouring properties”*.

4.0 Community Representations

- Consultee Comments

4.1 Farlow Parish Council – Objection:

“Farlow Parish council met in public session on Thursday 26 April 2018 and their unanimous **objections** to the above revised application can be summarised as follows

Objections

Although there has been some movement in the positioning of the buildings the subject of this application such movement is minimal and in no way addresses the concerns of the neighbour Dave Turner.

If the buildings in question could be moved to the adjacent field and behind the menage and pylons this would address our concerns and consequently we would withdraw our objections”.

1st Revised Comments 28.02.2018 “The proposed amendment fails to significantly reduce the impact that this building would have on the neighbouring property.

The applicant has a sufficiently sized holding that another site could be found for the proposed building without undue impact on surrounding properties.

As the building would see daily activity related to stock handling and management, a location closer to the main farm buildings would be more appropriated.”

Original Comments 24.06.2018- Object for the following reasons:

- ☐ Location of proposed building is inappropriate and is over domineering for both Larches Lane and especially adjacent properties. The building could be positioned elsewhere on the owners land which would address our concerns

- ☐ The size of the proposed building especially the height at 22ft is excessive and again would dominate the surrounding area. We fail to see the need for a building of such dimensions and we are particularly concerned about the proposed height

There is little room to fit a building of this size between the hedge (with three large trees) along Larches Lane and the overhead power cables. Whilst the planning documents state they intend to build away from the trees and their roots, we do not believe this will be possible

- ☐ We are concerned that the Statutory Notice has not been displayed on the site to give notice to nearby residents of the proposed development which would have a significant impact on their respective properties.

4.2 SC Regulatory Services

Having considered the additional information provided since last comments from Regulatory Services, there are no further comment to add. The previous comments still stand. As this has no technical noise or odour issue to be addressed it is considered most appropriate that any amenity impact from the proposed unit is assessed by the planning case officer when making their decision.

4.3 SC Rights of Way

Although BW UN4 runs along Larches Lane it appears not to be directly affected by development.

4.4 SC Highway Authority

No objection – subject to the development being constructed in accordance with the approved details and recommend informative

4.5 SC Trees

The location of the barn has moved away from trees on the frontage therefore the likelihood of post-development conflict has been reduced.

There is no objection on arboricultural grounds to the proposed development, providing suitable simple precautions are taken to protect the mature oak tree located in the boundary hedge closest to the point of access.

Require additional information to be considered as part of any permission with regard to tree protection of the nearest oak tree.

4.6 SC Ecology

The amended position will no longer directly impact any trees, therefore a bat survey is not required. Recommend Informatives.

4.7 SC Drainage – Recommend informative.

4.8 Shropshire Fire & Rescue

Comments made on the need to provide adequate access for emergency fire vehicles and would be dealt with at Building Regulations stage of the development.

-Public Comments

4.9 1 letter from a neighbour objecting on the following grounds:

- Object to the location as size and height of building will overshadow our small cottage and Larches Lane

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure and use
Visual impact and landscaping
Residential amenity
Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Shropshire Core Strategy Policy CS5 Countryside and Green Belt states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. It does however permit development proposals on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of the rural communities. Any application will therefore need to assess the characteristics of the site and the nature of any impacts to the local environment and amenities and consider whether any identified impacts are capable of being satisfactorily mitigated.

6.1.2 Core Strategy Policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.

6.1.3 PolicyCS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.

6.1.4 Policy CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.

- 6.1.5 Shropshire Site Allocations and Management of Development (SAMDev) Plan Policy MD2 deals with Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site which is especially important due to the close proximity of residential properties.
- 6.1.6 SAMDev PolicyMD7b General Management of Development in the Countryside states that planning applications for agricultural development will be permitted where it can be demonstrated that the development is required in connection with an agricultural enterprise and is of a scale/size and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise and it is intended to serve. They must be well designed and located in line with CS6 and MD2 and where possible sited to that it is functionally and physically close to existing farm buildings and there are no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.7 SAMDev Plan Polcy MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on any of the following: locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness. In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas. This site would be adjacent to two semi-mature oaks and established hedgerows which are both important in terms of biodiversity for this private track.
- 6.1.8 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6.1.9 The issues to consider for this scheme is whether the siting of this alpaca livestock building in the third location with its associated hay and equipment store would be appropriate in terms of impact on the adjoining residential property or on the existing landscape.

6.2 Siting, scale and design of structure and use

6.2.1 The proposal is now to site this alpaca and hay storage building that will straddle both female alpaca paddocks to the east of the existing dwelling following the creation of a new hardcore track from the existing field access gate of the lane that is also a bridleway.

6.2.2 The Larches is a red brick C19 dwelling that is set back from Larches Lane. There are several outbuildings between the dwelling and the highway including a black corrugated iron barn near the entrance to the driveway which is used to store hay. There is also a track that wraps around the dwelling leading to a second vehicular access into the holding further to the east. This leads into a field and the riding arena that is now used for walking alpaca and beyond to the two alpaca paddocks. Either side of the field access is a mature hedgerow including three semi-mature oak trees that are sited in the hedgerow between the field access and the eastern corner of the site. These trees overhang both the bridleway and the fields beyond.

6.2.3 The proposal for the creation of a new hardcore track to be taken from the field access was originally for it to run alongside the hedge inside the site and the arena. The revised site plan that was submitted on 17th May 2018 Dwg No K1 5128 Rev 3F is now proposes to utilize some of the existing hard surface tracks that already exist at the holding as well as using same field gate access off Larches Lane as before.

6.2.4 This fourth amendment to the scheme would use the existing tracks that is adjacent to the riding arena on its north west side instead. However there would still be a need to provide a new length of 21m of additional track from the north east corner of the arena to the proposed new barn that would be sited in the same position as before with its compacted hard-core area to the side and with the same concrete apron in front. Similarly this re-aligned access track would still need to pass beneath the 3No existing 11Kv overhead cables that cross the holding in a NNE/SSW alignment. The proposed materials for this steel portal framed building would be Eternit 'Farmscape' profiled roof sheeting with cranked crown sheets and roll top barge boards in Anthracite -dark blue with 10No rooflights.

6.2.5 Unlike the previous scheme to site the building in the middle of the first paddock, this proposal would provide a building with a 3m wide apron instead of a 3.6m wide version as under the previous scheme. The same dimensions of 22.8m by 7.5m are proposed as before which would give a footprint of 171m². The eaves would be 5.3m and the ridge height of the shallow roof would be 6.5m high and there would be small overhang over the concrete apron. The barn element would provide 4No bays with a 33m² store room. Part of the roof would include a 120m² mezzanine to provide space to store the hay required by the alpaca. A soakaway would be

provided to be sited to the south east of the barn between it and the boundary hedge with Little Larches.

- 6.2.6 The 2nd location for the barn would have resulted in it being sited 22m from the hedge/tree line with Larches Lane, but only 12m away from the boundary hedge to Little Larches. This was considered to be too close to Little Larches and these further revised plans have now relocated it further away from both the front hedge and also Little Larches itself. The building would now be some 44m back from Larches Lane itself and it would now be 19m away from the corner of Little Larches too. It should also be noted that there is an existing field access outside of the applicant's land that is some 5m wide that also includes a public right of way that runs from the bridleway towards the north and passes behind Little Larches' dwelling and its farm buildings and boundary hedge.
- 6.2.7 As for the proposed barn, the submitted plans show that to the rear and the north west (gable) elevations, 150 x 25 sawn treated vertical weatherboard with 50mm spaces between above 1.7m of horizontal cladding painted in Black Sadolin would be used. Whilst the south east gable end elevation (that would face towards the footpath and Little Larches small holding) would be entirely constructed of horizontal cladding. The south west front of the building would also be constructed of horizontal cladding above 4No open gated bays with the 5th bay being clad in the same horizontal cladding. A pair of timber pedestrian doors are proposed for the store room bay.
- 6.2.8 The revised submitted elevation plans also indicate that the ground level around the building would be slightly reduced below that of the existing field by a depth of 1m. This would have the effect of reducing the height of the barn by the equivalent amount.
- 6.2.9 The applicants have in support of their scheme produced additional information setting out their business enterprise and how they manage their alpaca herd. They purchased the property in 2009 as it was a smallholding for the breeding of pigs, market garden and the grazing of cows, sheep and horses. The fields are now used for both alpaca and sheep of which there are 25 ewes with an additional 40-50 lambs born during the season.
- 6.2.10 In 2014, the applicants who were already breeding alpaca set up a small agricultural company to provide natural alpaca manure to 'RHS medal winning horticulturalists'. The production of this alpaca manure is a specialised industry that relies on good bio-security and standardised feed to the animals. The applicant's also sell their product to the RHS Flowers Shows and via their website.
- 6.2.11 In addition the animals are sheared once a year and the fibre is sold to make clothing and also to provide fillings for pillows, duvets and mattress toppers. However before shearing the animals must be housed in dry conditions to ensure that the fleece is dry. As alpaca do not like to be fully enclosed, they can get quite stressed especially if the alpaca are breeding, so an open shed as now proposed

would allow for the animals to be housed in a dry environment at shearing time. In addition, the animals cannot cope with prolonged damp spells and therefore need to be enclosed in a building to remain in good condition during the winter months.

- 6.2.12 In terms of accommodation although the applicants have other fields on their holding, it would appear that as part of their business plan they need to keep certain dedicated fields for the alpaca use only and that the male and females also need to be kept apart in order to ensure that breeding can be co-ordinated in the Spring. There are two fields for the female alpaca and two for the male animals. The two female-only fields are the ones that are sited to the south east of the holding where the application barn is now proposed.
- 6.2.13 The rest of the fields are to the north and west of the riding arena and comprise of two fields (which appear smaller than those for the female alpaca) immediately to the north of the dwelling leaving three larger paddocks for sheep grazing and one larger field behind the two female alpaca paddocks solely for the production of hay.
- 6.2.14 The female alpaca fields have been managed for these animals for a number of years and need to be mowed to ensure that the grass is suitable height for grazing and that in addition to the grass, special hay is also fed throughout the year. These four fields are exclusively for the alpaca so as to prevent cross-contamination of the manure product. This is also why there is a need for a barn for the female animals in this location only. It should also be noted that the former horse arena is now used for walking alpaca as there are no longer any horses on the holding.
- 6.2.15 The applicants have confirmed that wish to grow their business by increasing the herd of 7No breeding females over the next 10 years. In order to do this, a barn is required to provide the occasional shelter for these animals as well as to give them space for birthing and for their annual shear. The mezzanine would also provide adequate hay storage for all the year round use which is why such a tall building is required. The hay is currently stored in another barn, but this has caused problems as this barn is also used for lambing hence the need for separate storage facilities.
- 6.2.16 The applicants have also confirmed that unlike normal livestock buildings, this one will not need to have a dedicated muck heap nearby as the alpaca manure is picked up daily to be processed for sale for all four fields and is left in its natural state. By removing the manure from the fields, this ensures that there are no issues with flies or other infecting agents or unpleasant odours from it either. It is then dried and can be used immediately for growing. This means that there is no requirement for any on-site storage of this manure in the fields because it is all removed and then dried off for sale.
- 6.2.17 As for the waste bedding either from the applicants other livestock, this is not burned but is composted and used in the kitchen garden to provide an organic environment. The paddocks are also mown once a week during the season as alpaca are unable to graze long grass. The clippings from the grass are also used as fertilizer and home compost.

- 6.2.18 The applicants have also confirmed that their hedges are managed on an annual basis to a nominated height, but they would accept a reduced height cut if necessary; thereby increasing the height of existing hedgerows is required and this could be dealt with as part of a landscaping scheme.
- 6.2.19 Further information has also been provided on the daily life of the alpaca holding as this is a labour intensive enterprise due to the particular dietary requirements of this species which require supplementary feed in the morning as well as the hay which are housed in special water-tight containers. Even though there are two fields for the male and female alpaca, each paddock is grazed in turn, so as to rest the remaining paddock as the applicants only have 6ha and they also need to ensure that they can continue to provide hay.
- 6.2.20 It is considered that the building would not detract from the visual amenity and rural character of the area, and that it would be of an appropriate form and scale for the intended use.

6.3 Visual impact and landscaping

- 6.3.1 The Larches is situated on the north side of an unmade road (bridleway) which has a number of mature trees planted either side of it in the established hedgerows. There are three such trees in the field the subject of this barn and two of these trees have now been protected by way of a provision of a Tree Preservation Order. The original siting for the barn was to be right underneath the canopy of two of the trees. This was considered to be an inappropriate location as it would have resulted in significant harm to these trees both in terms of root compaction and damage to the canopy too.
- 6.3.2 The revised plan now shows that the building would be sited some 44m away from the bridleway, but in doing so the building would still be relatively close to the back of Little Larches which is a small holding. It is noted that although the applicant's may not consider Little Larches to be a residential dwelling; preferring to refer to it as a small-holding with its barns and animals, there is still a dwelling here albeit one that faces southeast. However this would only be some 19m to the south west of the proposed barn unlike the applicant's dwelling which would be some 113m away.
- 6.3.3 Little Larches is situated to the south east of a metalled track (that includes a separate public footpath) that leads into their holding and has its rear wall of the stone dwelling fronting onto this track. On the applicant's side of the track is a low hedge, so the new building would clearly be seen in the field beyond this even if it were partly lowered into the ground. Nevertheless it would be a fairly high building being some 6.5m high and this has resulted in an objection by the neighbouring property. Although it is acknowledged that agricultural livestock buildings are normally quite high to provide the necessary ventilation, they do not usually contain mezzanine floors for the storage of hay as is proposed. The applicants were asked to consider siting the hay barn elsewhere as this would then allow for the ridge line

to be reduced, but they declined to do so.

- 6.3.4 Originally it was requested that the south east elevation that faced onto Little Larches should be clad in solid timber as this would limit the noise of animals being housed in the building bearing in mind that the rest of the building would have Yorkshire Boarding above a horizontal cladding section. The revised drawings continue to show that the south east gable end would be constructed of solid timber as before. In addition the applicant has indicated that unlike cattle or sheep, alpaca are docile animals and make little noise apart from a 'quiet hum' in their herds.
- 6.3.5 The applicant has sought to reduce the impact of the building by setting it into the field and re-siting it for a third time as well as ensuring that the end elevation would be entirely clad with timber giving it a more traditional appearance. However the bulk and massing of this building would still be partially visible from the access and Little Larches and from users of the Public Right of Way that leads towards The Claypits from the bridleway.
- 6.3.6 It is considered that suitable landscaping could mitigate the visual impact of the building in the revised location by allowing the hedge to increase in height and by the planting of suitable native tree species along this boundary. These measures could over time reduce the visual impact of the building. In addition, an appropriate condition to ensure that this building is not used for general livestock housing in the future would control any future occupancy by cattle or sheep. There is also a need to ensure that any external lighting is not directed towards the neighbouring property and is properly shielded to prevent light pollution.
- 6.3.7 Turning to the location of the proposed access track that would lead to the building from the existing field gate, the amended route would keep the access track away from the protected trees on the southern side of the holding. The applicant has now agreed that the new access to barn will use the existing access track that runs around the north west of the exercise area. An additional short section of new track will be required as well and that will be to the east of the exercise area and will not affect any trees or hedges. However as construction vehicles will have to access the site via the field gate, it is still considered that it will be necessary to put tree and hedgerow protection measures in place for the construction phase of the development.

6.4 Residential Amenity

- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. This accords with a core planning principle set out at paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. There is an existing residential property to the south east of the application site. The Council's Public Protection (Regulatory Services) Officer noted that the applicant has some 6ha, but was proposing to site the agricultural building in close proximity to a neighbouring residential property that was not under their ownership. This was considered to be unacceptable due to the

potential disturbances from operations to be carried out in the proposed building especially if in the future other livestock could be housed in this building, as the close proximity between the proposed barn and Little Larches could result in unwelcome odours, flies and vermin and pollution from slurry and manure heaps.

- 6.4.2 In response to this concern, the applicant has produced the additional documentation to confirm that there would be no odour issues from the siting of the building in this location as both the manure and bedding would be removed from the site on a regular basis and there would be no slurry or manure heaps nearby. Alpacas are docile animals and make little noise apart from a quiet 'hum' in their herds.
- 6.4.3 Whilst the applicants are keen to grow their business of selling on alpaca manure so that it is not left to rot down in the paddocks next to Little Larches, were the applicants to cease keeping alpaca, there is the potential for other breeds of livestock to occupy the building in the future unless the use is tightly controlled or the barn is removed on the cessation of the use for keeping alpaca, because even with appropriate planting/landscaping measures in place, the building would still be only 17m from the neighbouring dwelling.
- 6.4.4 There is nevertheless a requirement to strike a balance between the economic need for this building which will be an integral part of a growing business enterprise to market both alpaca fibre and the animals manure for the applicants; against the need to site this agricultural building in such close proximity to neighbouring property compared to the applicant's dwelling.
- 6.4.5 In response to the Parish Council concerns, although the applicant appears to have other fields on his holding that could theoretically could be used to site this building instead, they are in fact all allocated for other specific uses. It is therefore clear that there is only these two paddocks available on the holding to site this building and they have to be grazed at different times. It is also acknowledged that whilst a general livestock barn would be wholly inappropriate here, the very specific nature of the use of the proposed building is considered to be more acceptable, but the design of the building is crucial and appropriate landscaping will be required as well as a condition restricting the use of the building to housing alpaca only.
- 6.4.6 Finally these concerns also have to be taken into consideration with the fall-back position of the potential siting of a non-livestock barn right next to the boundary with Little Larches with a more functional appearance under the Permitted Development Rights regime. It is therefore considered that on balance, this third proposed siting of the building further away from Little Larches is now considered to make this scheme more acceptable.

6.5 Other Matters

6.5.1 Highways

The site land off Larches Lane, a private track at Oreton, near Cleobury Mortimer. Larches Lane is also a right of way – Bridleway 0125/UN4 which links between the C4294 in the north and New Road, the U8362 in the south. These are both rural roads, governed by a 60mph speed limit and form a network of similar roads in the area. The proposal is to build an agricultural building to house alpacas, their hay and associated equipment. It is proposed to build an access track from an existing field gate off Larches Lane to the building. A suitable parking and turning area has been included. However due care must be directed toward any overhead cables during construction at the site as these cross the site. The development is not considered to adversely affect highway safety or local conditions and there are no objections.

6.5.2 Ecology

At one stage there was concern about the potential for great crested newt to be in the vicinity of the pond on the other side of the lane. However this is a deep pond being the original brick pit that was used to build this dwelling. There are also ducks on the pond.

6.5.3 In addition as the proposed development would not affect the tree canopy of the oaks so there is less concern about impact on any bats either. The Council's Ecologist has now taken the view that it is not necessary to require a protected species survey in this instance and has recommended informatives be attached to any permission instead.

7.0 CONCLUSION

7.1 The proposed building for the housing of alpaca and the storage of hay and associated agricultural equipment for alpaca husbandry enterprise, the utilization of existing hard surface tracks and the formation of small length of additional track to the north east of the existing exercise area is considered to be acceptable in principle. The proposals would not detract from the visual amenities of the area. There would be no issues regarding the storage of manure outside of this building and nor would these animals result in vocal disturbances that would harm the neighbours amenities. The proposed building would have a traditional appearance using timber cladding to soften the appearance from the neighbouring property. The proposal accords with relevant policy and officer's recommend that the application is approved subject to standard conditions on time limits, development undertaken in accordance with approved drawings, tree protection measures to ensure that the boundary trees are not damaged during the construction and appropriate landscaping condition; external lighting and use condition.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Council Adopted Core Strategy
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD7b General Management of Countryside
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

BR/91/0789 ERECTION OF ONE DETACHED DWELLING CONSTRUCTION OF NEW VEHICULAR ACCESS AND INSTALLATION OF NEW SEPTIC TANK REF 9th December 1991

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

Great Crested Newt Reasonable Avoidance Strategy

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Gwilym Butler

Cllr Madge Shingleton

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No above ground works shall be commenced until full details of both hard and soft landscape works including confirmation that the hedge alongside the boundary with Little Larches will be allowed to grow up to 2m high and the provision of a native species tree planting scheme to be planted between this boundary hedge and the building hereby permitted has been submitted to and approved in writing by the local planning authority. 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.

4. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard the trees and hedgerow to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. Prior to the installation of external lighting to be attached to the building hereby permitted, complete details of all external lighting shall be submitted to and approved in writing

by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved scheme and shall thereafter be maintained.

REASON: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and nuisance.

6. The building hereby approved shall only be used for alpaca husbandry including the storage of hay and agricultural equipment associated with breeding alpaca and shall not be used for the housing of any cattle, sheep or other livestock.

Reason: To safeguard the amenities of the neighbouring dwelling and general locality.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework 2012 paragraph 187.

2. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

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

4. The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html

Useful information for householders can be found in artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

5. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

6. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

7. This planning permission does not authorise the applicant to:
construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway
The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details
<https://www.shropshire.gov.uk/street-works/street-works-application-forms>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

8. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days' notice is required to enable proper consideration to be given.

9. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

10. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:
<http://www.shropshirefire.gov.uk/planning-application>

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5 provides details of typical fire service appliance specifications.

11. It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

12. National Planning Policy Framework 2012
National Planning Practice Guidance 2014

Shropshire Council Adopted Core Strategy
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

Cleobury Mortimer Place Plan

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD7b General Management of Countryside
MD12 Natural Environment

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Committee and date
 South Planning Committee
 5 June 2018

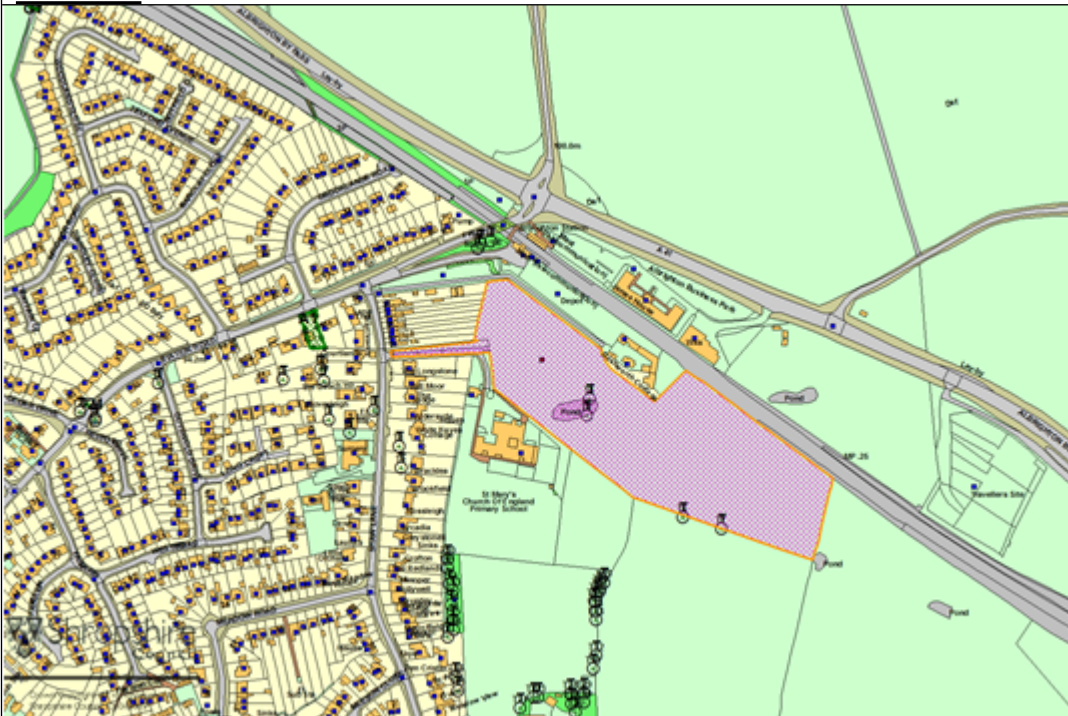
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

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

Grid Ref: 381895 - 304421



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

REPORT

1.0 THE PROPOSAL

1.1 This application was considered at the 13th March 2018 South Planning Committee meeting. The report on the application presented to that meeting, updated to include the additional representations sheet comments and the verbal updates given at that meeting, may be found at Appendix 2 of this report.

1.2 The Committee deferred making a decision on the application, requesting that it be brought back to a later meeting with further information to address five points. These points were:

- 1) Further information from regarding the likely impact of the extra care facility on the workload of doctors and the medical facilities available.
- 2) Further information on the demand for station parking and the accessibility to the railway station.
- 3) The ability of the drainage system to cope with further development and the extent and nature of improvement works required.
- 4) Explore a north/south connection to allow for vehicular access from Kingswood Road.
- 5) Further information from the applicants regarding the conditions of residency/letting at the extra care home.

Each of the above points is considered in turn below.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is situated to the east of Shaw Lane and is currently agricultural land. The access from Shaw Lane is bordered by existing residential properties and their gardens. Adjacent to part of the southern site boundary is St Marys Primary School and associated land, with agricultural land adjoining the remainder of this

boundary. (The latter land forms part of the allocated housing site and is the subject of planning permission 15/02448/FUL for residential development). The eastern site boundary adjoins agricultural land. To the north is the Wolverhampton to Telford railway line, a residential property and a range of buildings formerly used as a builders yard with permission for residential development and access to those properties. The area beyond the private access is used for caravan storage. To the west are the long rear gardens to properties on Shaw Lane.

2.2 The site has an area of approximately 3.5 Hectares.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised and the wide public interest in these proposals warrant the application being determined by the South Planning Committee. This report responds to queries raised by the South Planning Committee at their March 2018 meeting.

4.0 Community Representations

- Consultee Comments

The Consultee responses received since the 13th March 2018 meeting are set out below, with the comments received prior to that date being found in the report attached as Appendix 2. 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 No additional consultee comments had been received at the time of writing this report.

-Public Comments

The public comments received since the 13th March 2018 meeting are set out below, with the comments received prior to that date being found in the report attached as Appendix 2.

4.2 No additional public comments had been received at the time of writing this report.

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
S106 Contributions

The above are addressed in the report to be found at Appendix 2.

6.0 RESPONSES TO MATTERS RAISED BY THE SOUTH PLANNING COMMITTEE

6.1 Impact on Medical Services

6.1.1 It was enquired of the applicants whether they had any data from similar facilities that they operate elsewhere to show what proportion of the residents are likely to be existing Albrighton residents already registered with the Albrighton Medical Practice. Details of the different levels of care packages that would be available to the occupants and delivered by staff employed on the premises, how external doctor support is organised in other extra care developments, and statistics to show how many of the occupants of an extra care facility of the form and size proposed are likely to have conditions requiring regular attendance at a medical practice/doctors was sought, to quantify what the 'additional burden' on medical services would be likely to be. It was also queried whether there is any support the applicants could offer to mitigate such an impact. Albrighton Medical Practice were also asked what additional resource they consider would be needed to serve the residents of the extra care apartments.

6.1.2 The applicants have provided the following information in response to the queries raised:

“BACKGROUND

The average number of doctors per 10,000 population in England is 6.8. NHS guidelines are for 5.8 doctors per 10,000 people. The population of Albrighton at the last census in 2011 was 4628, although the practice boundaries extend beyond Albrighton to cover outlying areas.

ALBRIGHTON MEDICAL PRACTICE

The practice is located on Shaw Lane approx. 100 m south of the entrance to the proposed development.

A map on the practice website defines the area covered by the practice. The practice website also records that there are 7 doctors (5 male, 2 female) for 8,073 registered patients. This is a ratio of 8.6 doctors per 10,000 – well above the national average.

By way of comparison the Shifnal and Priorslee Practice has 3 doctors (all male) plus currently 1 locum for 10,427 registered patients – a ratio of 3.8 doctors per 10,000.

OCCUPATION OF PROPOSED DEVELOPMENT

Extra Care

The 74 Extra Care flats have a total potential residential capacity of 201 persons. Analysis of data for similar schemes developed by The Wrekin Housing Trust records that the average occupancy rate is 45.2% measured against maximum occupancy, with a large number of single residents paying for two-bedroom accommodation. This would put the number of likely residents at 85. National data from research carried out by Carterwood Focus in 2014 notes that on average 39% of residents come from within 3 miles of an Extra Care facility. This data includes a range of tenure types, including private schemes where the catchment area is wider.

Of more relevance is an analysis of Wrekin Housing Trust's last 3 Extra Care schemes which produced the following data:-

*· **The Coppice Shrewsbury** (85 apartments)*

76% to occupants with an SY Postcode (living within Shrewsbury and 3 mile radius)

*· **Oakwood, Wellington** (63 apartments) –*

67% from Wellington and surrounding area (within 3 miles)

*· **Ashwood, Oswestry** (61 apartments) –*

65% from Oswestry

Taking the 65%, it is therefore probable that of the 85 likely residents, 55 would be from Albrighton and within the medical practice boundary so would in all probability already be registered patients. This leaves 30 residents of the Extra Care facility who would be new to the area.

Bungalows

The maximum occupancy of the 6 bungalows would be 18 but in all probability each would only be occupied by a maximum of 2 people resulting in an occupancy of 12.

Houses

The maximum occupancy of the 58 houses would be 266. Whilst it is unlikely that all would have maximum occupancy we have no data to determine what the realistic occupancy figure might be so we have assumed for the purposes of this exercise that they would all be in full occupancy and would all be new to the area.

ANALYSIS

From the above figures the potential impact on the Albrighton Medical Practice would be an additional 308 new patients. This would represent a 3.8% increase in registered patients up to 8,381 and a doctor/patient ratio of 8.35 - still well above the national average.

COMMENTS

Extra Care encourages people to live independently and on average only 25% of residents in occupation have a personal care package in place.

Access to GPs is through the normal way anyone else gets doctor support, living so close will result in clients walking to the surgery and reducing traffic, or GP home calling will be within 500 yards of surgery.

With reference to statistics showing what percentage of occupants of Extra Care schemes are likely to require regular attendance at GP practice, a research paper published in 2015 by the Aston Research Centre for Healthy Ageing (ARCHA) reported;

NHS costs reduce by 38%

The ExtraCare Charitable Trust model can result in significant savings for NHS budgets - over a 12 month period, total NHS costs (including GP visits, practice and district nurse visits and hospital appointments and admissions) reduce by 38% for ExtraCare residents in the sample across the period.

Unplanned hospital stays reduced from 8-14 days to 1-2 days

The ExtraCare Charitable Trust model is associated with a significant reduction in the duration of unplanned hospital stays, from an average of between 8-14 days to 1-2 days, promoting the efficient use of hospital beds.

46% reduction in routine and regular GP visits

The ExtraCare Well-being Service provides accessible and informal (drop-in) support, offering preventative healthcare and ongoing day-to-day chronic illness care. ExtraCare residents used their GP more than the control sample at three and 12 months due to their relatively poorer health. During the 12 month period, ExtraCare residents' routine and planned GP appointments reduced by 46% whilst drop-ins to the Well-being Service increased.

Significant cost savings on social care

The research compared the cost of care provided at The ExtraCare Charitable Trust to the cost of care provided in people's homes in the wider community. It showed that ExtraCare's model is likely to offer significant potential savings in the cost of social care for local authority commissioners. The cost of providing lower level social care using the ExtraCare model was £1,222 less per person per year (17.8% less) than providing the same level of care in the wider community (on average, with variation by local authority) and the cost of higher level social care was £4,556 less (26% less) per person per year.

19% of residents who are pre-frail at baseline return to resilient state 18 months later

Frailty and especially pre-frail states are changeable - however, a significant number (19%) of new ExtraCare residents designated as "pre-frail" at baseline had returned to a resilient state 18 months later.

14.8% reduction in depressive symptoms in 18 months

The ExtraCare Charitable Trust model delivers a 14.8% reduction in depressive symptoms over 18 months. This was accompanied by a 64.3% reduction in people with significant clinical level depression over the same period.

Residents with mobility issues show the greatest reduction in depressive symptoms

Low mobility is a significant predictor of low mood and depressive symptoms amongst older people. However, after 18 months at ExtraCare, those with low mobility showed the greatest reduction in depressive symptoms and those whose mobility reduced over the period did not generally become more significantly depressed. At the end of the period, for ExtraCare residents, serious depression can no longer be predicted by mobility.

10.1% improvement in autobiographical memory in 18 months

At baseline, new ExtraCare residents had more difficulties with cognitive functions, independence, health perceptions, depression and anxiety than the control sample. After three months these differences have reduced and some have disappeared, with significant improvements in psychological well-being, memory and social interaction for ExtraCare residents. At 18 months, there is a 10.1% improvement in ExtraCare residents' autobiographical memory.

Successfully removed differences in self-perceived health which are initially related to socio-economic status

The ExtraCare Charitable Trust model seems to level the playing field by removing differences in self-perceived health which are initially related to socio-economic status. ExtraCare residents who are socio-economically disadvantaged improve in their perceptions of their own health.

Age matters less

Whilst age had an impact on cognition (memory etc) for both ExtraCare residents and the control group, age only had an impact on change in functional limitations for control participants. This is a function of the fact that decisions to move into ExtraCare are needs-related rather than age-related, but is also strong confirmation that age has less impact on self-perceived ability to cope when living in the integrated supported environment provided by The ExtraCare Charitable Trust.

A meeting is being arranged with the Albrighton Medical Practice to set out the above to them and rooms can be made available within the Extra Care building for GPs, Nurses and Health visitors to support vaccination programmes (flu-jabs) blood pressure checks etc.”

- 6.1.3 A copy of the Carterwood Focus Issue 13 – 2014 titled “Extra care housing: Where do residents come from?” has also been submitted, which is referred to in 6.1.2 above.
- 6.1.4 The applicants did submit summary notes from a meeting held with Albrighton Medical Practice. However the contents of these notes have been not been agreed by the Albrighton Medical Practice as reflecting the full discussion. The notes have

been withdrawn at the request of the Medical Practice.

- 6.1.5 There has been no response from Albrighton Medical Practice to the query raised with them at the time of writing this report.
- 6.1.6 From an initial quantitative assessment it would appear the ratio of patients to doctors in this area (8.6) is much higher than the national average (6.8), suggesting there should not be a capacity issue. Enquiries have been made with the Shropshire Clinical Commissioning Group (CCG) and it is hoped to receive any comments they wish to make in time for the Committee Meeting.
- 6.1.7 The Council had a legal duty to cooperate with the NHS CCG and NHS England as part of the SAMDev Plan with regard to long term healthcare planning as a result of housing allocations across the county. NHS CCG and NHS England will have planned for the needs of Albrighton on this basis. The inspector examining SAMDev Plan agreed the Council's "duty to cooperate" with these bodies. It is accepted that an extra care home will generate additional demands on NHS services relative to a family housing scheme as anticipated in the site allocation, but there will not be such a material change in care across the settlement such that permission should be withheld in this case on the grounds of a lack of capacity in medical services.

6.2 Railway Station Car Parking and Accessibility

- 6.2.1 The Planning Officer had surveyed the situation with station parking from visits carried out to the site during the working day and the findings are set out in the report at Appendix 2. The applicants were asked whether they would be prepared to assist in quantifying the amount of on street parking in the vicinity that can be attributed to railway station users, and the pattern of movement in terms of when they arrive and leave. The following statement has been received in response:

6.2.2 "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 166,046 entries and exits during the same period.

Albrighton station has 26 car parking spaces, Shifnal 20 spaces. Based on passenger numbers there are 4,320 entries and exits per parking space at Albrighton compared to 8,302 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.”

- 6.2.3 As explained in the main report attached as Appendix 2, at paragraphs 6.6.5 and 6.6.6, the applicants have responded to the development guideline “*Development proposals should help to provide additional parking in the vicinity of Albrighton railway station.*” by amending the proposed site plan to provide 12 car parking spaces within the site for the benefit of users of the railway station. (The station approach and forecourt can accommodate 26 vehicles with tight parking). These spaces would be positioned opposite the proposed extra-care accommodation, on the southern side of the access road. The car parking would be on the basis of permit holders only, with permits issued by Jessup who would retain ownership of the spaces. They state that appropriate signage would be erected adjacent to the spaces setting out how permits could be obtained. The application as amended would therefore deliver an increase of some 46% in the amount of off-road parking available in the immediate locality for railway station users. It is considered that the provision of these spaces and their management as proposed would address the development guideline of the SAMDev Plan housing allocation S1.1a (ALB002).

6.3 Drainage

- 6.3.1 The applicants were advised that the South Planning Committee wishes to establish the nature and extent of any off-site drainage works that would be needed in connection with the proposed connection into the combined sewer in Shaw Lane. It was queried whether the applicants are prepared to carry out further investigations/surveys and to have a dialogue with Severn Trent Water to give

more detailed information on how the site would be satisfactorily drained for both foul and surface water. The response set out below has been received:

6.3.2 **“BACKGROUND**

Waldeck were appointed by the applicants to prepare a drainage strategy for the development. In preparing the strategy contact was made with Severn Trent Water as follows:

- 2/5/17 Waldeck (Garry Dunnett) emailed STW New connections seeking advice on appropriate discharge rates and outfall positions for drainage from the site*
- 20/6/17 Waldeck (Paulina Makowska) emailed Developer Enquiry Form and information to Severn Trent Water*
- 21/6/17 Severn Trent Water (Rakesh Patel) replied to GD re general points of drainage and clarification on queries, and confirmed other details would be covered by Severn Trent’s response to the Developer’s Enquiry Form.*
- 22/9/17 – Internal Jessups Team email querying where Developer’s Enquiry Response was.*
- The Developer’s Enquiry Response appeared to have been lost/blocked within various email filters; – it was eventually recovered on 19/3/18 when specifically searched for (attached, dated 28/06/17)*

The contents of the Developer’s Enquiry Response explain the ‘No Objection-Subject to Conditions’, Planning Response from STW to the Planning Authority. The clear aims of STW are to ensure the content of Waldeck’s FRA and Drainage Strategy are delivered, and that STW will seek to model their system to find appropriate foul and surface water discharge points for the development site drainage. This is to ensure no local surface water flooding issues are exacerbated. If need be this will include development funded off-site works by STW to increase their network capacity.

During the planning process it is important for non-technical observers to not get caught up in the semantics of ‘Approvals’ vs ‘No Objection’, or to try and hoodwink others on this. On any sites where there may be opposing points of view, one will often find a party claiming that the applicant ‘doesn’t have approval’. Whilst not a false statement, this can be deliberately misleading, especially to lay-people and the general public. At no point in the planning process will STW give a 100% ‘Approval’ to any proposals. They will only give an ‘acceptance in principle’ or ‘no objection’ type response until Planning Permission is granted.

COMMENTS

Working from the advice in the response, the requirements are as follows;

Foul Water

The nearest connection point is in Shaw Lane, but there are known foul capacity issues, so STW recommend we commission them to model the system to identify

acceptable connection point and if any off-site improvements are required. As this assessment would be undertaken by Severn Trent, we are in their hands as to the outcome.

Storm Water

*The developed site will be all positively drained and attenuated to a greenfield run-off rate of 5l/s/Ha. This approximates to 17.6l/s for the whole site. It is pertinent to point out that the drainage proposals in the Clive Onions Flood Risk Assessment for Boningales Phase 2 Development proposed a discharge rate of 29.8l/s to the same location – **70% worse** than what we are proposing.*

Severn Trent Water have already advised that the closest potential connection point is a surface water Manhole (MH 7402) in Station Road, which is downstream of Shaw Lane. Therefore, surface water flows from our development site will be both attenuated on site, and the attenuated flows diverted past Shaw Lane.

It is common for the above to typically be dealt with through the planning process via conditions as recommended already to the planning authority by Severn Trent, and would of course also be subject to signing relevant S104 (adoptions) and S106 (connections) Agreements with Severn Trent Water.

As a consequence of the prolonged determination period of the application the Developer Enquiry response is now more than 6 months old. Waldeck have contacted Rakesh Patel at Severn Trent Water to establish if any circumstances are likely to have changed.”

- 6.3.3 Severn Trent Water have further clarified on 2nd April 2018 that, at the time of their pre-development enquiry response to the applicants, they made a request for hydraulic modelling of the sewer network in order to obtain a better understanding of what impact the proposals would have on the existing sewer network. They then explain, in correspondence to the applicants:

“In a change to our previous process, we are now being instructed by OFWAT that with regard to any growth development, the Water Company has to ensure that the sewer network is ready to cater for proposed development (by way of using the infrastructure charges to instigate improvements that are required). With this in mind, I will be looking to make a new request for some mitigation sewer modelling of this proposed site in order to determine the impact on the existing sewer network and if any improvements are required. In order to appropriately prioritise a request for the sewer modelling, I would require the current status details of the following :

- Current total number of dwellings / buildings proposed for this development.*
- Current Planning Status (with application reference numbers and dates for any envisaged future change of planning statuses).*
- Proposed build Program schedule (phasing of proposed build).*

We will liaise with you over time with regard to the outcome of our investigations and any impact that may have on the Planning status, occupation, or phasing of the site. However while we can provide a brief summary of our findings if you need us to, we will no longer provide the full external capacity assessment report. In the meantime, as you progress matters for your site, we ask that you advise us of any changes in terms of Planning / Build Program / Number of dwellings that may arise from this current proposal.”

The change is that Severn Trent Water would undertake any sewer modelling required should planning permission be granted for the development.

- 6.3.4 In finalising site allocations for SAMDev, the Council told Severn Trent Water (STW) about the overall amount of new development in the Plan. STW will have fed this information into its Water Resources Management Plan 2014 to 2039 and its Assets Management Plan period 6 2015 to 2020. STW is obliged to provide and upgrade water and waste water connections under the Water Industry Act 1991 including to new development. They have not objected to the application and the Committee should therefore assume the local drainage/ sewerage system can accommodate the proposed development. The precise details of drainage within the development, and the point(s) of connection to the local drainage/sewerage system is a matter which can be satisfactorily addressed through the recommended pre-commencement condition 13, which states:

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

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

It is a long established principle that the land use planning system should not seek to query or duplicates powers available to statutory undertakers under other legislation.

6.4 Connectivity to Kingswood Road

- 6.4.1 The current planning application proposes a pedestrian and cycle connection onto the land to the south of the current application site. The road alignment of a cul-de-sac in the present proposal aligns with a cul-de-sac in application 15/02448/FUL should that development be implemented. (Planning permission 15/02448/FUL has now been issued following completion of the Section 106 Agreement). The applicants have submitted the following response to the Committee’s query:

6.4.2 “BACKGROUND

A statement in the SAMdev Plan says “ 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.”

COMMENTS

This development takes its sole access off Shaw Lane by improving the existing access serving St Marys School at the northern end of Shaw Lane to enable the new road to meet highways adoptable standards. The road layout within the site has been set to enable links to be made to land to the south and east.

The land to the south is the subject of a development proposal by Boningale Homes for a total of 121 dwellings. Phase 2 of that development (containing 65 of the 121 dwellings) directly abuts this application site and it has been resolved to grant approval subject to a Section 106 Agreement. The spur in front of plots 55-59 on the application site has been aligned to meet the spur in front of plot 115 on the Boningale Homes layout. The road and footpaths/highway verges will be taken up to the site boundary as part of the works that are subject to this application. In the event that the works on this site progress in advance of those on the adjoining site setting-out coordinates and levels of the road will be provided to other developers so that they may connect the road on their development.

Whilst there are currently no proposals approved for land to the east of the site the spur in front of plot 43 on the application site has been aligned to meet the site boundary at 90 degrees. Again, the road and footpaths/highway verges will be taken up to the site boundary as part of the works that are subject to this application.

The above provisions are in accordance with the SAMdev plan and provide for future connectivity. This could be restricted to pedestrians and cyclists or open for full vehicle access if required.

It should be noted, however, that the application site is served solely from the access at the northern end of Shaw Lane. Whilst we can take our roads up to the development boundaries to facilitate future connectivity, connections will require the cooperation of the other developers in meeting similar obligations that this applicant is agreeing to.”

The agent has reaffirmed that that the proposed road, footpaths and highway verges adjacent to Plot 55 will be taken up to the site boundary as part of the works that are subject to this application and there will be no ransom strip. The applicants are happy for a suitably worded condition to be included in any approval to secure this.

- 6.4.3 The Council’s Developing Highways Manager, South and Central, remains of the view that there are no sustainable highway safety reasons for refusing the current proposal on highway safety grounds. She has advised however 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 on the current application site to be served from Kingswood Road.

6.5 Applicants' Lettings Policy

6.5.1 The applicants have provided the following information on their lettings policy:

6.5.2 "LETTINGS PROCEDURE

Lettings of all affordable housing properties would be in accordance with Shropshire Council Housing's policy, with priority given to local residents.

As an example, at previous schemes the pre-allocation process begins as long as 9 months prior to handover. The WHT (Wrekin Housing Trust) team will be publicise and promote the new scheme and would actively be taking names of potential tenants throughout the period leading up to handover, giving plenty of opportunity for local residents to consider a move.

Once names are gathered, the Trust further prioritises based on the agreed criteria, so in this instance Albrighton residents applying would have priority and have a very long time to be identified and allocated.

For any 'casual' vacancies arising and for allocations post-handover the Trust operates a waiting list approach that will be built up from an expected over demand. This is not compiled on date of application (and/or waiting list date) but is done on prioritisation within the list based on the agreed criteria, so again this would mean putting Category 'A' connection applicants (Albrighton residents for example) at the top of the waiting list.

It is only when the waiting lists are exhausted that the Trust would place a general advert. Such an advert is likely to be open for a couple of weeks, at the most, and then the Trust would allocate in accordance to the local connection criteria.

The full lettings Policy is appended to this statement. (Set out below):

LETTINGS POLICY

Background

The Wrekin Housing Trust (the Trust) is a Registered Provider that provides good quality homes at affordable rents to those in housing need. This policy outlines the Trust's approach to allocating and letting homes.

Policy Aims

The Trust recognises that as a major landlord it plays a key role in the provision of

accommodation to those in housing need.

The Trust will work in partnership with local authority allocation policies (where available) to maximise choice and housing opportunities ensuring that all transferring, and potential new tenants have access to a tenancy sustainment service that provides advice, assistance and support to enable new tenancies to succeed.

Policy Statement

The Trust makes best use of available homes and ensures its lettings policy is fair and accountable. The Trust uses 5 methods to let homes:

- 1. Waiting lists for general needs homes that become frequently available or those with lower demand.*
- 2. Waiting lists for individual Retirement Living and extra care schemes, specialised housing such as Octavia Court or shared ownership/market rented homes regardless of availability or demand.*
- 3. Advertise homes openly where no waiting list is held or there is no demand from waiting list customers.*
- 4. Local lettings schemes/nominations from the relevant local authority where appropriate and agreed.*
- 5. Direct lets to satisfy urgent transfer requests from existing tenants where necessary.*

The Trust expects all successful applicants for their homes to be ‘tenant ready’ (a term used to describe applicants that have undergone a detailed risk assessment of their financial capability, and general capability, to manage a successful tenancy). If an applicant is deemed not to be tenant ready, or would not become tenant ready even with appropriate support, the applicant will not be let a Trust home.

The Trust will let available homes to make the best use of stock and where necessary will comply with any agreement entered into as part of a new or acquired development. The overall aim is to create balanced and sustainable communities.

The Trust will provide a customer focussed service to ensure all of our homes are ready to live in, and are safe and secure. We will involve the customer throughout the process.

Our Commitment is to ensure :

- The property will be ready to live in.*
- All health and safety works are completed.*
- The property will be structurally safe, secure, watertight, and all drainage and rainwater goods will be functional and surfaces free of graffiti.*
- The property will be sufficiently heated and insulated.*
- The property will be clean.*
- Gardens/curtilage will be clear of rubbish/detritus.*
- Empty properties are managed professionally to discourage vandalism or antisocial behaviour.*

The Trust will have discretion to carry out additional works where it is agreed with the prospective tenant or where it is deemed necessary for management reasons. We want every customer to be happy with their new home, and so we will involve them throughout the process of every letting, and use their feedback to make regular improvements.

Equalities Impact

Assessment

Assessment pending. Vulnerable applicants will be provided with assistance in understanding and participating in the new lettings process.

Legal Assessment

There are no adverse legal implications in the adoption of this policy.

Consultation Consultation on the new allocations scheme has been carried out with employees, Tenant’s Panel, local authorities and other stakeholders.

Consultation on lettings process has taken place with tenant involvement throughout, a voids project,

assessment of individual customer satisfaction and senior manager involvement in the voids project group.

Associated Policies and Procedures

Customer Service Policy

Local authority partners allocation policies

Void procedure

Leave it Clean procedure

Asset Renewal Policy

Estate Management Policy Asset Management Strategy

Decoration Allowance Scheme

Voids cleaning specification

Internal letting specification

Policy category

Housing/Property Management

Responsibility Managing Director

Monitoring Allocations:

Agreed suite of monitoring information approved by Tenancy Sustainment Project Board.

Lettings:

- Results of new homes survey
- Monthly performance indicators measuring tenant satisfaction overall
- Analysis of reasons for refusal of an offer of property.
- Individual service failure analysis
- Operational framework – teams measuring their own performance in real time and problem solving locally
- Overview from voids/lettings working group
- Feedback from real shoppers”

6.5.3 The Section 106 Agreement associated with any grant of planning permission and planning conditions would ensure that the properties would occupied by persons demonstrating a local connection as defined in the Shropshire Affordable Housing Allocation policy. (See paragraphs 4.7 and 6.9.3 of the report on the planning application at Appendix 2).

7.0 CONCLUSION

7.1 The proposed residential development on this land, which forms part of an allocated housing site within the adopted SAMDev Plan, is acceptable in principle.

7.2 There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The development

of this land, on part of an allocated housing site, would not detract from the wider landscape setting of Albrighton or the immediate locality, including the setting of listed buildings in the area. The site layout and design of the bungalows, houses and flats would not unduly harm neighbour amenity. There are no ecological, tree protection, archaeological, drainage or contamination reasons that would justify a refusal of planning permission, with appropriate planning conditions being able to safeguard these interests. The amount of open space that would be provided within the development, in various forms, is satisfactory. Affordable housing would be provided in excess of the current prevailing rate and the extra care accommodation would address a growing need for specialist accommodation for the elderly.

- 7.3 The proposed internal road network would not be detrimental to highway safety; and the site is within walking distance of local services and facilities. The proposed layout would not prejudice an eventual through road between Kingswood Road and the northern end of Shaw Lane and would provide a pedestrian and cycle connection to the residential development land to the south. The layout would allow for integration with future development on the safeguarded land over the long term. Station parking would be provided in response to the housing allocation development guideline, with appropriate operation of these spaces achieved through a management plan secured through a planning condition.
- 7.4 There is no fundamental access junction capacity or local road capacity constraints for the scale of development proposed. Taking account of the amendments made to the proposals during the course of considering the application, the highway related measures which can be secured through the recommended conditions and the Section 106 Agreement, and that a safe and suitable site access would be achieved for vehicles and pedestrians which takes into account the presence of the school premises, it is considered the residual cumulative transport related impacts of the development would not be severe. In such situations the National Planning Policy Framework states clearly that development should not be prevented or refused on transport grounds.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the

principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:

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

Site Allocations and Management of Development Plan:

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

SPD on the Type and Affordability of Housing
Open Space IPG

Albrighton Neighbourhood Plan 'Light' June 2013

RELEVANT PLANNING HISTORY:

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

11. Additional Information

View details online:

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Design and Access Statement
Landscape Management Plan
Transport Assessment
Arboricultural Survey and Report
Flood Risk Assessment
Noise Report
Ecological Report

Newt Survey and Mitigation Strategy
Heritage Statement

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member
Cllr Malcolm Pate

Appendices
APPENDIX 1 - Conditions
APPENIX 2 – Report to March 2018 South Planning Committee incorporating updates to that meeting.

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

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

- Monday to Friday 0730hrs to 18.00hrs
- Saturday 08.00hrs to 13.00hrs
- Nor at any time on Sundays, bank or public holidays.

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

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

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

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

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

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

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

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

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

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

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

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

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme and prior to occupation 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. Any long term monitoring and maintenance plan that forms part of the remediation scheme shall be adopted and implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

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

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

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

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

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

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

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

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

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

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

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

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

22. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

23. Prior to first occupation / use of the buildings, the makes, models and locations of bat, bird and hedgehog boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design).
- A minimum of 5 hedgehog boxes.
- A minimum of 1 barn owl box.

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

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

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

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

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

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

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

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

27. 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.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

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

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

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

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

SPD on the Type and Affordability of Housing
Open Space IPG

Albrighton Neighbourhood Plan Light June 2013

3. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

4. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains

information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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

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

If a hibernating hedgehog is found on the site then it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

7. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

8. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts

are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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

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

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

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

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APPENDIX 2 – REPORT CONSIDERED AT 13TH MARCH 2018 MEETING,
INCORPORATING SCHEDULE OF ADDITIONAL LETTERS AND VERBAL UPDATES TO
THAT MEETING AND UPDATED FOLLOWING THE GRANT OF PLANNING PERMISSION
15/02448/FUL ON LAND TO THE SOUTH.



Committee and date

South Planning Committee

13 March 2018

Development Management Report

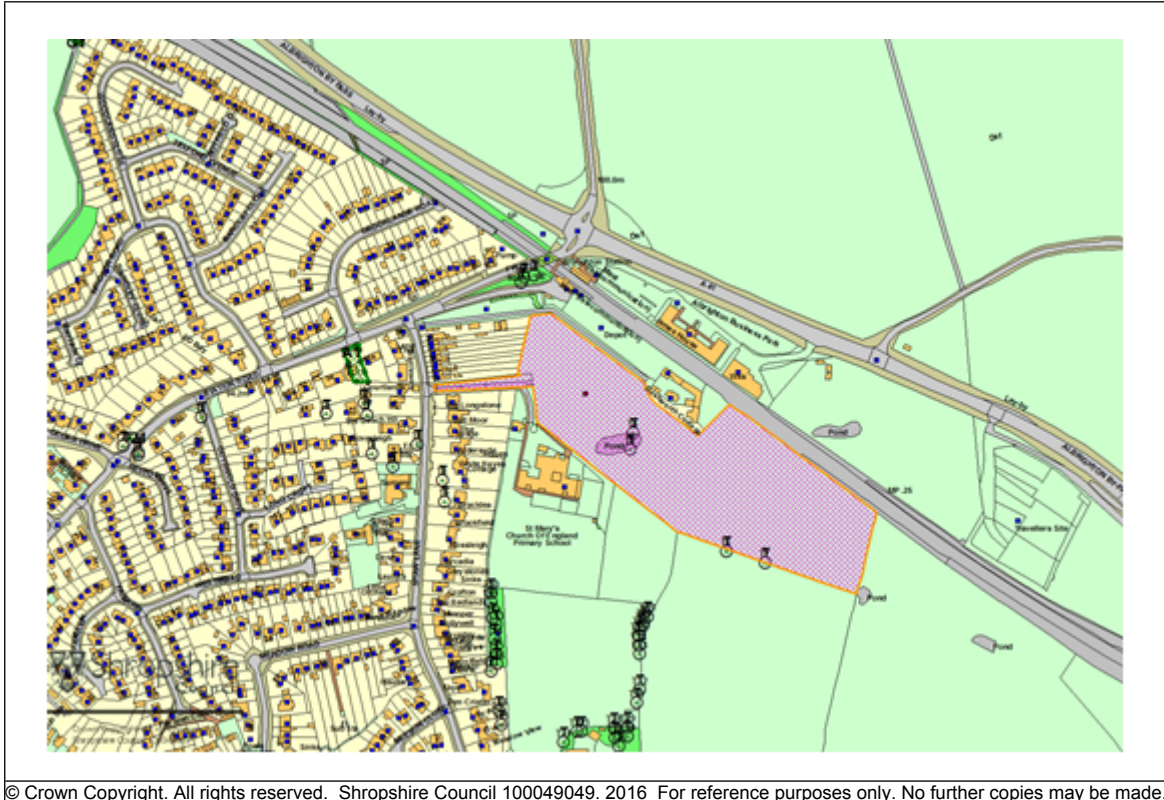
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/03774/FUL	<u>Parish:</u>	Albrighton
<u>Proposal:</u> Residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses; improved access		
<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



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposals relate to agricultural land, situated on the eastern edge of Albrighton. The land is part of an allocation for residential development (ref ALB002) in the Adopted SAMDev plan, with the southern portion of this allocation already having planning permission through its allocation for development in the Bridgnorth District Local Plan (ref ALB1) and the grant of outline permission in December 2011 (ref 08/0907) and reserved matters approval in June 2015 (ref 14/05456/REM), and a resolution to permit application 15/02448/FUL, subject to the completion of a Section 106 Agreement relating to affordable housing and the maintenance of public open space. (Planning permission 15/02448/FUL has now been issued, dated 13th April 2018).

- 1.2 The proposed vehicular access to the site would be from Shaw Lane. The land which currently contains the school access drive and the adjacent field access, along with part of the garden to the dwelling on the northern side of the present access arrangement, would be combined to form a 5.5 metre wide access road with 2 metre wide footways on either side. The access road would, beyond the school entrance, follow a curving 'S bend' alignment with the extra care building (Containing 21 one bed roomed and 53 two bed roomed flats) and its associated 37 space car park on the northern side. The south side of this road section would be public open space that would incorporate an existing pond and an attenuation pond. Amendments made during the course of considering the application have added a 12 space parking area for railway station users on the southern side of this road section.
- 1.3 Along the northern side of the access road, where it would revert to a relatively straight alignment, there would be three pairs of semi-detached two bed roomed bungalows, two pairs of which would have an outlook over the public open space opposite. Each of these properties would have two tandem car parking spaces. The southern boundary of this area of public open space would be with the school grounds, with the eastern end formed by a private drive serving three detached dwellings and a semi-detached two bed roomed dwelling. There would be variations in terms of handing and fenestration treatment to the four bed roomed detached dwellings. All these dwellings would have two off-road parking spaces, with the detached dwellings also featuring a single integral garage. The semi-detached pair of dwellings at the entrance to the private drive would be dual aspect, with one of the units also fronting the main access road.
- 1.4 Towards the centre of the site there would be a staggered cross roads. The southern spur would be a short cul-de-sac serving three detached dwellings and a semi-detached dwelling on its western side. This road has been re-aligned on amended drawings to line up with a cul-de-sac in application 15/02448/FUL for housing development to the south, to allow for a pedestrian and cycle connection, but there would be no vehicular access connection to proposed development to the south. These house designs would also feature variations in handing and fenestration treatment, with two off road parking spaces each and single garages for the detached units. On the eastern side of the cul-de-sac, and immediately south of the main access road, would be an area of open space which would be adjacent to two large trees and a hedgerow along the southern site boundary. This area of open space would contain a second attenuation pond as part of the surface water drainage system.
- 1.5 The northern spur off the cross roads would also form a cul-de-sac and would have a pair of dual fronted properties either side of the junction: That to the west would be a semi-detached pair, with that on the eastern side being the end of a terrace of four dwellings. The houses on the western side of the road would be in the form of a pair of semi-detached dwellings and a terrace of four, with a terrace of four on the eastern side. They would be mix of two bed roomed dwellings, with the four mid terrace units containing three bedrooms, with the third bedrooms over an open fronted parking area giving access also to their rear gardens. Each dwelling would

have two off-road parking spaces. There would be an area of public open space adjacent to the cul-de-sac turning head.

- 1.6 The main access road would continue on a straight alignment in the eastern portion of the site up to the eastern site boundary. To the east of the public open space referred to in paragraphs 1.2 and 1.3 above, there would 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 extra care building would have a 'U' shaped floor plan enclosing three sides of the parking area, with a short wing extending out in a south easterly direction. It would be predominantly three storey building with a dual pitched roof, but the ends of the building would step down to two storeys. The elevations would be given a vertical emphasis by the palette of facing materials proposed (brick and render), breaks in the eaves by short bays being roofed by extensions to the main roof plain to eaves lines tight above windows and balconies (with steel and glass balustrades) set between those bays. The windows would be predominantly two bay casements, with french windows to some ground floor openings and onto balcony areas. The building would contain 74 flats. Facilities that would be provided on the ground floor would include a managers and administration offices; staff room; laundry; buggy store; commercial kitchen; kitchen staff office; kitchen store; café/restaurant; communal lounge and a hair dressers area. There would be assisted bathroom provided on the first floor of the building.
- 1.9 The proposed dwellings would be a mix of 36 two 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.
- 1.10 The landscaping scheme would include the retention of existing boundary hedgerow and trees and trees within the site around the pond; new native hedge and tree planting to the site boundary with the school; new hedging to supplement

fencing to edges of the public open space close to the railway boundary; trees and sections of hedges to front garden boundaries and new tree planting within the areas of public open space. Some 96 new trees are proposed of 20 species, including field maple, horse chestnut, alder, snowy mespil, silver birch, beech, wild cherry, oak, whitebeam mountain ash and lime. The hedging would be a mix of maple, hazel, hawthorn, holly, privet and guilder rose.

- 1.11 An affordable housing statement has been submitted which states that the 74 extra care apartments and 6 extra care bungalows would be for people over the age of 55 (With 24 hour care services available to those that need them), and 30 of the dwellings would be for general needs at affordable rents. It is intended that the extra care accommodation would be let and managed by Choices, who are part on The Wrekin Housing Group, on affordable rents. The 30 general needs two and three bed houses would be let and managed by The Wrekin Housing Trust, with the balance (a mix of 28 two, three and four bed houses) being open market properties.
- 1.12 A Planning and Design and Access Statement; Transport Assessment; Landscape Management Plan; Flood Risk Assessment ; Noise Report; Ecological Report; Phase 1 Site Appraisal and Heritage Statement accompany the application drawings.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated to the east of Shaw Lane and is currently agricultural land. The access from Shaw Lane is bordered by existing residential properties and their gardens. Adjacent to part of the southern site boundary is St Marys Primary School and associated land, with agricultural land adjoining the remainder of this boundary. (The latter land forms part of the allocated housing site and is the subject of planning permission 15/02448/FUL for residential development). The eastern site boundary adjoins agricultural land. To the north is the Wolverhampton to Telford railway line, a residential property and a range of buildings formerly used as a builders yard with permission for residential development and access to those properties. The area beyond the private access is used for caravan storage. To the west are the long rear gardens to properties on Shaw Lane.
- 2.2 The site has an area of approximately 3.5 Hectares.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

- Consultee Comments

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

4.1 Albrighton Parish Council – Object:

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

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

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

4.1.1 Donington with Boscobel Parish Council – Object:

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

Traffic problems already existing in the area (Shaw lane and Station Road are heavily congested with residents accessing the medical centre and Primary School, not to mention the vast number of cars parked along the streets by commuters using the railway station) will become impossible. The original proposal for this site had provision for a railway station car park, which would have helped to ease the current situation regarding on street parking. This application has no provision for commuter car parking and this is seen by the Council as a major flaw in the application. The Council has concerns about the current drainage system and how this will be able to cope with all the additional homes that are proposed, as areas of both Shaw Lane and Station Road are still prone to flooding after heavy rain, even though major works by Severn Trent took place after the 2006 flooding to remedy

this. Concerns have been raised over the makeup of the housing stock, having an extra 74 care apartments and 6 bungalows will surely put extensive pressure on the local medical facility. The Neighbourhood Plan "Light" of June 2013 outlined that there was a need for low cost housing, and the Council would hope to see young people and families moving into the area rather than such a migration of elderly to what is already a predominantly older persons' parish.

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

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

Despite the above, In terms of policy considerations, Section 32 of the National Planning Policy Framework states the following;

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

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

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

The development will provide carriageway width of 5.5 metres with a 2 metre footway therefore provision has been made for pedestrians to use the site. Most notably Paragraph 32 of the NPPF, states that Development should only be prevented or refused on transport grounds where the residual impact is severe. Shropshire Council would therefore need to demonstrate the impact of the

Development is severe. Whilst Shropshire Council as Highway Authority have a number of concerns with the application under consideration it is not felt in appeal situation a Highway refusal could be sustained.

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

These measures are as follows;

- 1) Parking within the site should be restricted, it is recommended that a condition is attached to any permission granted to require the Developer to introduce a restriction on parking on the main access road within the site, prior to the occupation of say the 25 dwelling, this will reduce the concerns with regard to vehicles driving into the site to locate a parking space during school time or prior to catching a train from the nearby station. A Highway contribution can either be secured through a Section 106 Agreement or a clause inserted within the Section 38 agreement that requires the Developer to make a contribution to cover the cost of a formal Traffic Regulation Order to restrict parking within the site.
- 2) Details of the permitting scheme for the station parking should be submitted for approval prior to commencement and remain in place for the duration of the development.
- 3) Details of access to the site via the junction with Shaw Lane should be submitted for approval prior to commencement, it is recommended that these details include a raised plateau at the junction with Shaw Lane, this will reduce vehicle speeds for vehicles entering the site and restrict parking within close proximity to the junction and protect the proposed visibility splays.
- 4) A Travel Plan should be submitted to cover the residential and 'Extra Care' facility to ensure that sustainable travel is maximised where possible.
- 5) In terms of deliveries to the 'Extra Care' facility these should be restricted to outside School drop off times.
- 6) A construction management plan should be submitted and approved prior to commencement that controls all vehicles within the site, however specifically restricts construction vehicles entering the site between 8.15-9am and 2.45-3.30pm, depending on school times.
- 7) Details of the construction of the road, should be submitted for approval prior to occupation of any part of the development to include the Extra Care facility, all visibility splays within the site should be maintained and kept clear

at all times.

4.2.1 SC Highways Development Control (18.12.2017) – Comment:

-In SAMDev Plan process recommended a predominantly pedestrian and cycle access only via the school driveway off Shaw Lane, requiring all vehicle access to be from Kingswood Road. This was required to maximise sustainable connectivity for the new development, as well as minimise any potential conflict of child pedestrian activity and vehicular traffic along the current school driveway.

-Remain concerned about the scale of development and the impact of vehicles accessing and exiting the site vis Shaw Lane; would encourage applicant to reduce the scale of development or seek alternative vehicular access to the site for at least the residential dwellings.

-Notwithstanding the above concerns, the proposed link in the scheme and the development to the south should be restricted to emergency, pedestrian or cycle only to prevent a through vehicular traffic route being created.

- Details of the proposed access via Shaw Lane should be provided; consideration given to parked vehicles and if necessary the introduction of a Traffic Regulation Order preventing parking and the associated displacement.

-Transport Assessment needs to clarify and address the type of housing to be provided in terms of trip generation.

-Provision of car parking for the station needs to be taken into account in the --- Transport Assessment.

Remain concerned about the likely impact the proposed development will have on travel behaviour, the proposed development could provide un-restricted access to on street parking, and increase the number of vehicles passing the school. Whilst it is suggested within the technical note sent 25th October 2017, that residents will be leaving the site to access employment outside of the Albrighton area

before 8am, so wont conflict with school movements, cannot agree with this

assumption and will need to seek further re-assurance. Further consideration also needs to be given to the care home, is it likely staff will be arriving? Or will it be supportive living so the number of staff will be minimal? Will there be deliveries to the site, can these be restricted to outside school times?

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

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

Comments/Observations:

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3 SC Ecology (11.12.17) – No Objection:

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

Habitats

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

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

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

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

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

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

Bats

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

None of the trees will be directly affected by the development. Should any works to the mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

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

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

Badgers

A pre-commencement survey should be carried out to determine whether any setts

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

Great crested newts

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

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

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

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

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

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

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

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

- A toolbox talk will be provided to site staff.
- 'Any clearance of vegetation, leaf litter and masonry should be carried out carefully and any common newts or other amphibians other than great

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

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

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

Reptiles

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

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

Birds

The hedgerows and trees provide potential nesting opportunities for birds.

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

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

survey, and the site could provide foraging habitat for barn owl and tawny owl'.

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

Other species

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

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

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

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

Conditions recommended requiring a pre-commencement survey/check for badgers; approval and implementation of a habitat management plan; submission of a report demonstrating the implementation of the great crested newt reasonable avoidance mitigation measures strategy; approval of an external lighting plan; provision of bat, bird and hedgehog boxes.

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

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

The proposed development site includes what is thought to be an area where former infrastructure (tanks/gasholder) associated with the Albrighton Gasworks were located. The actual gasworks (now a builders yard) where the primary coal gas manufacturing works were carried out is less than 15m from the site boundary in places and is known to be significantly contaminated as no remediation has been

carried out and many of the below ground gasworks features and associated contamination remain. This site has been subject to a site investigation required by a previous planning permission and a current application is being considered. Public Protection has not had the benefit of seeing these reports by Komex and Worley Parsons and would welcome copies in order to review any additional information associated with the use of part of the proposed development site as part of the gasworks.

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

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

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

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

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

4.4.1 SC Regulatory Services (24.11.2017) – Comment:

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

4.4.2 SC Regulatory Services (30.08.2017) – Comment:

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

4.5 Environment Agency (02.01.2018) – No Objection:

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

We have reviewed the Phase 1 Site Appraisal (Ref: B16295, dated 16.12.2016)

and are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details will be required in order to ensure that risks are appropriately addressed prior to the development commencing and being occupied. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected.

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

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

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

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

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

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

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

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

4.6 Severn Trent Water – No Objections:

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

4.7 SC Affordable Housing (25.01.2018) - No Objection.

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

1. The extra care residential units of accommodation (Sui generis) shall not be used for any

other purposes including those uses within Use Class C2 or C3 of the Town and Country Planning (Uses Classes) Order 1987 as amended, and the occupation of the extra care units hereby approved shall be limited to persons who have reached the age of 55 and who are in need of extra care.

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

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

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

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

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

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

4.8 SC Conservation (29.01.18) – No Objection:

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

4.8.1 SC Conservation (07.09.2017) – Comment:

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

4.9 West Mercia Constabulary – No Objection:

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

4.10 SC Archaeology – No Objection:

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

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

RECOMMENDATION:

In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works associated with the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

Reason: The site is known to hold archaeological interest.

4.11 SC Parks and Recreation – No comments.

4.12 SC Drainage – No Objection:

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

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

principle.

The use of soakaways should be investigated in the first instance for surface water disposal. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Should soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

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

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

3. Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided to ensure that the drainage system remains in good working order throughout its lifetime.

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

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

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

-Public Comments

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

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

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

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

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

-Safety issues with access alongside that to the school.

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

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

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

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

-Construction traffic a safety risk to school children.

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

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

-Other developments in the area which have been approved must be taken into account to assess overall impact.

-All access should be via Kingswood Road.

-Hazardous driving on Shaw Lane from 8.00am to at least 6.30pm.

-Need independent traffic survey.

-Need to increase station parking.

-The development should provide better parking for the school and station users.

-Inadequate public transport service to cope with increased passenger numbers.

-Overload foul drainage in Shaw Lane.

-School access road prone to flooding.

-Drainage should not be connected to overloaded pipes in Shaw Lane.

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

-Object to large 3 storey building as no other buildings of 3 storey scale in village

-Additional patients for already full medical centre.

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

- Previous suggested plan by Boningale Homes had more merit.

- Density of development not sustainable.

- Original concerns still stand that entrance/exit to the development is situated at a bottleneck; real and ongoing issue with children and other pedestrians; possibility of amalgamating access with the Smithy development has been ignored.

- Issue of adequate drainage has not been addressed, which would mean more flooding on their land.

4.14.1 Albrighton and District Civic Society – Object:

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

- still unconvinced that the applicant has done sufficient work to justify the treatment of the drainage issues by means of this condition.
- It is known that the existing foul and surface water drainage position is already inadequate - with frequent flooding occurring as recently as last week - and Severn Trent operatives stating to Shaw Lane residents that the whole system is "shot"
- I note that you (Planning Officer) state that it is normal procedure to treat the drainage issues by means of such a condition - but in this instance where there are already such serious problems I believe it is totally inappropriate to do so.
- Jessups and Severn Trent should be obliged to convince you as planners and more importantly local residents that the existing drainage problems will be dealt with - and future ones predicted to be caused by the development - before any planning permission is granted.
- I should inform you that we have obtained legal advice which justifies opponents of

this development pursuing a judicial review of Shropshire Council's decision if the Planning Committee decides to grant permission at its meeting on Tuesday.”

4.15 St Marys School – Comment:

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

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

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

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

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

4.16 Letter from MP (Mark Pritchard) – Objects:

-The Development is not contained in the SAMDev Plan

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

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

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

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

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

4.17 Albrighton Medical Practice (09-03-18) – Serious Concerns:

-Practice already very significantly overburdened in terms of local care home and residential home demand- look after the residents of 3 local care homes as well as various sheltered care developments; this takes an enormous amount of time and resource from the Practice and do not have the capacity to take on what they feel will be an enormous amount of extra demand from the residents of these apartments; disagree with Wrekin Housing's suggestion that these apartments will somehow reduce workload.

-Significant concern about impact on local infrastructure, particularly with regard to access to the surgery and parking; surgery itself has far less parking than is needed for patients and when combined with the demands from local residents, the primary school and the railway station, would create a further deterioration in the already serious problem with access. If there were to be any development in the Shaw Lane area it would be necessary to significantly increase parking capacity for all the above services.

5.0 THE MAIN ISSUES

Principle of development

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

Landscaping and Ecology

Open Space

Residential and School Amenity

Highway Safety and Parking

Drainage

Contamination

Housing Mix

Archaeology

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

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

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

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

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

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

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

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment. SAMDev Plan policy MD2 relates to Sustainable Design and complements policy CS6, seeking to ensure, among a number of matters, that development responds appropriately to the form and layout of existing development in the vicinity; reflects locally characteristic architectural design and details; and to embrace opportunities for contemporary design solutions which take reference from and reinforce local distinctiveness.

6.2.2 The proposed house types would be well proportioned and appropriate for this location. The proposed external finishes would reflect features found in and around Albrighton. The inclusion of short projecting front gables to some dwellings, in a variety of forms and styles, bay windows, canopy porches and variations in ridge heights and setbacks from the roads would provide variety and interest to the street scenes. The proposed extra care building would utilise the same palette of materials and finishes proposed for the dwellings and, while a large structure, the fenestration detailing, coupled with the lower end sections, would ensure that the building would not appear out of scale with its setting.

6.2.3 There is a requirement under the Planning (Listed Buildings and Conservation

Areas) Act 1990 for local authorities to have a specific duty to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses in the carrying out of statutory functions (Section 66). There is a similar duty (Section 72) with regard to having special regard to the impact of developments upon the setting of Conservation Areas. The Heritage Assessment Statement submitted identifies that the listed buildings in the locality include the Albrighton Railway Station and foot bridge, and railway bridge, all listed grade 2. It assesses the impact of the proposed development on these designated heritage assets in accordance with Section 12 of the National Planning Policy Framework (NPPF). It demonstrates that the development would not be visible and hence would have a negligible impact on the station buildings as a group from the platforms; there would be no inter-visibility with the railway bridge and, while the short north west wing of the apartments would be visible in a view of the south west elevation of the station as seen from the junction of Shaw Lane and Station Road, the impact would be minor on this view. The apartments would be clearly seen from the half landing of the southern end of the footbridge, but this would be a minor impact to the collective view of the group when viewed from the footbridge. The Assessment also states that the roofs of the apartments would cause impact on views out of the station building and car park, with this impact being partially mediated by the existing screen of conifer trees. Officers consider the conclusions to this assessment to be sound. The Conservation Officer concurs that the harm to the designated heritage assets at Albrighton Railway Station would be less than substantial in this case.

Paragraph 134 of the NPPF states that:

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

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

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

6.3 Landscaping and Ecology

- 6.3.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. SAMDev Plan policy MD12 sets out how the avoidance of harm

to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved. The Planning Ecologist has assessed the revised scheme and is content that Great Crested Newts are not a constraint at this site. There are no badger setts that would be affected by the proposals. The four trees identified as having bat roosting potential would be retained in the development. Conditions are recommended which include approval and implementation of a habitat management plan; adherence to the great crested newt reasonable avoidance mitigation measures strategy; approval of any external lighting; provision of bat, bird and hedgehog boxes and a pre-commencement check for badger activity. It is considered therefore that the proposals would not harm ecological interests.

6.3.2 The proposed development would retain the existing trees that are of landscape significance within the site, incorporating them into two of the areas of public open space. The new tree and hedge planting proposed would be of appropriate species and the proposed positioning within the areas of public open space, in selected positions in the street scene in private gardens and on site boundaries, would enhance the townscape.

6.3.3 It is considered therefore, for the reasons explained in Section 6.2 of this report and paragraphs 6.3.1 and 6.3.2 above, that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy policy CS6 and SAMDev Policy MD2 and would not detract from the quality of the built environment and landscape setting to this part of Albrighton, satisfying also Core Strategy policy CS17, SAMDev Plan policy MD12 and the neighbourhood plan 'light' design considerations set out in policy ALB11.

6.4 Open Space

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

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

6.5 Residential and School amenity

- 6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest dwellings to the proposals are Dashworth Cottage adjacent to the northern site boundary, properties along Shaw Lane and the caretakers dwelling at the school. In the case of Dashworth Cottage, and the planning permission for dwellings on the adjacent builder's yard (ref 17/02469/FUL), the development scheme proposes bungalows to the south/south west of them to ensure that privacy would not be unduly harmed and to ensure no significant loss of sunlight/daylight or overbearing impacts. With respect to the properties on Shaw Lane there would be a separation distance of some 75 metres from the extra care building to the east/north east of them. The former caretakers dwelling is situated some 50 metres south of the proposed extra care building, with the shortest distance between the latter and the school building to the south measuring some 45 metres. It is considered that these separation distances, coupled with the juxtaposition of existing and proposed buildings, would ensure that residential and school amenity would not be unduly harmed in terms of privacy, daylight/overshadowing and the new development would not be overbearing.
- 6.5.2 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself. A noise and vibration assessment has been submitted with the application which makes recommendations for attenuation in respect of glazing to be incorporated in the specification of windows in properties near to the railway line. The Council's Regulatory Services Team are content with the findings of the noise report and recommend a condition requiring the specified standard of glazing to be installed, together with a 1.8m high fence with a minimum density of 15kg per square metre be installed along the boundary of the site that adjoins the railway to the north, in order to safeguard the residential amenity of the proposed development.
- 6.5.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue can be addressed by conditions requiring the submission and approval of a construction method statement and restricting construction times to 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturdays and no construction on Sundays, Bank or Public Holidays.
- 6.5.4 The school premises would be adjacent to the large area of open space in the application site which contains the existing pond, with the side gardens of two dwellings abutting the remainder of the boundary with the school and associated land. The application drawings show the existing fence to the boundary with the school retained and supplemented with new hedge planting by the open space, and a 1.8m high close boarded fence installed to enclose the side and rear gardens of the dwellings. Comments received have expressed concern that the proposed development would increase the vulnerability of the school premises to crime and impact on the school's safeguarding obligations to school children. It is not uncommon for school grounds to be surrounded by residential development or to have public footpaths in close proximity. The presence of the proposed houses would give passive surveillance of areas of the school grounds, which it is suggested would be an enhancement to security. Details of fencing to enclose the rear garden areas and the edge of the public open space would be conditioned on

any approval issued, to allow the adequacy of the existing fencing on this boundary to be reviewed.

6.6 Highway Safety and Parking

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

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and part of achieving this is to ensure the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

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

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

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

6.6.4 The two parking spaces proposed for each dwelling accords with the parking standards of the former Bridgnorth District Council for Southeast Shropshire and

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

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

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

This is echoed by the Albrighton Neighbourhood Plan Light policy ALB2b which states that any development will be expected to provide or enable the provision of additional parking adjacent to Albrighton railway station in order to serve the parking needs of rail passengers using the station. Both policies are silent on the quantity of parking or how it would be managed. If this parking is to be provided within the housing site allocation the expectation is that this would be in the north west corner of the allocation, closest to the railway station with the pedestrian route being the shortest possible via Shaw Lane. Vehicular access to the car park area would be either from the south via Kingswood Road and the road infrastructure in the approved schemes for residential development in the southern half of the allocation, or from Shaw Lane if that access and the immediate local road network is shown to have adequate capacity. This area, however, would be occupied by the extracare flats in the present scheme, and as originally submitted the site layout would not have delivered any on-site parking for the railway station.

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

- 6.6.7 An area of concern raised by the Council’s Highways Development Control Team, the Parish Council and objectors with respect to highway safety matters is the capacity of the local road network and a single access from Shaw Lane, with the alterations proposed, to accommodate safety the amount of vehicular likely to be

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

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

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

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

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

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

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

- Visibility splays at the site access on Shaw Lane of 2.4m x 43m accord with Manual for Streets.*
- Client not adverse to the introduction of a Traffic Regulation Order on Shaw Lane preventing parking either side of the site access and along the new access road up to the vehicular access to the school, which could be dealt with by a financial contribution if a need is established once the development is complete.*
- Visibility splays from the school and care home accesses accord with the advice in Manual for Streets.*
- Car parking provided in line with advice provided by Shropshire Council in December 2016 and the SPD published by Bridgnorth District Council in 2004.*
- There are likely to be 13 people employed in connection with the extra care accommodation; many care and catering staff likely to be local people who would walk and any traffic generation associated with the extra care accommodation is very likely to be outside the traditional peak hour periods.*
- Client is currently pursuing two possible options to provide additional station parking off site, which would not affect the findings of the Traffic Assessment. (This has now been addressed by on-site provision and the Consultant has advised that the number of spaces, controlled by permit, can be accommodated safely by the access road)).*
- Traffic counts for original transport assessment show that in the morning peak that commuters travelling along Shaw Lane had left for work before any children arrived for school. Traffic flows on Shaw Lane in the traditional peak periods are very modest with a total two-way flow of 135 vehicles recorded in the morning peak and 137 vehicles in the evening peak.*
- Transport Assessment shows that the two way flow resulting from the proposed development will be 50 vehicles in the AM peak and 54 in the PM peak, which is less than one vehicle a minute on average.*
- General observation that many primary schools in Shropshire that front directly onto roads have far higher traffic flows than those recorded on Shaw Lane or the predicted flows on the access road.*
- 2011 census data shows that the largest employer for people living in Albrighton is RAF Cosford with over 30% working there, with a further 11% living and working locally so opportunities to walk or cycle to work are real.*
- Believe that there is every likelihood, depending on parents' existing travel patterns, children will walk to school. At time of original surveys no more than a dozen cars were observed dropping children off at the primary school and this will not change as a result of this development. There were one or two examples of children arriving with adults on a bicycle.*
- Client happy to restrict deliveries to the site during the construction phase to avoid the school start and finish times and this matter has already been discussed with the school.*
- Remain of the view that there are no overriding highway reasons why a highway objection can or should be maintained.*

6.6.9 The Council's Developing Highways Manager, South and Central, response to the

above is set out at 4.2. Assessed against the bullet points set out in paragraph 32 of the NPPF, the site is in a sustainable location close to local amenities and public transport facilities, giving opportunities for sustainable travel modes which the travel plans would promote; the access into the site incorporating the pedestrian barrier by the school entrance and the carriageway and pavement widths, together with parking restrictions, would achieve a safe and suitable access to the site for all people, with pedestrian and cycle access also being achievable from the remainder of the allocated housing site to the south; and the alterations to Shaw Lane associated with the widened access road would be an improvement measure to assist in limiting the impacts of development. It is considered that the residual cumulative impacts of the development would not be severe in the context of highway safety. There is no fundamental access capacity or local road capacity issues, which in turn would lead to conditions detrimental to highway safety, that would justify a refusal on highway safety grounds in this case, with the mitigation that can be achieved through planning conditions and clauses in a Section 106 Agreement to address the measures raised in the Highways no objection response. The Section 106 Agreement would secure the provision of a raised table on Shaw Lane at the point of access into the site and restrict parking on the access road, with conditions 3 to 9 in Appendix 1 addressing the other matters.

6.7 Drainage

6.7.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. SAMDev Plan policy MD2 also seeks to incorporate sustainable drainage techniques in developments. A Flood Risk Assessment has been submitted with the application. This confirms that the proposed development falls within flood zone 1. The objective of the sequential test in the NPPF and the associated Technical Guidance is to direct new development to the least flood-prone areas: This scheme meets this objective and passes the sequential test. The Flood Risk Assessment comments that the sustainable drainage system be designed for the 1 in 100 year storm event, plus climate change with discharge of surface water from the site restricted to Greenfield run-off rates, achieved via the installation of flow control devices. The main foul and surface water for the development would be adopted by Severn Trent Water.

6.7.2 The Council's Flood and Waste Water Management Team and Severn Trent Water are content that the precise foul and surface water drainage details can be the subject of a condition on any planning approval issued in this case. The work carried out so far, including the surface water drainage strategy in the Flood Risk Assessment is acceptable in principle, and sufficient to demonstrate that the proposal would not increase the risk of flooding elsewhere or cause pollution of the water environment.

6.8 Contamination

6.8.1 Shropshire Core Strategy policy CS6 seeks to secure safe development. With regard to contamination, paragraph 120 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe

development rests with the developer. It continues at paragraph 121 that decisions should ensure that decisions take account of matters including pollution from previous uses and that adequate site investigation information, prepared by a competent person, is presented.

- 6.8.2 A Phase 1 Site Appraisal Report has been submitted which has been produced by Patrick Parsons. This recommends that a Phase 2 ground investigation be commissioned to include a review all existing site investigation information; window sampling investigation to confirm ground conditions and collect samples for analysis; installation of gas monitoring wells; chemical analysis of soils followed by a risk assessment so that the risk to human health and controlled waters can be determined; and geotechnical and geochemical soils testing of the founding strata to assess strength and suitable grade(s) of buried concrete. The Council's Regulatory Services Team and The Environment Agency are content that these further investigations and the appropriate remediation can be addressed satisfactorily through appropriate conditions on any planning permission issued.

6.9 Housing Mix

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

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

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

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

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

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

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

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

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

"The growth in the proportion of older people (as outlined previously) presents particular challenges. In particular, it is recognised that there are particular issues

relating to feelings of social isolation, a lack of housing advice and housing options, and a desire to stay independent for as long as possible.”

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

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

6.10 Archaeology

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

7.0 CONCLUSION

- 7.1 The proposed residential development on this land, which forms part of an allocated housing site within the adopted SAMDev Plan, is acceptable in principle.
- 7.2 There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The development of this land, on part of an allocated housing site, would not detract from the wider landscape setting of Albrighton or the immediate locality, including the setting of listed buildings in the area. The site layout and design of the bungalows, houses and flats would not unduly harm neighbour amenity. There are no ecological, tree protection, archaeological, drainage or contamination reasons that would justify a refusal of planning permission, with appropriate planning conditions being able to

safeguard these interests. The amount of open space that would be provided within the development, in various forms, is satisfactory. Affordable housing would be provided in excess of the current prevailing rate and the extra care accommodation would address a growing need for specialist accommodation for the elderly.

7.3 The proposed internal road network would not be detrimental to highway safety; and the site is within walking distance of local services and facilities. The proposed layout would not prejudice an eventual through road between Kingswood Road and the northern end of Shaw Lane and would provide a pedestrian and cycle connection to the residential development land to the south. The layout would allow for integration with future development on the safeguarded land over the long term. Station parking would be provided in response to the housing allocation development guideline, with appropriate operation of these spaces achieved through a management plan secured through a planning condition.

7.4 There is no fundamental access junction capacity or local road capacity constraints for the scale of development proposed. Taking account of the amendments made to the proposals during the course of considering the application, the highway related measures which can be secured through the recommended conditions and the Section 106 Agreement, and that a safe and suitable site access would be achieved for vehicles and pedestrians which takes into account the presence of the school premises, it is considered the residual cumulative transport related impacts of the development would not be severe. In such situations the National Planning Policy Framework states clearly that development should not be prevented or refused on transport grounds.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy:

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

Site Allocations and Management of Development Plan:

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

SPD on the Type and Affordability of Housing
Open Space IPG

Albrighton Neighbourhood Plan 'Light' June 2013

RELEVANT PLANNING HISTORY:

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

11. Additional Information

View details online:

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

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

Design and Access Statement

Landscape Management Plan

Transport Assessment

Arboricultural Survey and Report

Flood Risk Assessment

Noise Report

Ecological Report

Newt Survey and Mitigation Strategy

Heritage Statement

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Malcolm Pate

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

CONDITION(S)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

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

- Monday to Friday 0730hrs to 18.00hrs
- Saturday 08.00hrs to 13.00hrs
- Nor at any time on Sundays, bank or public holidays.

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

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

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

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

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

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

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

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

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

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

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

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

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme and prior to occupation 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. Any long term monitoring and maintenance plan that forms part of the remediation scheme shall be adopted and implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

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

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

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

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

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

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

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

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

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

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

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

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

22. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

23. Prior to first occupation / use of the buildings, the makes, models and locations of bat, bird and hedgehog boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design).
- A minimum of 5 hedgehog boxes.
- A minimum of 1 barn owl box.

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

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

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

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

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

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

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

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

27. 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.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

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

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

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

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

SPD on the Type and Affordability of Housing
Open Space IPG

Albrighton Neighbourhood Plan Light June 2013

3. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

4. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains

information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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

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

If a hibernating hedgehog is found on the site then it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

7. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

8. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts

are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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

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

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

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

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Committee and date
 South Planning Committee
 5 June 2018

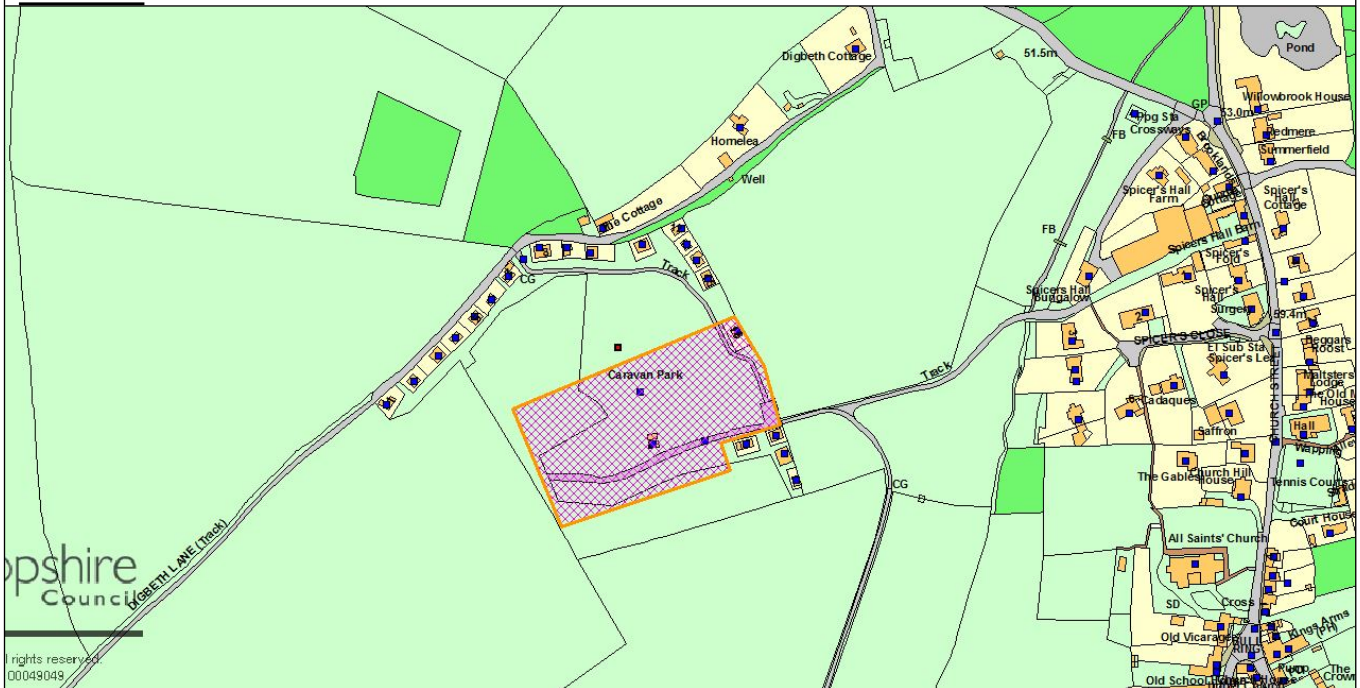
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 17/05265/FUL	Parish: Claverley
Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for ground levelling engineering operations	
Site Address: Spicers Hall Caravan Park Spicers Hall Farm , off Church Street, Claverley	
Applicant: Sought After Location Limited	
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk

Grid Ref: 378903 - 293562



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Recommendation: Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is a partly retrospective application for ground levelling engineering operations at Spicers Hall Caravan Park, which is accessed via private access road from the south which connects to a lane leading to Church Street, and not from Digbeth Lane as was implied by the site address on the planning application form. Work had commenced on terracing the land to form bases for caravan units. The site owner has advised that the works required planning permission and a temporary stop notice was served to halt the works. The applicant has complied with this notice and has submitted this application. The detail provided initially with the application was sparse and contained some inconsistencies. Through negotiations a revised set of proposals have been submitted for consideration.
- 1.2 The original proposals would have involved a series of retaining walls of varying heights to the edges of the area where the caravan bases would be formed, and also between the individual plots, to retain the sandy soil. The design details of the retaining structures were requested and a site meeting with the structural engineer established that the stabilisation approach advocated did not marry with the vertical drops shown on the section drawings.
- 1.3 The amended drawings which have now been received following the above meeting have revised the proposed site levels and would no longer involve the construction of vertically faced retaining walls. Instead, the proposed levels and sections drawings show that the land between the bases for the caravans, and to the land immediately surrounding caravan grouped would be graded so that the angle of repose of the sandy soil would be no greater than 30 degrees, with the majority of slopes in the 6 degree to 26 degree range. The application site boundaries have been adjusted so that they encompass the entire area affected by the regrading of the land levels.
- 1.4 The access road and parking areas would be of permeable materials to allow for drainage. The agent has submitted an indicative landscaping scheme which shows reinforced tree planting to the eastern site boundary, a band of new tree planting to extend that existing to the north of the proposed works, new planting on re-graded land close to the site boundaries, and planting within the area enclosed by the internal loop road.
- 1.5 The agent has advised that the existing chalet in the north eastern corner of the application site would be removed as part of the proposed development. The ground level changes shown on the proposed site layout would form 31 caravan plots served by a loop road (With 10 of the plots inside that loop), with a parking area on each plot. The bases for the caravans would be some 12 metres long by 6 metres wide (With shorter 9 metre long bases for the four plots adjacent to the eastern boundary), with separation distances between the bases mostly in the 6 – 8 range where they are on the same side of the road. The internal loop road width would be some 4 metres wide.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is situated in Green Belt countryside to the west of Claverley and is outside of the Claverley Conservation Area. To the north of the site, along Digbeth Lane, is a row of chalet type dwellings which have separate planning histories and do not constitute caravans. A row of trees is situated on part of the land between these chalets and the application site. There is no vehicular access from the caravan site area to which this application relates onto Digbeth Lane, with access being from the south over an existing track that connects to a lane off Church Street. The land form is a bowl shaped depression which is open at the eastern end with a hedge sections, trees and access gate defining the eastern edge of the site. There is a group of four existing chalets adjacent to the south eastern corner of the application site. The toilet block and one caravan remained on the site at the time of the site visit and work had ceased on some land re-grading works that had commenced.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council view is contrary to the Officer recommendation and the Shropshire Council Ward Member has requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Planning Officer, consider that the application raises material planning considerations that warrant consideration by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

(Where consultees have made more than one set of comments, the latest set is listed first below in order to show whether any earlier concerns have been addressed by revisions).

4.1 Claverley Parish Council (24.04.18) – Object:
Claverley Parish Council continues to object to this planning application. Although further information has been supplied by the applicant, questions raised by the Planning Officer remain unanswered, namely:

1. The proposed landscaping arrangements still appear very unclear. There appears to be no detail on the size, number and type of trees which will be used. Furthermore it is now unclear as to whether the existing trees on the eastern boundary will be removed and, if so, what will replace them. For these reasons the visual impact of the proposed site on the Claverley Conservation Area is of great concern.
2. There are still no details provided regarding the site lighting arrangements.
3. The proposed site layout now shows a parking space adjacent to each plot. However there still appears to be no provision made for visitor parking.
4. The whole site still appears to be very congested from a health and safety point of view.
5. The objections regarding the proposed layout extending beyond the red line boundary of the site still do not appear to have been fully addressed.

4.1.1 Claverley Parish Council (19.02.18) – Object:

The applicant has failed to fully answer the questions raised by the Planning Officer in his letter of 14th December 2017 namely:

- a) Existing and proposed site levels have not been provided in a form that can be properly understood.
- b) The alignment of the site sections is not shown on the plan. The number of site sections is inadequate given the greatly differing levels contained within the site.
- c) Insufficient details about the retaining walls have been provided i.e. no details of foundations, heights and land drainage.

Due to lack of information, the Parish Council remains unable to fully understand the scale and appearance of the proposed work, but wishes to confirm its objection:

1. The apparent difference between the base levels of the caravan pads and the surrounding land as shown on the proposed site plan indicate that it would be impossible to accommodate stable sloping retention walls without extending the excavated area beyond the site boundary.
2. The layout of the caravans appears congested and raises questions about site safety.
3. The internal access road does not appear wide enough to accommodate residents cars and service/emergency vehicles.
4. The proposed site layout does not show vehicle parking spaces for the caravans. No provision appears to have been made for visitor parking.
5. No details have been provided regarding site lighting arrangements.
6. There are no proposals for landscaping to mitigate visual impact.

4.2 Severn Trent Water – No Objection:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.3 Environment Agency – Comment:

Since the imposition of the Flood and Water Act in 2010 matters relating to the management of surface water drainage has moved to the Local Authority as the 'Lead Local Flood Authority' (LLFA).

4.4 SC Drainage – Comment:

Recommend an informative relating to sustainable drainage.

4.5 SC Conservation – No Objection:

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes ground levelling engineering operations at this site known as Spicer's Hall Caravan Park, Spicer's Hall Farm, Digbeth Lane, Claverley. The site

lies to the west of the Claverley conservation area. The proposed works relate to an existing caravan park and the ground levelling works are contained within the existing site boundary. The site is visible from the Claverley conservation area and a number of listed buildings within it, however due to the existing and historic use of the site as a caravan park and the proposed new works being wholly included within the existing site, it is not considered that the proposal will create any further harm to the setting of the Claverley conservation area or nearby listed buildings. The proposal would therefore preserve the character of the conservation area and setting of listed buildings in line with policies, guidance and legislation as outlined above.

-Public Comments

4.6 27 Objections (Some being in the form of more than one set of comments) to submission and original drawings:

- Site address is not correct as the existing Spicer's Hall Caravan Site was granted under the address of Church Street, Claverley
- Site is on a hill that overlooks Claverley village and the Conservation Area.
- Ground works will be highly visible from the surrounding green belt and disrupt appearance of village.
- Plan is vague and highly inappropriate.
- Documents do not adequately describe the work to be undertaken; no details on how it would be screened from the adjacent conservation area.
- No detail of landscaping and screen planting to mitigate the effect of the work on the adjacent Conservation Area.
- Overdevelopment.
- Should restore the land to its former condition and restore natural beauty of area.
- Query how many properties are proposed; of what type; would they be for holiday or residential use.
- Understood that only social housing was planned as a requirement for Claverley at this time.
- Green Belt location; only appropriate for holiday homes and temporary use as originally granted but not as permanent homes.
- Road network and services cannot support this application.
- Concern about safety of works; have been a property and land owner adjacent to this camp site for over 60 years and many times rivers of red sand have been washed down from the fields on this hillside in heavy rain.
- No plans for land drains, sewage and water drains.
- Site layout plan drawn in isolation with no reference to other site features or boundaries.
- No Design and Access Statement to give more detail or the rationale behind the proposed design and layout; no landscape and visual impact assessment which analyses the impact on longer range views into and out of the site, impact on the character of the landscape or impact on the setting of Claverley village.
- The works would not preserve the openness of the Green Belt; would be inappropriate development and should not be approved except in very

special circumstances. No very special circumstances are put forward in the Planning Statement.

- Drawings suggest a significant raising of existing ground levels; proposals would make caravan park more prominent and densely developed than at present, harming the character of the countryside and Green Belt openness.
- Planning Statement fails to acknowledge the Claverley Conservation Area as a heritage asset.
- Errors in Planning Statement and no evidence to back assertions made.
- Ground levelling works a prerequisite for further expansion of the site that will negatively impact on village infrastructure.
- Medical Practice would not be able to cope with an additional 50+ people following closure of the Pattingham Surgery on 16-02-18.
- Primary School will come under strain.
- A full environmental impact assessment should be carried out.
- Question whether a 31 weekend/holiday caravans, in use for 7 month April to October each year since 1963, can be changed to permanent all-year round residential use by Shropshire Council without any formal development control process.
- Believe Shropshire Council has failed comply with the Caravan Sites and Control of Development Act 1960 in issuing a new site licence without the conditions of a site licence previously issued.
- Loss of about 10 mature oak trees on the upper bank of the landscaped area has already occurred, which formed a wind break for the bungalows in Digbeth Lane.
- Set precedent for further development.
- Lack of detail of how the typical arrangement of retaining blocks to the slope would retain a sandy slope; should request a geotechnical site slope stability check.
- Retaining structure proposed would extend excavations well beyond the red line development boundaries; threaten retention of existing trees
- Suggest whole development built on sand could be ill-conceived.
- No details of land drainage suitable for soil conditions and impervious areas supplied.
- Caravans much bigger than the originals, with little room for landscaping.
- Disturbance and pollution from construction traffic.
- Pollution from occupiers' vehicles.
- No provision for a waste recycling centre.
- Internal access road not wide enough for emergency, delivery and service vehicles.
- Comments listing matters from the 23rd October 2015 Caravan Site Licence; question whether Park Homes can be classed as caravans; believe site is not capable of accommodating 32 park homes.
- A contribution for up-grading local infrastructure and services should be sought in the form of a Section 106 Agreement if the proposals are approved.
- If the Council is minded to grant planning permission further tree screening sought be required and there be provisions to prevent light pollution from the site.

4.7 36 Objections received in response to 11.04.18 re-consultation on amended details:

- Objections in previous letter stand
- Suggests that Court judgements show that caravans left in one position for a sufficient length of time should be regarded as a building operation, and that the caravans proposed should be the subject of an application for formal planning permission, and be made to comply with Building Regulations and the DDA/Equality Act 2010 Regulations. Internal access roads, car parking bays and garden amenity areas to the individual park home pitches are steeper than the disabled access provisions of these documents.
- A planning application should be made for the building operations proposed to follow the engineering works before a decision is made on the present applications 17/05264/FUL and 17/05265/FUL, with all three applications considered together by the South Planning Committee.
- Technical issues raised have not been addressed.
- Planning permission should be required for permanent occupation.
- Not intended as a site for permanent occupation; was for weekend/holiday use.
- Inadequate screening and water disposal; should be a realistic assessment of traffic generation and impact on already stretched parish facilities.
- Should await outcome of referral to local government ombudsman relating to the caravan site licence.
- Housing survey has not yet established village housing need; village not earmarked for new development.
- Village infrastructure will be overloaded.
- Only one entrance and exit to the development, which could lead to in excess of 60 cars passing their cottage on any day; will be highway capacity problems.
- Visual impact would be totally unacceptable.
- Loss of trees on eastern site boundary, increased risk of surface run-off; new planting would take time to establish and be as effective.
- Will make site obvious from the entire conservation area; the listed church and Spicer's Close.
- Harm rural setting.
- New landscaping should be a more continuous planting screen top the eastern boundary, with no large gaps, to include existing and proposed trees.
- No provision for visitor parking; no outdoor space allocated.
- High fire risk.
- No lighting details.
- Proposed park homes do not conform to site licence for caravans and a formal planning application should be made before this application is considered.
- Should be a S106 contribution offered solely to the Parish Council, to take account of impact of further permanent housing on village infrastructure which is full to capacity.

- No prior consultation with the village.
- Should be smaller units to fit the allocated area.
- Do not want extra lighting at night.

4.8 Claverley Preservation Society – Object:

1. The earthworks appear to extend locally beyond the red boundary line of the caravan site
 2. The details, heights and facing materials for the necessary retaining walls are not shown
 3. The internal access road, even if it is a one-way system, does not seem wide enough to safely accommodate emergency, delivery and service vehicles as well as cars
 4. The layout of Park Homes seems congested: are they spaced in accordance with current safety standards?
 5. The Park Homes appear to be much bigger (up to 3 times in plan size) than the caravans that they will replace: is this allowed without planning permission?
 6. There is no provision for visitors' car parking or a waste recycling centre, pedestrian walkways or cycle tracks within the designated site area
 7. The external space for each Park Home seems just enough for one car parking space: should the number of dwellings be reduced to create space for amenity areas and patios?
 8. There is no space for landscaping (e.g. earth mounding, tree and shrub planting) within the caravan site boundaries to mitigate the impact of the Park Homes on the Green Belt
 9. There are no proposals for landscaping and tree and shrub planting to screen the development from the Green Belt (noting the poor quality of soil for growing)
 10. The proposals are for a steeply graded site but do not show provision of ramps for disabled people
 11. The topsoil for the site is stated to be sourced within the site: there does not seem to be much, if any surplus for this purpose
 12. The proposals do not show a boundary fence or hedge around the caravan "site" with a 3m verge perimeter barrier strip as required by usual licence standards
- The above, together with the fact that the conversion to permanent dwellings on this site is entirely detrimental to the village as a whole, and that the village had neither been consulted nor informed, form the reasonable objections to such change of use, and the civil works required to convert and consolidate the site.

5.0 THE MAIN ISSUES

- Principle of development
- Visual impact and landscaping
- Land Stability
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 This application relates to a long established caravan site. A planning application was made in 1957 for the use of part of Spicers Hall Farm, Camping Site for the stationing of 31 caravans (ref 13719). The application form with that application indicated that caravans were already in place on the land at this time. The planning permission issued on the 5th November 1957 included a number of planning conditions, including condition 4 stating “No caravan shall be used as permanent living accommodation”. Subsequently a further planning application was made in 1963 (ref 63/401) for the “Use of land as a caravan site and car park, Spicers Hall, Claverley which relates to land which included that covered by the earlier planning permission 13719. The drawing associated with planning permission 63/401, issued on the 3rd April 1963 showed 31 caravans and a brick toilet block which has been constructed. The planning permission decision notice for 63/401 does not contain any planning conditions restricting how the caravans can be occupied and has no condition restricting caravan numbers on the land to which it relates. The 1963 permission is a stand-alone planning permission and is not linked to the earlier 1957 conditioned planning permission. Consequently there is no control through planning legislation on whether caravans in the area covered by planning permission 63/401 are occupied as permanent residential properties or for holiday use only. The proposed bases for caravans shown within the current application for ground re-profiling fall within the area covered by planning permission 63/401. The comparative effects of holiday and permanent residential use cannot therefore be considered in assessing this application for land re-profiling. The manner in which the previous owner may have restricted use of the 1963 planning permission area would have been a private matter between the parties involved.

6.1.2 The definition of a caravan used in planning legislation is the same as that found in the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968 and the Mobile Homes Act 1983. It is:

A structure designed or adapted for human habitation which:

- (a) Is composed of no more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices, and*
- (b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot be lawfully so moved on a highway when assembled.*
- (c) Maximum dimensions: Length (exclusive of any drawbar): 65.616 feet (20 metres); Width: 22.309 feet (6.8 metres); Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).*

The sizes of the caravan bases indicated on the current application drawings are below the maximum sizes in terms of widths and lengths that would qualify as a caravan. No planning permission is needed to replace caravans with new caravans which comply with the above definition on land with a lawful use as a caravan site.

- 6.1.3 In many instances the works associated with the laying out of a caravan site in accordance with the conditions/requirements of a caravan site licence would not need an application for planning permission due to the provisions of Schedule 2, Part 5, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Examples of where caravan sites have been modernised to accommodate new static caravans without the need for planning applications to be made include High Green, Chorley; The Woodlands, Button Oak; and Hollins Park, Quatford. The reason why this application is required for the Spicers Hall Caravan site is because the land regrading is a more extensive engineering operation in this case, due to the topography. In addition, as originally proposed, the engineering works would have involved the more extensive use of retaining structures which in themselves would have required planning permission.
- 6.1.4 The site is situated within the Green Belt where there is a presumption against inappropriate development (Core Strategy policy CS6). The National Planning Policy Framework advises at paragraph 90 that certain other forms of development (In addition to specified building operations in paragraph 89) are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This list includes engineering operations and the ground re-profiling proposed in this application would constitute such an operation. There is already planning permission to station caravans on the land and the re-profiling of the land would not affect the openness of the site. There is considered to be no in-principle Green Belt policy objection to the proposed works.

6.2 Visual impact and landscaping

- 6.2.1 Policies CS17 and MD12, alongside CS6 and MD2 support NPPF policies and seek to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possess in exercising planning functions. Section 72 of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.2.2 Aerial photographs of the site prior to the removal of caravans and the commencement of land re-grading works show that the caravans were largely positioned on east-west orientation as would be the case with the majority of plots that would be created by the proposed land re-grading. The southern element of the internal loop road arrangement would largely follow the route of the existing access road within the site. The effect of the proposed re-grading works would be to allow caravans to sit lower in the landscape, particularly along the northern and western sides of the application site than was previously the case. While the original arrangement proposed with extensive use of vertical retaining walls within and on the edges of the site would have created a hard edged and potentially austere local environment, regardless of the facing material used for the walls, the amended details avoiding the need for retaining walls and grading the land at angles that are appropriate for the soil conditions (As confirmed by the Chartered Civil Engineer at 6.3 below) would create a softer visual setting, responding sympathetically to the existing surrounding land form and allowing a grass covering to be restored. In addition, the applicant is receptive to carrying out new tree planting on the re-graded, sloped areas (See

paragraph 1.4 above) which would further assist in assimilating the established caravan site into the rural landscape.

- 6.2.3 It is acknowledged that the site is visible from the Claverley Conservation Area to the east and listed buildings in that area, including All Saints Church. (From the north, west and south the site is largely concealed from view in the wider landscape by rising land). There is some existing tree planting along the eastern boundary to partly conceal the site from view from the east. The condition of some of this planting appeared poor at the time of the site visit and it was raised with the agent that the proposed levels changes close to the eastern site boundary could affect the retention of these trees. He has replied that:

“The existing trees on the eastern site boundary will be retained, if possible, and augmented with the additional planting shown on the landscape drawing. They will only be replaced should they fail to thrive or die as a result of adjacent ground works. If this proved to be necessary, they would be replaced with native trees on a like-for-like basis. We intend to provide a specification, produced by an arborist, for the new planting detailing the species, numbers, size at the time of planting and measures for their protection while they become established. However, we request that these details be the subject of a planning condition, to be discharged prior to the first occupation of the site.”

Amended drawings have also been submitted which reduce the length of the slab bases for the four caravans adjacent to the eastern boundary from 12 metres to 9 metres, so that they would not affect the existing trees, allowing them to remain. Having regard to the long term effectiveness of tree/hedge planting on the eastern site boundary, it is considered that the details of an appropriate planting scheme that includes retained and new planting, together with measures for their protection during development, while new planting becomes established and to make good any losses is a matter which can be controlled through conditions on any planning permission that is issued. This would achieve a greater degree of protection/maintenance of landscaping for the site than that which exists at present.

- 6.2.4 This existing caravan site was in existence prior to the designation of the nearby Claverley Conservation Area. The Conservation Officer is content that the amended proposals would preserve the setting, and not have a negative impact upon the setting of the Conservation Area and that of listed buildings in the vicinity in comparison with the previous form of the caravan site.
- 6.2.5 It is considered therefore that the proposed works would assist in assimilating the modernised caravan site into the rural landscape and would not conflict with Development Plan policies CS6; CS17; MD2 and MD12, and would not conflict with the environmental role of sustainable development set out in the National Planning Policy Framework.

6.3 Land Stability

- 6.3.1 The National Planning Policy Framework (NPPF) at paragraph 120 states 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. It continues, with respect to land stability, that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, and any proposals for mitigation. It states also at paragraph 121

that adequate site investigation information, prepared by a competent person, should be presented.

6.3.2 The Chartered Civil Engineer commissioned by the applicant has advised:

“ I have previously submitted calculations for the provision of a retaining wall structure that would form the leading edge of the dwelling space and in those calculations I had considered the existing ground formation of dry sand to have an ‘Angle of Friction’ of 30 degrees.

However, from visiting the site it became apparent that the space required to accommodate the homes was not restricted to a definitive width. As a consequence it was proposed that the embankment, together with the frontage of the homes, be stabilised by grading back to its ‘Natural Angle of Repose,’ that is 30 degrees.

By adopting this form of construction the concrete walling will be omitted and the frontages to the homes and the embankment itself may be soft landscaped so as to be more aesthetically pleasing and compatible with the surrounding landscape.”

The amended drawings show the above recommended maximum ‘natural angle of repose’ would be achieved. It is considered that this information from the Chartered Civil Engineer is sufficient to demonstrate that the proposed works would result in a stable land form.

6.4 Drainage

6.4.1 Core Strategy policy CS18 relates to sustainable water management and states that all developments should aim to achieve a reduction a reduction in the existing run off rate, but must not result in an increase in run off. This application relates solely to the proposed ground level re-profiling engineering operation. With the removal of retaining walls and the ground being re-profiled to angles which would not exceed the natural angle of repose, it is not considered that a refusal on land drainage grounds could be sustained in this case. The Council’s Drainage Consultants, the Environment Agency and Severn Trent Water have all not raised drainage objections to the proposals.

6.5 Other Matters

6.5.1 The objectors to this application have raised a number of objections/concerns which have been addressed by the revised proposal or are outside the remit of this planning application, which is to carry out the specified works on land already benefitting from planning permission for use as a caravan site. In particular:

-The manner in which the caravans may or may not be occupied is not relevant to the application proposals.

-The proposed ground level re-grading works would be contained within the red line defining the application site on the revised application drawings.

-Site lighting is not a matter for consideration in this application.

-Section 106 Contributions could not be sought for community benefits or off site works because none would be an essential requirement to make the proposed works acceptable in planning terms, and the application under consideration is not a proposal to create a new

caravan site. There would be no increase in caravan numbers on the site as a result of the proposed works in comparison with the numbers possible under the existing planning permission.

-The complaint that has been lodged about the Caravan Site Licence which has been issued relates primarily to the manner in which caravans on the site may be occupied: It is not a reason for delaying a decision on this application for engineering operations that would be equally appropriate for caravans occupied for permanent residential or holiday purposes.

-The development proposal is not of a category which requires an Environmental Impact Assessment.

-Were it to be proposed to station caravans/erect structures on the land that do not comply with the definition of a caravan (as set out at paragraph 6.1.2 above) in the future, an application for planning permission would need to be made and would be assessed against Development Plan policies in force at that time.

6.5.2 Ecological interests can be adequately safeguarded in this case by informatives advising developers of their obligations towards protected species and nesting birds.

7.0 CONCLUSION

7.1 The site is situated within the Green Belt where there is a presumption against inappropriate development. The National Planning Policy Framework advises at paragraph 90 that certain other forms of development (In addition to specified building operations in paragraph 89) are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This list includes engineering operations and the ground re-profiling proposed in this application would constitute such an operation. There is already planning permission to station caravans on the land and the re-profiling of the land would not affect the openness of the site. There is considered to be no in-principle Green Belt policy objection to the proposed works.

7.2 The proposed works would assist in assimilating the modernised caravan site into the rural landscape. They would not harm the setting of the conservation area or that of listed buildings in the locality. The details of an appropriate planting scheme that includes retained and new planting, together with measures for their protection during development, while new planting becomes established and to make good any losses is a matter which can be controlled through conditions on any planning permission that is issued.

7.3 Adequate site investigation information, prepared by a competent person, has been presented to demonstrate that the proposed works would result in a stable land form. There are no grounds on which a drainage refusal reason could be sustained in this case. Ecological interests can be adequately safeguarded in this case by informatives advising developers of their obligations towards protected species and nesting birds.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy and SAMDev Plan policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD6 Green Belt
MD12 Natural Environment
MD13 Historic Environment

RELEVANT PLANNING HISTORY:

17/05264/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the widening of site access track

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)
Planning Statement
Structural Engineer Letter
Cabinet Member (Portfolio Holder)
Cllr R. Macey
Local Member
Cllr Tina Woodward
Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD 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. No further development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials and timing and routing of traffic movements to and from the site
- storage of plant and materials used in carrying out the development
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

4. Prior to the stationing of any caravan on the plateau areas formed by the land regrading works, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. The landscape planting works shall be carried out in full compliance with the approved details prior to the first occupation of any caravan. 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. Any existing trees retained as part of the approved landscaping scheme that, within a period of five years from the completion of the development are removed, die or become seriously damaged or defective shall be replaced in accordance with details which have first been approved in writing by the Local Planning Authority.

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

5. No further ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to

safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the continuation of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity 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 187.

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

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

Shropshire Core Strategy and SAMDev Plan:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD6 Green Belt
MD12 Natural Environment
MD13 Historic Environment

3. 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.

4. 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.

5. 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.

6. 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.

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Committee and date

South Planning Committee

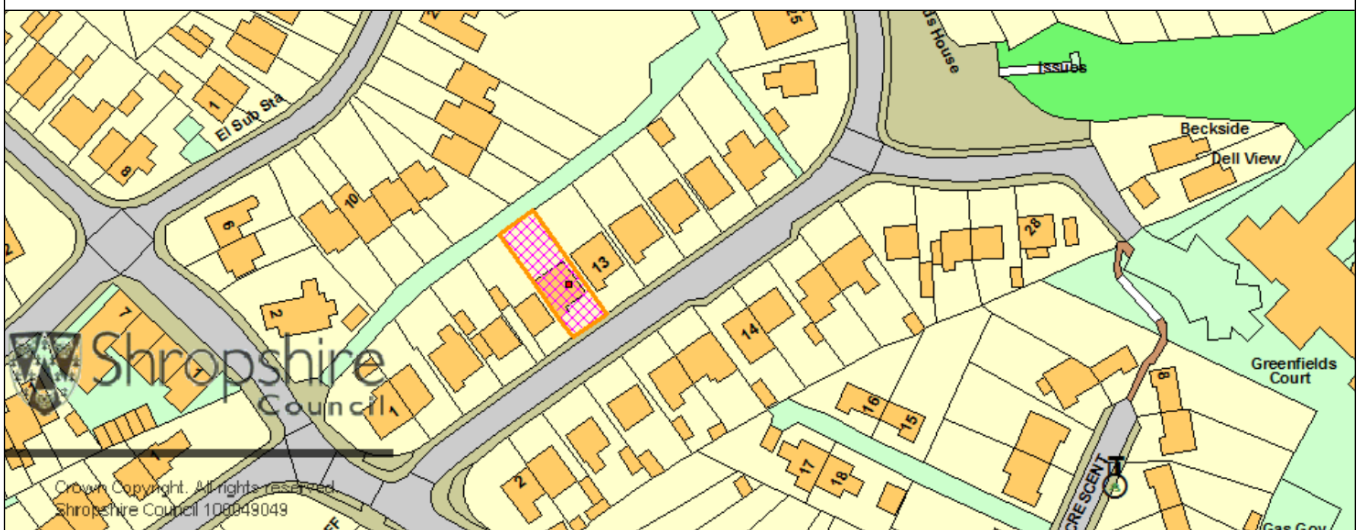
5 June 2018

Development Management Report

Summary of Application

Application Number: 18/01814/FUL	Parish: Bridgnorth Town Council
Proposal: Erection of single storey front extension	
Site Address: 11 Greenfields Road Bridgnorth Shropshire WV16 4JG	
Applicant: Mrs Gill Fuller	
Case Officer: Heather Bradley	email: planningdmsw@shropshire.gov.uk

Grid Ref: 371059 – 293777



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey extension.
- 1.2 The extension would project off the front elevation of the property by approximately 1.8m, bringing the existing bow window forward to expand the size of the properties existing lounge. The addition is proposed to be of hipped roof design constructed in facing brick and roof tiles to match the existing dwelling.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property subject to this application is a detached red brick dwelling under a concrete tiled roof located to the south east of Greenfields Road in an established residential area of Bridgnorth.
- 2.2 Detached dwellings sit either side of the application site (south west and north east) and opposite, separated by Greenfields Road is a row of detached bungalows. To the rear the garden backs onto a footpath, on the opposite of which run the rear gardens of residential properties accessed off Dunval Road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant works within the planning department of Shropshire Council and to accord with the Scheme of Delegation it is a requirement that this application be determined by Planning Committee.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Bridgnorth Town Council: No objection in principle but the extension would appear to be in front of the building line which could set a precedent.

4.2 Public Comments

- 4.2.1 This application has been advertised for 21 days (expired 16th May 2018) in writing directly to the neighbouring properties whom share a contiguous boundary with the application site.

No response received.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and street scene
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 There is a general presumption in favour within the development plan policy for alterations and extensions to dwellings, provided they comply with the relevant criteria of Core Strategy Policy CS6 and SAMDev Policy MD2 which seeks to ensure development is sympathetic to the size, mass, character and appearance of the original property and surrounding area. Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.

6.2 Siting, scale and design of structure, visual impact and street scene

6.2.1 The extension proposed in this case is of a single storey nature and would have an external footprint of approximately 7.5sqm. The use of materials to match the existing construction and the retention of the bow window feature would provide a visual connection to the existing property. The extension is a small scale modest addition that would not detract from the scale or character of the dwelling.

6.2.2 The Town Council whilst having no objection in principal raise a concern that the extension would project past the existing front building line and that this could set a precedent for future development. Each planning application is determined on its merits and in accordance with the adopted planning policy. The property in this case is within a residential estate where there are a mix of housing styles and designs, including front extensions such as at 21 Greenfields Road which already breaks the building line of the properties along this side of the street. It is acknowledge that the proposed extension would project approximately 0.6m past the existing porch, however the property is a detached dwelling and set back from the highway by its existing driveway and the extension proposed is single storey. In this context it is judged that such a projection would not be at odds with the character or appearance of the street scene and the visual amenity of the estate would be preserved.

6.3 Residential Amenity

6.3.1 The neighbouring property opposite is a bungalow and is separated from the site by the highway. It is considered that such distance between these properties would protect the residential amenity of the occupiers of this neighbouring dwelling. Given the small scale, single storey nature of this addition, it is judged that the proposal would not be overbearing, would not result in loss of privacy or loss of light and thus would not harm the level of residential amenity currently enjoyed by the neighbouring properties situated either side of the application site.

7.0 CONCLUSION

7.1 The scheme would not harm the scale or character of the existing dwelling or its relationship with the street scene, the visual appearance of the area being

preserved. Furthermore the extension would not unduly harm the levels of residential amenity which the occupiers of the nearest neighbouring properties should expect. The scheme therefore complies with the main objectives of CS6 and MD2 of the development plan and it is recommended that planning permission is granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee

members’ minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy:
CS6 - Sustainable Design and Development Principles

Shropshire Site Allocations and Management of Development (SAMDev) Plan:
MD2 - Sustainable Design

Supplementary Planning Document: Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

17/03114/CPE Application for Lawful Development Certificate to confirm that the existing works of loft conversion, erection of porch with pitched roof and pitched roof over garage, installation of bow window to front elevation, creation of hardstanding to front garden, dropped kerb and erection of garden wall were within permitted development or have been completed for more than four years LAWFUL 17th January 2018

11. Additional Information

View details online:

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

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Members Cllr Christian Lea & Cllr William Parr
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD 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. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. In determining this planning application the Local Planning Authority took into account the following policies:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Shropshire Council Core Strategy Development Plan Document
CS6 Sustainable Design and Development Principles

Site Management and Allocations of Development (SAMDev) Plan
MD2 Sustainable Design

Supplementary Planning Document (SPD) on the Type and Affordability of Housing



<u>Committee and date</u>
South Planning Committee
5 June 2018

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT COMMITTEE 5 JUNE 2018

LPA reference	17/01834/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	David Poyner
Proposal	Demolition of existing dwelling and construction of 5no. bungalows with rooms in roof space (Amended description)
Location	Gestiana Woodlands Road Broseley Shropshire TF12 5PU
Date of appeal	12.3.18
Appeal method	Written Representation
Date site visit	30.4.18
Date of appeal decision	23.5.18
Costs awarded	Refused
Appeal decision	Allowed

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Appeal Decision

Site visit made on 30 April 2018

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2018

Appeal Ref: **APP/L3245/W/18/3192885**

Gestiana, Woodlands Road, Broseley TF12 5PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Poyner on behalf of Gestiana Limited against the decision of Shropshire Council.
 - The application Ref 17/01834/FUL, dated 20 April 2017, was refused by notice dated 19 December 2017.
 - The development proposed is the demolition of existing dwelling and construction of 5no. bungalows with rooms in roof space.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and construction of 5no. bungalows with rooms in roof space at Gestiana, Woodlands Road, Broseley TF12 5PU in accordance with the terms of the application, Ref 17/01834/FUL, dated 20 April 2017, subject to the conditions contained in the Schedule attached to this decision.

Procedural Matter

2. Prior to the Council's determination of the planning application, the scheme was amended, which included the reduction in the number of dwellings from six to five and the omission of the type C dwelling as originally submitted. The application was determined on the basis of the amended drawings. Accordingly, I have determined the appeal on that basis, which is reflected in my description of the development, which also follows that set out in the Council's decision notice and the appeal form.

Application for costs

3. An application for costs was made by Mr David Poyner against Shropshire Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are the effect of the development on the living conditions of the occupants of No 27 Woodlands Road, The Willows, Spring Meadow and No 81a King Street, with particular regard to privacy; and, the effect on the character and appearance of the area, in particular the Broseley Conservation Area.

Reasons

5. The rear elevations of the dwellings would be in proximity of the rear gardens of a number of neighbouring residential properties. The first reason for refusal concerns the effect of the proximity of Plots 2, 3 and 5 and their fenestration on the existing adjacent properties. These three dwellings would have a single dormer window that would serve the first floor bedroom.
6. Plot 2 would be adjacent to No 27 Woodlands Road and would roughly follow the existing building line of other properties along Woodlands Road. Although there would be a number of windows in the rear elevation of this property, they would be at ground floor level. Whilst the dwelling would be on a slightly higher ground level than the neighbouring properties and would be in proximity of the boundary between them, I am satisfied that an appropriately worded condition could ensure that suitable boundary treatments are erected to prevent any overlooking from the ground floor windows. The only window at first floor would be the dormer window, which would be in the south side elevation. Given the orientation of the window, views of the rear garden of No 27 could be attainable from it. However, these views would be at an oblique angle and therefore any loss of privacy from the rear garden of No 27 would not be so significant as to represent material harm to the living conditions of its occupants.
7. Due to the same positioning and orientation of its fenestration as Plot 2, I similarly find that that Plot 3 would not result in any significant harm to the privacy of No 27.
8. With regard to the relationship of Plot 5 to No 27 Woodlands Road, whilst the dormer window would face the rear garden of No 27, it would be set back a sufficient distance from the boundary between the two properties to ensure that there would not be any significant harm by way of overlooking. I have had regard to the difference in ground levels between these plots and No 27. However, I do not consider that this would exacerbate overlooking to such an extent that it would have any material harm on privacy.
9. Plot 5 would also be in proximity of the rear gardens of Spring Meadow, The Willows and No 81a, King Street, which are to the south of the proposed dwelling. There would be no windows in the south elevation of Plot 5, except at ground level. Notwithstanding the slight difference in ground levels, as with Plots 2 and 3, suitable boundary treatment would ensure no overlooking from the ground floor windows. With regard to the dormer window, it would not allow any views of Spring Meadow or The Willows and would only have very minimal views of a small section of the rear garden of No 81a, which would be from an oblique angle.
10. I find therefore that the proposal would not have any significantly harmful effect on the living conditions of the occupants of No 27 Woodlands Road, The Willows, Spring Meadow and No 81a King Street with regard to privacy. As such, it would comply with Policy CS6 of the Shropshire Council Adopted Core Strategy (CS) 2011, which seeks to safeguard residential amenity. In addition, I find no conflict with the guidance contained in the Shropshire Council Type and Affordability of Housing Supplementary Planning Document (SPD), which states that it is important to ensure that developments do not have unacceptable consequences for neighbours, such as overshadowing or loss of privacy and protect the living conditions of neighbours who might be affected.

Furthermore, it would comply with paragraph 17 of the National Planning Policy Framework, which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Character and Appearance

11. The appeal site comprises a single, detached dwelling set within extensive gardens. The north west boundary of the site lies adjacent to the Broseley Conservation Area (the CA). The CA comprises tightly built houses centred around the High Street. Beyond this, particularly to the north of the town, development becomes less formal with narrow winding lanes predominantly lined with cottages. The variety of building patterns and densities makes a positive contribution to the CA.
12. The appeal site is nestled between the traditional cottages along Woodlands Road to the north and east and the modern, uniform dwellings to the west and south on King Street and Ashmore Crescent. Plot sizes within the vicinity of the site vary considerably with properties immediately to the east having very large gardens and those to the south east and west being generally tighter with smaller gardens. Whilst the proposed plot sizes would be significantly smaller than the larger neighbouring plot sizes, they would be comparable with others, particularly those on the opposite side of Woodlands Road and on King Street and Ashmore Crescent.
13. I have had regard to the extant outline planning permission¹ for the erection of three dwellings on the site and the retention of the existing dwelling. I acknowledge that the approved dwellings would have frontages with Woodlands Road. Nevertheless, whilst many properties on Woodlands Road have road frontages, including those immediately to the east, there are many others that don't. Some are accessed via long driveways off Woodlands Road, including a small enclave of properties a short distance to the east of the site. I also note that No 8 Woodlands Road, which is accessed via the appeal site, has no road frontage. Therefore, I do not consider that the lack of road frontage would significantly disrupt the existing pattern of development in the locality.
14. There is a boundary wall to the front of the site, some of which would be lost. The wall appears to be of some age and much of it is overgrown by hedging. Although boundary walls are commonplace throughout the vicinity of the site, I do not consider that the wall in question makes a significant contribution to the character and appearance of the area.
15. Overall the proposed dwellings would assimilate well into the surrounding built environment, respecting and reflecting the existing pattern of development and plot densities. I find therefore that it would not significantly harm the character or appearance of the area and would have a neutral effect on, and therefore preserve, the character and appearance of the CA. As such, it would comply with Policies CS6 and CS17 of the CS, which, amongst other things, seek to ensure that development protects the built and historic environment and is appropriate in pattern to the local context and character. It would also comply with Policies MD2, MD13 and S4 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015,

¹ LPA Ref 14/01605/OUT

which seek to ensure that development respects the character of the area, in particular the Broseley Area, and protects heritage assets.

Other Matters

16. I acknowledge the concerns regarding the effect of the development on highway safety. During my site visit I observed that the road is relatively narrow in parts and the access to the site would be on a bend. However, I am satisfied that there would be adequate visibility splays to ensure vehicles can access/egress the site without any significant detriment to highway safety. Furthermore, whilst the proposal would increase the amount of traffic in the locality, there is no substantive evidence that this would have any severe effect on highway or pedestrian safety, particularly as the overall increase in dwellings on the site from that already approved would only be one. Moreover, the proposal would provide adequate on-site parking provision. I note that the local highway authority do not object to the proposal, which I attribute significant weight.
17. Policy S4 of the SAMDev states that around 200 dwellings are planned for Broseley over the plan period. Whilst completions and commitments already exceed this figure, it is only a guideline and should not be read as a ceiling to development. I note that the Broseley Town Council Town Plan 2013-2026 states that housing development within the area should be limited to 36 additional homes over and above the Dark Lane development and plots already granted planning permission. The site already benefits from outline planning permission for three dwellings, including the retention of the existing dwelling. Therefore the net increase would be one dwelling. The site is located within the settlement and represents a sustainable location. Therefore, based on the evidence before me, I do not consider that the net increase of one dwelling undermines the Council's housing strategy.
18. With regard to any trees that are planted as part of the proposed development, an appropriately worded condition would ensure they are retained for a period of time to ensure they establish. There is no substantive evidence to indicate that they would be removed following this period. In addition, the preliminary Ecological Appraisal and Bat Survey prepared by Gerald Longley Ecological Consultants, dated 10 August 2017, indicates that the site is of low ecological value and subject to appropriate mitigation and enhancement measures the proposal would not have any significantly harmful effect on wildlife. The loss of the hedgerow to create the access would be offset by additional hedge planting within the site.
19. With regard to land instability, there is no substantive evidence that the proposal would exacerbate any existing issues. An appropriately worded condition would ensure that any potential mine shafts on site are adequately addressed.
20. I note the comments regarding the applicant's name. However, any planning permission granted would run with the land, regardless of the name of the applicant. Therefore this matter has had no bearing on my consideration of the planning merits of the proposal.

Conditions

21. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
22. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
23. In the interests of public safety, a condition is necessary regarding an investigation into mine shafts on the site and potential contamination.
24. A condition regarding foul and surface water drainage details to be submitted, approved and implemented is necessary in the interests of flood prevention.
25. In the interests of the character and appearance of the area and safeguarding residential amenity, a condition is necessary regarding finished floor levels
26. In the interests of the character and appearance of the area conditions are necessary regarding external materials, landscaping and the protection of retained trees, including those adjacent to Plot 1.
27. A condition regarding the access, turning, parking areas and visibility splays is necessary in the interests of highway safety.
28. In the interests of highway safety and the protection of residential amenity, a condition is necessary regarding a Construction Management Plan.
29. In the interests of protecting residential amenity, conditions are necessary regarding hours of demolition, construction and deliveries. For the same reason and in the interests of the character and appearance of the area, I also consider that due to the proximity of the site to neighbouring residents and each other there is justification for the removal of permitted development rights.
30. Conditions are necessary regarding the provision of bat and bird boxes and a lighting plan in the interests of protecting/enhancing biodiversity.

Conclusion

31. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17017 000A, 17017 001B and 17017 002B.

- 3) Before development commences an investigation into the mine shaft on site, together with details of any necessary treatments to ensure the structural integrity of the site, shall be submitted to and approved in writing by the local planning authority. Any works required by this report shall be completed prior to the first occupation of any of the dwellings hereby permitted.
- 4) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 5) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

- 7) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing within 21 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 21 days and approved in writing within 21 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.
- 8) No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted.
- 9) No development shall take place until details of the proposed finished ground floor levels of the dwellings, relative to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 10) Prior to the above ground works commencing samples of the roofing materials, the materials to be used in the construction of the external walls and hard surfacing shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11) No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables; and
 - g) Details of the appearance, positioning, height and materials for garden boundary walls (including those on the alignment of the visibility splays), fences and gates.

The plan shall be carried out as approved, with garden boundary walls and fences constructed/installed before the dwellings that they are associated with are first occupied.

- 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 13) The access, turning area, parking areas and visibility splays shall be constructed in accordance with details to be approved in writing by the local planning authority, with the access and turning area constructed to at least base course macadam level and the visibility splays provided before any dwelling is first occupied. The turning and parking areas shall thereafter be retained for those purposes and the visibility splays shown on the approved drawings kept clear of obstruction.
- 14) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 15) 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 Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - viii) A Traffic Management Plan.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 16) Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

- 17) Prior to the first occupation of the dwellings hereby permitted, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the local planning authority and installed. A minimum of 3 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
- 18) Prior to first occupation of the dwellings hereby permitted, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the local planning authority and installed. A minimum of 3 artificial nests, of either integrated brick design or external box design, suitable for swifts, sparrows, house martins, starlings, and/or small birds shall be erected. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.
- 19) Before the dwelling on plot 1 is first occupied details of the form of construction for the parking area and path within the curtilage of that dwelling shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 20) Prior to the installation of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). 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 in accordance with the approved details and thereafter retained for the lifetime of the development.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 classes A - F shall be erected, constructed or carried out.

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Costs Decision

Site visit made on 30 April 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2018

Costs application in relation to Appeal Ref: APP/L3245/W/18/3192885 Gestiana, Woodlands Road, Broseley TF12 5PU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr David Poyner on behalf of Gestiana Limited for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the demolition of existing dwelling and construction of 5no. bungalows with rooms in roof space.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The National Planning Practice Guidance (NPPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Planning Committee decided to refuse the application contrary to advice of their professional officers who had produced a written report analysing the effect of the proposal on a number of matters including the effect of the development on the living conditions of neighbouring residents and the character and appearance of the area. Authorities are not bound to accept the recommendations of their officers, although paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal and if they rely on vague, generalised or inaccurate assertions about a proposals impact, which are unsupported by any objective analysis.
4. The Council's reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would conflict with. These reasons were adequately substantiated by the Council in its statement of case, which demonstrates how the proposal would harm the living conditions of neighbouring occupants, with regard to overlooking from windows, and the character of the area. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not

been demonstrated. For this reason an award for costs is therefore not justified.

Alexander Walker

INSPECTOR