



Committee and date
South Planning Committee
28 August 2019

Development Management Report

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Summary of Application

Application Number: 18/03172/FUL	Parish: Alveley And Romsley
Proposal: Erection of 6 affordable dwellings and associated works	
Site Address: Proposed Development Land East Of Meadowbrook Close Alveley Shropshire	
Applicant: Mr Harry Pitt	
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk

Grid Ref: 376405 - 284457



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Recommendation:- Permit, subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application was first considered at the 9th April 2019 South Planning Committee, when the decision was deferred to enable the applicant to give further consideration to the design of the dwellings and landscaping of the site.
- 1.2 The proposed development has been the subject of a number of amendments following its initial submission, in response to comments made by technical consultees and third parties. The proposal, as amended, is to erect six affordable dwellings on a parcel of land immediately adjacent to, but outside of, the Alveley village Green Belt inset.
- 1.3 Access to the proposed development would be obtained from Meadowbrook Close. This would entail crossing the watercourse at the eastern end of Meadowbrook Close, through the installation of culvert pipes over which the new road into the development would run. It is not intended to offer this road for adoption by the Highway Authority. The road would curve gently to the east on entering the site to allow for the retention of an existing oak tree on its northern side. The land under the canopy of this tree would be part of the open space for the proposed development. A larger, approximately rectangular area of open space, bounded by existing and proposed hedgerows to the west, south and east, would be on the southern side of this road section.
- 1.4 The road would follow a curving alignment taking it in a northerly direction, with a spur to the east forming the vehicle turning head which would be of a sufficient size to accommodate refuse collection vehicles. The site layout considered by the Committee in April proposed that, on the south eastern side of the road, and to the south of the turning head, would be two dormer bungalows in the form of a semi-detached pair. Each dwelling would contain two bedrooms and an open plan kitchen, dining and lounge area on the ground floor, with a third bedroom, ensuite and dressing room within the first floor roof space. The roof space bedroom in each would be lit by a dual pitched roof dormer on the rear elevation, with two rooflights on the front elevation serving the stairs and ensuite. The front garden areas to each property would provide parking for two vehicles, with a semi-circular lawn area positioned adjacent to the back edge of the footpath to separate the parking areas. The areas immediately to the side and rear of the dwellings would be paved, with the garden areas also including bicycle stores. 1.8m high close boarded fencing would enclose the rear garden areas, along with existing fencing to the south and new hedgerow planting on the easternmost garden boundary with the field.
- 1.5 In the revised layout now submitted, on the south eastern side of the road, there would now be a smaller area of open space, to the east of which would be a detached bungalow and two dormer bungalows on the form of a semi-detached

pair. The detached bungalow would be two bedroomed with an open plan kitchen, dining and lounge area. The elevational treatment would feature off-set short projecting front gable, which would feature an area of vertical timber boarding above and below the window that would be adjacent to the front door. The external walls would be rendered (Cream on the drawings submitted), with a dual pitched roof of concrete smooth grey interlocking tiles. The semi-detached pair of dormer bungalows would be of a similar form and palette of materials, with a similar ground floor layout to the two bedroomed bungalow and a third bedroom with an ensuite shower room in the roof space, lit by a combination of two rooflights on the front elevation and a dual pitched roof dormer on the rear elevation. There would be a bicycle store in each rear garden area. The front garden areas to all three properties would be a tarmac hardstanding, capable of accommodating at least two vehicles per dwelling, with a small lawn area in front of the semi-detached pair of properties. New hedgerow planting is proposed to the west and east sides of the open green space and the eastern site boundary, with the existing hedgerow along the southern site boundary retained.

- 1.6 On the north western side of the road in the layout considered at the April meeting there would have been two pairs of semi-detached properties, of two different designs. The first pair would be two bedroomed bungalows with open plan kitchen, dining and lounge areas. The second pair would be two storey, three bedroomed dwellings, with separate living rooms to the kitchen dining area. There would be forecourt parking to accommodate two vehicles for each dwelling, with a lawn separating the parking areas for the bungalows. The front garden areas to each property would provide parking for two vehicles, with a semi-circular lawn area positioned adjacent to the back edge of the footpath to separate the parking areas. The areas immediately to the side and rear of the dwellings would be paved, with the garden areas also including bicycle stores. 1.8m high close boarded fencing would enclose the rear garden areas, supplemented with hedgerow planting on the boundaries to an area of open space and the field.
- 1.7 In the revised layout now submitted, on the north-western side of the road there would be an area of open green space by the existing oak tree, which would be separated from the side garden area to the adjacent dwelling. All the dwellings on this side of the road would now be bungalows, comprising of a semi-detached pair of two bedroomed bungalows and a detached two bedroomed bungalow. Their external material palette would match those of the properties on the other side of the road described at 1.5 above. The front garden area to the semi-detached pair would include a lawn area with a semi-circular head closest to the road and a tarmac hardstanding for two vehicles. The detached bungalow would also have a front lawn area and a tarmac hardstanding able to accommodate at least two cars, and a garden area along its northern side. Within the rear garden areas of all three properties there would be bicycle stores. The northern boundary of the gardens to the field and the western boundary to and adjacent to the stream would be defined by new hedgerows.
- 1.8 The detailed landscaping drawing submitted proposes that the new hedge planting be a mix of *crataegus monogyna* (hawthorn); *prunus spinosa* (sloe); *corylus avellana* (hazel); *viburnum opulus* (guelder rose); *illex aquifolium* (holly) and *euonymus europaeus* (spindle tree). This hedge planting would extend around the edge of the

vehicle turning head where it would abut the adjacent field. A total of 22 new trees are proposed, comprising of acer campestre (field maple); alnus glutinosa (alder); amelanchier lamarckii (snowy mespil); betula pendula (silver birch); malus 'Shropshire Pippin'; malus 'Shropshire Prune'; malus slyvestris (crab apple); prunus avium (wild cherry); prunus domestica (sloe); pyrus 'Tettenhill Dick'(pear) and quercus robur (pedunculate oak), which would be positioned within the new hedgrows; the green spaces areas and in the front garden/lawn areas of two of the dwellings. A list of transplants, ornamental shrubs, bulbs and wildflower mix have been supplied, with detailed planting specifications for all planting.

- 1.9 It was originally proposed to install a package sewage treatment plant in the field immediately to the north of these dwellings that would discharge to the adjacent watercourse. The agent has subsequently confirmed that the foul drainage would now be connected to the public foul sewer. With regard to surface water drainage, a trial pit and soakaway report has been submitted. The report advises that:-

“As the porosity tests show a very slow infiltration rate, an unreasonable large soakaway will be needed to drain the surface water on the site. The large storage volume of soakaway is driven by the necessary time (24 hours) to discharge to half-volume.

Thus, the proposed drainage scheme is to use an attenuation storage tank that discharges into the existing stream nearby the property, and also allows the water to infiltrate into the ground. This leads to a required storage volume of moderate size that can be fitted on the site.

The calculations and sizes have been carried out in accordance with BRE Digest 365 and CIRA publication C753 – The SUDS Manual, and are contained in Appendix C and D, respectively (Of the Trial Pit and Soakaway Report)”.

Subsequently, following further comments from the Council's Drainage Consultants, a Trial Pit and Attenuation Storage Tank Report has been submitted. This advises that two attenuation storage tanks would be required that would discharge into the existing stream. The calculations and sizes for the attenuation drainage system have been carried out for a storm event of 1 in 100 year plus a 35% for climate change, in accordance CIRA publication C753 – The SUDS Manual. The proposed locations for the attenuation storage tanks and associated works are within the field immediately to the north of the proposed dwellings and the area of open space in the southern portion of the site.

- 1.10 The application is accompanied by a planning statement, ecology report, arboricultural report and a construction management statement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of a field which is bordered by dwellings on Meadowbrook Close and Greenleys Crescent to the west, the remainder of the field to the north and east which is traversed by a public footpath, beyond which are the dwellings on Bridge Road, and agricultural land to the south. There are a number of trees by the watercourse adjacent to Meadowbrook Close, which includes a mature oak tree which is the subject of a Tree Preservation Order.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Officer view is contrary to the officer recommendation and the Shropshire Council Local Member has requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that due to sensitivity of development in this Green Belt location and the material planning considerations have been raised, that determination of this application should be by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

Where technical consultees have made several comments, the latest comments are set out first below in order to show where earlier concerns have been overcome.

- 4.1 Alveley and Romsley Parish Council – Strongly Objects:

The notes that the proposal no longer requires the immediate removal of the mature oak tree which is now subject to a tree preservation order. However, the Council is concerned that the groundworks for the road and bridge that would access this development would inevitably damage the root system for this tree and threaten its long term survival.

Access to the proposed development via Meadowbrook is extremely problematic. Meadowbrook is a cul-de-sac which is not wide enough to accommodate the variety of traffic which will need to access the proposed development, both during and after construction. On-pavement parking is already commonplace in Meadowbrook, creating safety risks for residents and pedestrians. This development would substantially increase the problem and the safety risk to exiting residents.

The rendered finish of the new houses would be out of keeping with the style and finish of the neighbouring properties, and the need to realign the new houses will accentuate the discrepancy.

- 4.2 SC Highways Development Control (28.03.19) – No Objection:
Shropshire Council as Highway Authority have now had an opportunity to consider the further information submitted by the applicants agent, sent 15th March 2019 and submitted revised Construction Management Statement (Final2), confirming that Meadowbrook Close will be used for heavy plant for 1-2 days in order to bring in the pipe for the culvert and light plant and equipment will access the site via Meadowbrook Close during the construction period.

Whilst it is would be desirable that all vehicles associated with the construction of the development use the access off the A442, it is considered that measures can be put in place during the construction period will not lead to conditions that would be detrimental to highway safety. Whilst a Construction Management Plan has

been submitted, it is recommended that a condition is attached to any permission granted that requires the applicant to adhere to the submitted Construction Management Statement, and any statements should be reviewed to reflect the phasing of the Development, any revised plan should include details of proposed communication with neighbouring properties on Meadowbrook Close in terms of delivery times and access vehicles.

In terms of the applicants suggestion with regard to a formal road closure, it is not something we would normally request as part of the construction, however the Developer/contractor will need to submit a formal application to Shropshire Council's Streetworks team, for permission to work on the Highway, which will include the closure of the turning head. Consideration should also be given to introducing a temporary traffic regulation order to restrict parking on Greenway Avenue and Meadowbrook Close whilst the pipe for the culvert is delivered and constructed, and signing on the local Highway network to inform delivery drivers to the site.

4.2.1 SC Highways Development Control (08.10.18) – No Objection:

Shropshire Council as Highway Authority would have no objection to the Development road remaining private.

In terms of access to the site, then it is acknowledged that residents have raised concerns with regard to the restricted carriageway width of Meadowbrook Close. Whilst from a Highways perspective we would typically require a carriageway width of 4.8metres, this can be reduced on occasion to 4.2 metres. Meadowbrook Close whilst is considered restricted carriageway width, from a Highways perspective we have to take into account that it has good forward visibility so drivers can take into account oncoming vehicles. We also have to consider that Meadowbrook Close currently provides access to 12 properties, which are primarily are bungalows, and therefore it would be considered to be lightly trafficked, and the restricted carriageway width encourages lower vehicle speeds.

The proposed development seeks to provide affordable dwellings, which in number of average trips is generally lower than open market housing as the occupants typically generate less trips outside the peak hours and have lower rates of car ownership. We therefore have to consider the number of trips this development is likely to attract and the impact on the surrounding Highway. In terms of location, then the development would be considered a sustainable location, with access to local amenities such as the Medical Centre and Primary School, providing opportunities for walking and cycling.

Concerns have been raised with regard to the parking of vehicles that already takes place on Meadowbrook Close, and the level of parking proposed within the development. In terms of proposed layout of the development whilst it is to remain private then it is considered that there is sufficient parking and turning areas within the curtilage of the site, and will not impact on Meadowbrook Close. The majority of properties on Meadowbrook Close have a minimum of two parking spaces per dwellings, it is acknowledged however that with deliveries and visitors, parking may take place on Meadowbrook Close, and because of the restricted carriageway

width, these vehicles are likely to park on the footway. However, it should be noted that parking on the footway causing an obstruction is a Police issue.

Concerns have been raised with regard to the construction access, it is noted that the applicant has confirmed that alternative arrangements have been made, and no construction traffic will access the site via Meadowbrook Close. (This statement has subsequently been amended by the applicant in relation to the culvert construction, as discussed at paragraph 6.5.3 below). It is recommended that in the event planning permission is granted, a condition is attached to any permission that requires the applicant to submit a Construction Management plan, that will provide details of the proposed routing of vehicles, and what measures will be put in place to ensure construction vehicles do not access the site from Meadowbrook Close.

In terms of Policy consideration, Paragraph 109 of the NPPF states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. In order to refuse the proposed development on Highway grounds we would need to be satisfied that the proposed development would have an unacceptable impact on highway safety. In view of the scale of Development and type of housing proposed, it is not considered that the development should be refused on Highway grounds. Shropshire Council as Highway Authority raise no objection to the granting of consent, however would recommend that a condition is attached to any permission granted which requires the applicant to submit a Construction Management Plan prior to commencement and that measures should remain in place for the duration of the Development.

4.2.2 SC Highways Development Control (24.07.18) – Further information required on road specifications, parking layout, bridge/culvert construction and whether the proposed road would be adopted or remain private

4.3 SC Drainage (23.07.19) – Comment:
The Council's Drainage Consultants have commented that drainage calculations should limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval, for the sizing of the attenuation surface water storage tank. The attenuation drainage system should be designed so that storm events 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.
Recommend Condition:
No development shall take place until a scheme of the surface and foul 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.

4.3.1 SC Drainage (18-02-19) – Comment:

1. The proposed surface water soakaways calculations are indicative only as an assumed soil infiltration rate has been used in the calculations. Percolation tests should be carried out in accordance with BRE Digest 365 and the drainage calculations should be revised based on the actual percolation test results.

2. Full details, plan and sizing of the proposed package sewage treatment plant including should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the package sewage treatment plant should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

Condition:

No development shall take place until a scheme of the surface and foul 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.

Informative Notes:

Consent or an exemption certificate is required as appropriate from the Environment Agency for discharging treated foul effluent into the watercourse. However, if the ditch/ watercourse is occasionally dry, the treated foul effluent must discharge into a drainage field.

4.3.2 SC Drainage (09.10.18) – Comment:

Outstanding drainage details and calculations requested in our drainage comments of 24.07.18 and 02.08.18 have not been addressed.

4.3.3 SC Drainage (02.08.18) – Comment:

Culverting of the new access road over the watercourse requires Ordinary Watercourse Consent from Shropshire Council.

A hydraulic calculations should be provided based on the surface water runoff from natural catchments using IH 124 Method for catchments > 0.4km² or the ADAS Method for catchments 0.4km² designing for storm events of up to 1 in 100 year + 35% for climate change.

Reason: To ensure that it complies with the Land Drainage Act 1991

4.3.4 SC Drainage (24.07.18) – Comment:

1. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant

should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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 should limit the discharge rate from the site equivalent to 5.0 l/s 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.

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

If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new driveway run onto the highway.

The site to the west along the watercourse is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority. If main foul sewer is not available for connection, full details, plan and sizing of the proposed septic tank/ package sewage treatment plant including percolation tests for the drainage field should be submitted for approval.

4.4 SC Trees (24.10.18) – No Objection:

I have reviewed the further arboricultural and engineering details submitted 25th September 2018 and I can report that I do not object to the proposed development on arboricultural grounds, providing the extensive tree protection measures and working methods are adopted as described in the revised arboricultural report (Old Oak Tree Care, OOTC/PC18/251 Rev 1).

The engineering drawing for the culvert (3105-MCA-DRG-001 Rev A01, section C-C) suggests that the stepped backfill behind the headwall should minimise excavation of the existing bank profile in the vicinity of the protected oak tree. However, the potential for damage to significant roots of this tree is noted and therefore it is imperative that the method described in sections 8.12 and 8.13 of the tree report is strictly adhered to.

Equally important is the use of a no-dig cellular confinement system and network of air ducts for the access road, where it crosses the Root Protection Area (RPA) of the protected oak tree. Sections 8.1 to 8.8 and Appendix I of the tree report and its

associated drawings (Figures 1 – 3) give details of the construction method to be used, but it is noted (section 8.11 of the tree report) that precise engineering drawings are required. The submitted ‘typical footway and carriage detail’ and sectional drawings of the culvert and access road (3105-MCA-DRG-001 Rev A01, sections A-A and B-B) do not include the design and specification of the network of air ducts to be used to provide for gaseous exchange beneath the road. This is essential for ongoing health of the protected tree’s roots under the road.

Also important are the root zone enhancement measures specified in sections 8.9 and 8.10 of the tree report, which specify how mulching is to be used within the extended RPA of the protected oak tree.

I would therefore recommend attaching the following conditions to any permission granted for this application:

- All pre-commencement tree works, wood chip mulching and tree protection measures detailed in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) shall be fully implemented to the written satisfaction of the LPA, before any construction-related equipment, materials or machinery are brought onto the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- Prior to commencement of development, a task-specific method statement and detailed engineering drawing(s) shall be submitted to the written satisfaction of the LPA, for the specialised ‘no-dig’ construction and associated drainage and air vent features to be used to construct the section of access road within the root protection area of the retained oak tree identified as Ok3 in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care).

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- The development shall be implemented in strict accordance with Sections 6, 7 and 8 and Tree Protection Plan (Appendix B Rev 1) of the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) and with the approved Method Statement and its associated drawings for construction of the access road and associated drainage and air vent features. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

- The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the first dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

4.4.1 SC Trees (31.08.18) – No Objection:

I have no objection on arboricultural grounds to the proposed development, providing suitable measures are put in place to safeguard existing trees on the site and new trees are planted where appropriate, as part of a quality landscaping scheme.

4.4.2 SC Trees (03.08.2018) – Comment:

Recommend deferring determination of this application until a suitable arboricultural report is received.

4.5 SC Ecology (09.08.2018) – No Objection:

An Ecological Assessment was carried out on this site in December 2017 by Churton Ecology. The ecological survey covers a much larger area than is being affected by this planning application.

Habitats

‘The development site is part of a much larger field of poor semi-improved grassland, with grass species dominant and only a few herbs present. The field is damp and supports patchy rush and sedges, as well as a few damp-loving herbs along the margins. Lack of management in recent years has allowed this grassland to become a thick and tall sward. The site is bordered by i) a broad high hedgerow

along the south boundary ii) a tiny stream with associated shrub and trees along part of the west boundary and iii) Blackthorn hedge along the north-west boundary.’

‘The area of swampy ground was holding water on the survey date (after a snow melt) but is likely to be dry/damp for much of the year – there was no evidence of aquatic plants,’.

‘Hedgerow is a UK priority habitat, and the south boundary is an ‘important’ hedgerow’ under the Hedgerow Regulations 1997. ‘The south side of the hedgerow has a broad open and potentially sunny margin of rough grassland with some scrub content.’

‘The tiny stream along the west boundary runs through a narrow corridor of trees and shrub. A section near the access (just off site) appears to have been felled, and the stream culverted; the west boundary here is fence. Downstream of this, there are very occasional trees or scrub on the east bank – a mature Oak, two Alder and a multi-stemmed immature Sallow. The west bank is garden boundary and supports a mix of immature Cypress trees, fence and a little native shrub (Hawthorn and Elder). The stream corridor is accompanied by a 5-6m margin, along the field edge, of tall herb’, including damp-loving and shade-loving species.

The stream, southern hedgerow and mature trees should be protected during the development through the implementation of a Construction Environmental Management Plan. Appropriate buffer zones between development works and the stream, hedgerow and mature trees should be maintained, with no groundworks or storage of materials within the buffers.

‘With planting of a new native hedgerow along the south-west boundary (alongside the newly landscaped area), the gap created by recent landscaping on adjacent land in the original wildlife corridor will be re-instated.’

‘The tiny stream bordering the site along the west, and the nearby large stream, are both classed as ‘corridor’ on the Shropshire Environmental Network. The east part of the field in which the site lies is classed as ‘buffer’ habitat.’ ‘With the necessary precautions in place regarding run-off in the construction phase and drainage in the operational phase’ and the planting of native tree, hedgerow and shrub species of local provenance, I am satisfied that the functions of the Environmental Network will be maintained.

Bats

‘The mature Oak along the west boundary, near the proposed access’ has moderate suitability to support bat roosts.

No direct impacts on this tree are anticipated. As mentioned previously, this tree should be protected with an appropriately-sized buffer, with no groundworks or storage of materials within the buffer.

Should any works to the tree 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 species are likely to forage and commute along the boundary habitats. The field, in its ungrazed state; may also offer some foraging opportunities.’

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

‘The potential impact of illumination of the west stream corridor, the boundary hedgerows, potential tree roosts in the Oak and new roosts put up as enhancements, in the operational phase, may result in the deterioration of bat roosts and foraging and/or commuting habitat.’

Otters and water voles

The tiny stream offers very little foraging opportunities for Otter; the larger stream [to the ‘north] may be used infrequently for foraging by this species but its proximity to housing renders it unlikely to be used for holts or shelter near the site.’

‘Both streams lack suitability for Water Vole – the banks are too shallow, with a section of the tiny stream lined with sheer stone wall, and the margins lack suitable bank-side vegetation. ‘Any Vole noted (a neighbour has noted Voles) is likely to be Bank or Field Vole which frequent the grassland on the site.’

The Construction Environmental Management Plan will ensure that the stream (and any associated flora and fauna) will be protected during the development.

Reptiles

‘The thick grassland is considered to have some potential to support reptiles (Slow-worm and/or Grass Snake) and comments by a neighbour suggest that these species may have been seen in nearby gardens.’

‘The fact that this field has been historically cropped or grazed (sheep grazed until approximately three years ago, additional cutting some time prior to this) severely depreciates any possible local importance of the site for reptiles and indicates that it would not be a core reptile habitat i.e. a habitat that is stable in the long-term and fairly extensive in area’.

‘Since this site is i) likely to be used only for minor dispersal in spring and summer and is unlikely to be used as a hibernation area because the field is considered to be too damp and ii) the [larger] field offers an additional 1.86ha of similar grassland habitat, the loss of 0.3ha habitat is unlikely to have a negligible (detrimental) impact on local populations if they are, indeed, present.’

‘However, reptiles migrating or foraging in the grassland may be killed or injured during construction works; this would constitute an offence.’

‘Prior to any works commencing, the grassland must be cut before early April. A

flail topper is recommended because cuttings are mulched and spread out in the process and this avoids cut grass lying on the surface. Some toppers can be used behind and alongside a tractor but using a hedge cutter flail arm is an alternative here to reduce the need to drive machinery over the wetter ground.'

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

Habitat piles could be created in suitable locations along the site boundaries to enhance the refuge opportunities for reptiles.

Any future development further into the field will require a reptile survey.

Great crested newts

No mapped ponds are present within 250m of the site. 'A tiny unmapped garden pond in an adjacent garden is set into decking and supports Frog, Toad and small newts (personal comment by owner). It is highly unlikely that a breeding population of Great Crested Newt is present in this pool because of its tiny size, sheer sides and relative isolation from other pools'.

The site currently supports suitable sheltering habitat throughout, but historically (while the grassland was grazed) only the hedgerows would have offered good terrestrial habitat. Given i) the lack of suitability of the tiny pool for breeding GCN and ii) the distance of the other pools from the site, it is highly unlikely that Great Crested Newt is present on the site.

The working methods for reptiles will also ensure that amphibians are protected during the works.

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.

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for birds.

Other species

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 and informatives

Conditions recommended requiring the approval of a construction environmental management plan; provision of bat and bird boxes and external lighting.

Informatives relating to bats and trees; nesting birds; wildlife protection.

4.6 SC Rights of Way – No comments.

4.7 SC Affordable Housing – No Objection:
No objection and would support the proposal on the basis of evidenced housing need. I can confirm that as of March 2019 there are 15 households on the Housing Waiting List that have indicated a local connection. Previous experience has shown that in rural areas, there is usually 'hidden need' i.e. those households that are in need, but do not register.

The scheme would be a replica of the cross subsidy scheme at the Working Men's Club (ref.15/03425/FUL) i.e. discounted rented dwellings and discounted market dwellings (3 of each, hence cross subsidy).

We can confirm that there is evidence of need to support the proposal.

4.8 - Public Comments
32 Objections have been received which are summarised below (9 parties have submitted several letters during the period the application has been under consideration). The full text of the comments may be viewed on the Council's web site.

- Site not included in the preferred sites put forward via the Local Plan Review.
- Other sites in the emerging Local Plan that will accommodate affordable housing.
- Could lead to further development of another six if the six properties are approved before the final plans are passed for the Alveley Community Hub.

- Loss of Green Belt land; No exceptional circumstances to allow the development.
- In recent survey only 5% of villagers were prepared to see a loss of Green Belt land.

- Village is treated as countryside for the purposes of Development Plan housing policies.

- Would be urban encroachment.

- Proposed access is problematic bridging a watercourse.

- Destructive of an established streetscape.

- Revised scheme still includes a two storey dwelling, whereas all dwellings in Meadowbrook Close are bungalows.

- Soakaways are being put forward when the area is a heavy clay cap, with extreme implications for uncontrolled run-off towards the brook. Highlights how inappropriate this site is for development.

- Soakaways as a method of disposal of surface water run-off will not work.

- Question drainage calculations.

- Outfall pipe from sewage treatment plant passes through land outside of the application site boundary.

- No access to water treatment plant for maintenance purposes.

- Why is a sewage treatment plant being proposed rather than connection to the main foul sewer in the village; has it been established that the watercourse has sufficient year-round flows of water to take the output from a sewage treatment plant?

- Noise disturbance from treatment plant.

- Heavy construction traffic entering Meadowbrook Close would cause disruption and distress to residents.

- Agent originally advised that no construction traffic would access the site from Meadowbrook Close but this is contradicted by the revised statement of 26-11-18, and is contrary to the advice of the Highways Officer.

- Beyond belief that high volume/heavyweight materials will be transported in minimal quantities on small vehicles.

- Applicant has no right of access to the site for heavy machinery from Bridge Road.

- Bringing heavy machinery across the fields would affect a recognised public footpath used by dog walkers, ramblers and school children.

- Construction Method Statement inadequate and has vital information missing.

- Disruption from installation of culvert operation alone likely to be severe in accordance with the NPPF.

- Culvert pipes installation would disrupt use of turning area and damage root zone of adjacent oak tree.

- No structural calculations to show culvert could accommodate road and traffic loads or that it would have adequate capacity.

- Will increase flood risk.

- Area susceptible to flooding.

- Should have been notified of the submission of additional information.

- Applicant has failed to demonstrate land ownership for all aspects of the development.

- Frequent cancellation and amendment of drawings does not instill confidence that development should take place.

- There may be two or more cars per household.

- Despite opportunities to walk or cycle many people will still use their cars.

- Highways Officer does not provide any evidence to substantiate claim that affordable dwellings generate less trips outside peak hours and have lower rates of car ownership than open market dwellings.

- No dependable public transport infrastructure.

- Parked vehicles could obstruct access for emergency vehicles along

Meadowbrook Close.

-Meadowbrook Close is too narrow to serve additional dwellings being only 4.2 metres wide.

-Will there be any stipulation to prevent the affordable dwellings being extended?

-Harm character of area.

-Harm privacy and visual amenity of adjacent dwellings.

-Current residents of the Close are mainly elderly and many have health problems.

-Houses should be replaced by bungalows.

-Will not function well or add to the overall quality of the area.

-Layout designed to allow for further dwellings.

-No evidence of need.

-Applicants aim is to erect 30 properties on Green Belt land, which is not part of the Local Plan for Alveley.

-Other areas around the village that can be utilised for development.

-Field is a rich micro-environment for owls, bats etc.

-Do not agree with contents of ecological survey.

-Where would any excavated material be disposed of?

-Additional burden on already stretched infrastructure and facilities of the village.

-Do not agree with minutes of the April meeting as posted; as usual the minutes favour the applicant and are not a true reflection of how the deferred decision was reached.

Statement from Gail Booton (From April additional representations sheet):

With reference to the above planning application I wish to make the following statement of facts.

As at the time of writing, Drainage Plan drawing 3105-MCA-DRG-002 REV: A02 dated 16.01.19 shows the location of the sewage treatment plant and the position of the outfall pipe discharging into the watercourse/stream. When compared with Amended Proposed Site & Location Plan drawing 17-2812/04B dated 16.01.19 you will note that this outfall pipe passes through land outside of the 'red line' Planning Application Boundary to reach the watercourse. Where this happens, the pipe is passing through my land.

I wish to make you aware and confirm the following: -

- The developer has made no verbal or written request to use my land as part of this development.
- I have not given the developer verbal or written consent to use my land.

- I have absolutely no intention of ever giving the developer consent to use my land.

Given the above facts I trust that Shropshire Council, Planning Officers and Planning Committee Members will exercise due diligence in dealing with this matter.

4.7.1 Alveley Green Belt Preservation Group – Object:

- Should be refused or deferred pending the Local Plan and review of current Green Belt boundaries.
- In the latest housing needs survey only 5% of respondents said new housing should be in the Green Belt.
- The seven households the development would accommodate would be better on the Central Garage site where local facilities (School, play area and bus route) are closer, but noting the downside of that site being on the other side of the A442.
- No evidence that the properties would be occupied by those who need to work locally.
- Majority of Alveley residents, including those in social or Housing Association properties, commute by private car to the West Midlands conurbation or the market towns.
- Support the objections of Alveley residents and particularly those living in Meadowbrook Close.
- Would set a precedent for the settlement to become oversubscribed in social/affordable housing.
- House owners will struggle with the liability for septic tank maintenance.
- Not clear if new road, bridge or culvert would be adopted by the highway authority.

4.7.2 Bridgnorth District CPRE – Object:

- The access to the site is unsuitable and goes over a stream that feeds the Daddlebrook, then the River Severn. Several important and well used footpaths cross this site and must be kept open at all times.
- A very important hedge and wild life corridor must be kept intact. Householders must not remove any of this hedge or divert the stream for landscaping purposes. Over time several large trees have been removed causing owls leaving the area. The housing proposed sits on a slope and will stand out. Three other housing sites have all resulted in people from outside the area having them and still seven Alveley people remain on the housing list. All housing numbers have been grossly exaggerated.

5.0 THE MAIN ISSUES

Principle of development
Affordable Housing
Siting, scale and design of structures
Visual impact and landscaping
Highway Safety
Residential Amenity
Drainage
Ecology

Open Space

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 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. Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and needs to be given weight in the determination of planning applications. The NPPF in itself constitutes guidance for Local Planning Authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.

6.1.2 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.

6.1.3 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. This proposal, however is for a 100% affordable housing development outside of the Alveley Green Belt inset boundary. Core Strategy Policy CS5 relates to the Countryside and Green Belt, where affordable housing to meet a local need in accordance with national planning policies and policy CS11 (Type and affordability of housing) may be permitted on appropriate sites, where the need and benefit for the development is demonstrated by the applicant.

6.1.4 While this site is situated in the Green Belt where there is a presumption against inappropriate development, the National Planning Policy Framework lists a number of exceptions at paragraph 145. These exceptions include **f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exceptions sites);*"

Core Strategy Policy CS11 is supplemented by the Council's adopted Type and Affordability of Housing Supplementary Planning Document. In pre-application discussions the Council's Housing Enabling Team advised that they would support the principle of affordable housing that corresponds with the tenure/type and size of the evidenced need.

6.1.5 There is considered to be no in-principle planning policy objection to affordable housing development on land within the Green Belt on the edge of the village. Whether or not this particular proposal is acceptable turns on consideration of the

detailed matters set out below.

6.2 Affordable Housing

6.2.1 With regard to evidenced need the agent has made reference to discussions with the Council's Housing Enabling Officer confirming that as of 1st January 2018 there were seven households on the waiting list who have expressed a first preference to live in Alveley and who have a strong local connection. Four of the households on that waiting list require two bedroomed accommodation, with the remaining three households seeking a one bed unit, a three bed unit and a four bed unit. The Council's Housing Enabling Officer has provided an update to these figures, advising that as of March 2019 there are 15 households on the housing waiting list that have indicated a local connection. She comments also that previous experience has shown that in rural areas there is usually a 'hidden need' i.e. those households that are in need, but do not register. It is considered that this proposal could not be refused on the grounds of there being no unmet need for affordable housing in the village.

6.2.2 A Section 106 Agreement would be required as part of any grant of planning permission to secure the properties as affordable housing, in a similar manner to that used for the affordable housing development on land south of Daddlebrook Road, Alveley (Ref. 15/03425/FUL). This will also address the issue of the appropriate tenure for the dwellings, which would be three discounted rent dwellings and three discounted market dwellings, hence it being a cross subsidy scheme. The Housing Enabling Officer confirms there is evidence of need to support the proposal.

6.3 Siting, scale and design of structures

6.3.1 The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 127 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate an appropriate amount and mix of development. These 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.

6.3.2 The proposed bungalows and dormer bungalows would be well proportioned and appropriate for this location. The use of render and brick for the external wall finishes and the brick detailing would reflect features found in and around Alveley. The scale of the proposed properties and their ridge heights would be similar to that found in the adjacent housing developments, which are a mix of bungalows and two storey houses. The density of the proposed development and the garden sizes would also be comparable to other housing in the immediate locality.

6.4 Visual impact and landscaping

- 6.4.1 Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes the hedgerows and trees to the south and west of the application site. The proposed development would retain these features and supplement them with additional tree and hedge planting. The species mix, density of planting, measures for their protection while they become established and the replacement of any losses are matters which can be addressed through conditions on any approval issued.
- 6.4.2 The County Arboriculturalist is content that the protected oak tree close to the access road culvert can be safeguarded by the road construction works being carried out in accordance with the method statement set out in the tree report, to avoid significant root damage, and the use of a no-dig cellular confinement system and network of air ducts for the access road, where it would cross the root protection area of the protected oak tree. There are some design and specification details required, as set in the County Arboriculturalist's comments at 4.4 above and the recommended conditions set out there would be attached to any approval issued.
- 6.4.3 The County Arboriculturalist has considered the landscaping plan submitted following the deferment of the application and considers it suitable and fit for purpose. He considers that it strikes a good balance between retaining and supplementing the existing trees and hedges, as well as creating a small orchard area of traditional fruit trees and wildflower meadow mix, with more ornamental tree and shrub planting within the built environment. The planting and maintenance specifications are also considered reasonable and appropriate. He has suggested some minor adjustments, which have been put to the agent.

6.5 Highway Safety

- 6.5.1 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 also seeks to secure safe developments. The National Planning Policy Framework, at paragraph 108, advises that in assessing development proposals it should be ensured that a safe and suitable access to the site can be achieved for all users, and that any significant impacts on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Opportunities to promote sustainable transport modes should also be explored. It continues by stating at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.5.2 It is acknowledged that Meadowbrook Close, which currently serves 12 dwellings (Two of which also have frontages onto Greenway Avenue), has a relatively narrow carriageway width of some 4.2 metres. The Council's Developing Highways Area Manager – South and Central, has commented that while a carriageway width of 4.8 metres is typically sought, this can be reduced on occasion to 4.2 metres. In this particular case account can be taken of the good forward visibility available so

drivers can take into account oncoming vehicles. The existing turning head area provides a wider section of highway for vehicles to pass that would be entering or leaving the proposed development, in which the carriageway width would be 4.8 metres for its curving alignment. Meadowbrook Close is likely trafficked and the restricted carriageway width encourages lower vehicle speeds. There are considered to be no highway capacity issues of sufficient weight to prevent Meadowbrook Close from accommodating safely the additional traffic likely to be generated by the proposed dwellings. The local highway network to which Meadowbrook Close connects is also not considered to have any capacity problems. The amount of off road parking available, at two spaces per dwelling, would be sufficient for the development proposed and the road turning head would be able to accommodate safely service vehicles.

6.5.3 The final version of the construction traffic management plan submitted shows that it is intended that heavy machinery and plant would be delivered to the site across fields from the A442, in order to avoid the use of either Meadowbrook Close or Bridge Road. However there would be a need to use Meadowbrook Close for the installation of the heavy pipes and aggregates required for the construction of the culvert. Once the culvert is in place the route via Meadowbrook Close would be used by light plant and equipment only. Examples of such equipment given include mini digger, power barrows, plate compactor and small delivery lorries. A parking area for vehicles of site operatives and visitors would be provided within the site on the area that would become open space to avoid vehicles seeking to park on Meadowbrook Close. The applicant proposes that deliveries of building materials to the site would be in small loads to minimise its storage on site, with the bulk of materials being stored off site at his farm. Wheel washing facilities would be used to address the possibility of mud being deposited on the road and the emission of dust would be controlled by a sprayer. It is considered that these measures would be sufficient to ensure that, during the construction phase, the development would not lead to conditions that would be detrimental to highway safety.

6.6 Residential Amenity

6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those on Meadowbrook Close. The juxtaposition of the existing and proposed dwellings, and the separation distances between them, would ensure that there would be no mutual loss of privacy or overbearing impacts. In addition there would be no such conflicts between the proposed dwellings in the development itself.

6.6.2 It is inevitable that building works anywhere cause some disturbance to adjoining residents. The temporary impacts would be mitigated by the Construction Method Statement discussed at 6.5 above in relation to highway safety. It can also be addressed by a condition 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.

6.7 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. The proposed drainage arrangements in this application comprise of the installation of a sustainable drainage system and use of an existing water course for the disposal of surface water, and, as amended, a foul water connection to the public foul sewer..

6.7.2 The culverting of the water course requires a separate Ordinary Watercourse Consent from Shropshire Council as land drainage authority.

6.7.3 The comments received from third parties have raised concerns over the suitability of the land for the installation of soakaways, and on the flows within the watercourse. The Council's Drainage Consultants have advised that further drainage details and calculations are required to ensure that the systems would be effective, but as their comments set out in section 4.3 above show, they have advised that the proposed foul and surface water can be the subject of a pre-commencement planning condition on any approval issued.

6.7.4 The additional , amended drainage details now submitted show the proposed locations of two attenuation tank for surface water drainage, accompanied by a set of drainage calculations. The Council's Flood and Waste Water Management Team is content that the precise foul and surface water drainage details can be the subject of a pre-commencement planning condition on any planning approval issued in this case. This would prevent any development taking place in advance of the approval of a satisfactory drainage scheme. Should no drainage scheme be approved, the development could not be carried out.

6.8 Ecology

6.8.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species. National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible.

6.8.2 The Council's Ecology Team has considered the Ecological Assessment submitted with the application. They are content that the proposed development could be carried out without harming ecological interests. Planning conditions are recommended with respect to development being carried out in accordance with an approved construction environmental management plan; the provision of bat and bird boxes; and the approval of any external lighting scheme.

6.9 Open Space

6.9.1 SAMDev Plan policy MD2 advises that the amount of public open space to be provided by a residential development should be calculated on the on the basis of 30sqm per bedroom. This proposed development, as amended, would contain 14 bedrooms, which would equate to a target amount of some 420 sqm of open space. The proposal would contain areas of open space sufficient to address this target. (In the order of some 367sqm together with some 83sqm in the vicinity of the oak tree), which would be in locations accessible to existing residents as well as those

of the proposed dwellings, and would be viewable from the road.

7.0 CONCLUSION

7.1 There is considered to be no in-principle planning policy objection to affordable housing development on land within the Green Belt on the edge of the village. As of March 2019 there are 15 households on the housing waiting list that have indicated a local connection. There is often also a 'hidden need' in rural areas. It is considered that this proposal could not be refused on the grounds of there being no unmet need for affordable housing in the village. The proposed dwelling types would be well proportioned and appropriate for this location, as would be the layout. The County Arboriculturalist is content that the protected oak tree close to the access road culvert can be safeguarded during the construction works

7.2 There are considered to be no highway capacity issues of sufficient weight to prevent Meadowbrook Close from accommodating safely the additional traffic likely to be generated by the proposed dwellings. The local highway network to which Meadowbrook Close connects is also not considered to have any capacity problems. The amount of off road parking available, at two spaces per dwelling, would be sufficient for the development proposed and the road turning head would be able to accommodate safely service vehicles.

7.3 The juxtaposition of the existing and proposed dwellings, and the separation distances between them, would ensure that there would be no mutual loss of privacy or overbearing impacts. In addition there would be no such conflicts between the proposed dwellings in the development itself. The temporary impact of construction works on the residential amenities of the area and on the local road network can be satisfactorily mitigated by works adhering to the construction method statement and a restriction on construction hours.

7.4 Drainage and ecological interests can be satisfactorily safeguarded through the recommended planning conditions.

7.5 The application is recommended for approval, subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings.

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

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD6 - Green Belt & Safeguarded Land
 MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 Settlement: S3 – Bridgnorth

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

18/00204/FUL Erection of 6 affordable dwellings and associated works WDN 10th July 2018

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 Ecology Report Arboricultural Report Construction Management Statement
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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials 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.

4. All pre-commencement tree works, wood chip mulching and tree protection measures detailed in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) shall be fully implemented before any construction-related equipment, materials or machinery are brought onto the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

5. Prior to commencement of development, a task-specific method statement and detailed engineering drawing(s) shall be submitted to and approved in writing by the Local Planning Authority for the specialised 'no-dig' construction and associated drainage and air vent features to be used to construct the section of access road within the root protection area of the retained oak tree identified as Ok3 in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care). The work shall be carried out in accordance with the approved details.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

6. The development shall be implemented in strict accordance with Sections 6, 7 and 8 and Tree Protection Plan (Appendix B Rev 1) of the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) and with the approved Method Statement and its associated drawings for construction of the access road and associated drainage and air vent features. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

7. The development shall be carried out in accordance with the landscaping scheme, planting and maintenance specifications shown on landscape plan MBK-LP-01, received by the local planning authority on 22nd July 2019.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

8. The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the first dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

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

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

10. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird 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 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (32mm hole, terrace design) an/or starlings (42mm hole, starling specific).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

11. 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, e.g. bat and bird boxes (required under a separate planning condition). 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.

12. 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.

13. Before development commences details of the proposed finished ground floor levels of the dwellings, relative to existing ground levels, 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.

Reason: This is a pre-commencement condition in the interests of the visual amenities of the area.

14. 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.

Reason: In the interests of highway safety.

15. The approved Construction Method Statement shall be adhered to throughout the construction period.

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

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.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

MD2 Sustainable Design
MD3 Delivery of Housing Development
MD6 Green Belt
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment

SPD on the Type and Affordability of Housing

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. 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.

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/or 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.

6. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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.

Any reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of reptiles or amphibians are present.

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).

7. 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.