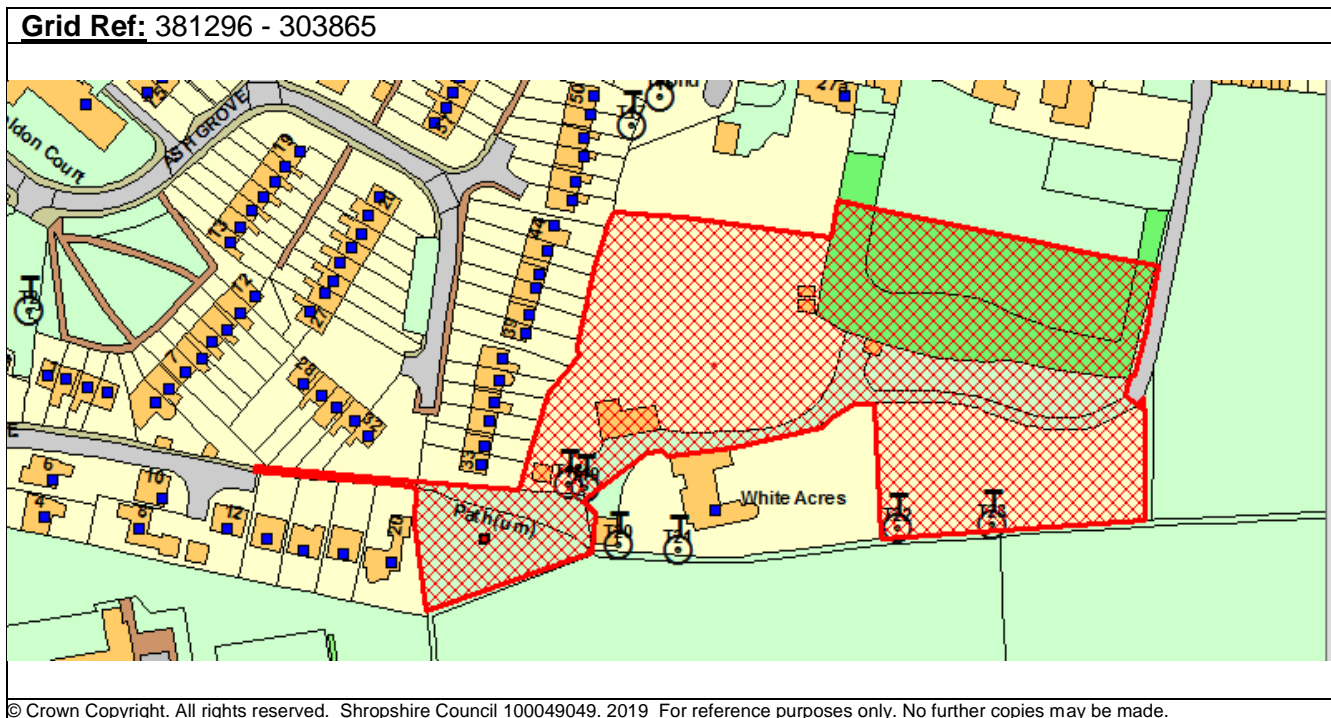


**Development Management Report**

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**Summary of Application**

<b>Application Number:</b> 20/03508/FUL	<b>Parish:</b> Albrighton
<b>Proposal:</b> Erection of 18 No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage and pool house	
<b>Site Address:</b> Land to the east of Garridge Close, Albrighton, Shropshire	
<b>Applicant:</b> Shropshire Homes Ltd	
<b>Case Officer:</b> Andrew Sierakowski	<b>email :</b> <a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>



**Recommendation:-** Approval of the Application subject to the conditions set out in Appendix 1 and the heads of terms for a Planning Obligation (in the form of a s.106 agreement or a Unilateral Undertaking) to secure the on-site provision of affordable housing requirement of 2.7 units comprising on-site provision of two units and a financial contribution for the remaining 0.7 of unit.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This is a full application for the erection of 18 eighteen residential dwellings and associated parking/garaging with a new adopted access road following demolition of an existing bungalow, garage and pool house at Whitegates, on land to the east of Garridge Close in Albrighton.
- 1.2 The new dwellings will comprise a mixture of one and two storey 1, 2, 4 and 5 bedroomed properties with associated parking and/or garages.
- 1.3 The existing bungalow, Whiteacres, is to be retained and does form part of the application site, but a second adjacent bungalow, garage and pool house to the north of the Whiteacres, will be demolished.
- 1.4 The site comprises the allocated housing site ALB003 within the adopted SAMDev Plan (2015), with Policy S1 allocating it for the development of up to 20 dwellings and the Development Guidelines identifying that it should deliver housing that is capable of occupation by people of retirement age and a proportion of one and two-bed units.
- 1.5 The application states that all the properties are capable of occupation by people of retirement age. It includes four flats which have two bedrooms within a single block that will benefit from a lift, and otherwise includes three one-bedroom bungalows, and four two-bedroom flats that would be appropriate for retired people.
- 1.6 The types and sizes of properties proposed are as follows:
- 3 x 1 bedroom terraced bungalows with parking (two of which be provided as affordable dwellings);
  - 4 x 2 bedroom 2 storey flats with parking;
  - 3 x 4 bedroom 2 storey detached houses with double garage (Type A);
  - 3 x 4 bedroom 2 storey detached houses with double garage (Type B);
  - 1 x 5 bedroom 2 storey detached house with double garage (Type D);
  - 2 x 4 bedroom 2 storey detached houses with double garage (Type E); and
  - 2 x 4 bedroom 2 storey detached houses with double garage (Type F).
- 1.7 Material finishes comprise facing brick, render, stone banding, grey concrete roof tiles, UPVC windows, with some houses having hipped roofs, porches and gable end chimneys, with the application stating that it has taken design cues from the adjacent Albrighton Conservation Area.
- 1.8 A new vehicular access road will be constructed into the west side of the site from Garridge Close. Planning Permission Ref. 19/02785/REM has already been approved to provide for the construction of part of the new access together with the erection of three residential properties. The application states that access arrangements and the siting of the houses takes account of a number of retained

trees, with foundations, construction routes, services and drainage trenches etc avoiding the root protection zones of the retained trees. It states that where drainage and services pass through a root protection zone area, thrust boring will be used to avoid damage to root structures and no dig construction will be used for the development of the access, where necessary.

- 1.9 There is an existing vehicular access to the east to the high street that will be retained as a pedestrian access only.
- 1.10 Open space will be provided within the site and along the route of a bridleway that extends from the eastern end of Garridge Close and runs along the southern boundary of the site. There are a number of existing mature trees, most of which will be retained, with the on-going maintenance to be undertaken by a private management company.
- 1.11 The discharge of surface water will be controlled through a Sustainable Urban Drainage System (SUDS) and connection to the public sewer system within the proposed access.
- 1.12 Foul drainage will be discharged directly into the existing public sewer via an adopted pumped main.
- 1.13 The submitted details have been amended twice in the course of the determination period in response to the comments of the Tree Officer and the Ecology Officer, as a result of the loss of trees on the site and impact on biodiversity. Following initial comments from Tree Officer and the Ecology Officer a scheme for off-site mitigation, located 2.7km south of the site at Patshul in South Staffordshire was proposed, that included additional tree planting and biodiversity mitigation. This was subsequently withdrawn and amended scheme of on-site planting and biodiversity mitigation put forward, which has subsequently been amended further, to provide two enhanced areas of planting at the eastern end of the site.
- 1.14 The application is accompanied by a Design and Access Statement, Tree Condition Report/Arboricultural Impact Assessment/Root Protection Areas Method Statement, Soakaway Design, Ecological Appraisal (three iterations), Highway and Transport Report, Heritage Impact Assessment, Flood Risk and Drainage Assessment, and a Biodiversity Metric Report.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site extends to approximately 1.5 ha (3.65 acres) in total and slopes very gradually down from west to east. It is currently the extended garden to the property known as Whiteacres and includes a significant number of trees and grassed areas, located to the south of the High Street in Albrighton. It is a fairly secluded site with a long narrow tree lined vehicular access from between two properties on the High Street. It also includes strip of land connecting the main part of the site to Garridge Close to the east, where the new vehicular access will be located.
- 2.2 There are adjacent residential areas at Garridge Close and Ash Grove, to the east,

and open fields to the south. Garridge Close is accessed via Newhouse Lane to the west, with Albrighton Primary School and Nursery located immediately to the south of Garridge Close.

- 2.3 Within the boundary of the existing plot at Whiteacres there are currently two properties located towards its eastern end, including the main existing dwelling, a bungalow, Whiteacres, which is excluded from the application site and is to remain, while the other bungalow and its garage are to be demolished.
- 2.4 There is a bridleway that runs from the end of Garridge Close across the western end of the application site and then extends along the length of its southern boundary. The existing access at the eastern end of the application site is also a public footpath that extends south from the High Street to the open fields to the south.
- 2.5 The north-east quarter of the site falls within the Albrighton Conservation Area. It is separated by open fields from Albrighton Hall which lies approximately 480m to the east.
- 2.6 There are 142 trees, tree groups, woody shrubs and hedges within the application area, including, ten which are protected by a Tree Preservation Order (TPO).
- 2.7 The layout of the development has been amended in the course of the application and a number of additional submissions have been made as a result of which there has been re-consultation with the Parish Council and a number of the consultees.

### **3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The Parish Council has submitted a view contrary to the officer recommendation and these contrary views cannot be overcome by negotiation or the imposition of conditions and the Principal Planning Officer, in consultation with the Committee Chairman and Vice-Chairman and Local Member, agrees that the Parish Council has raised material planning issues and that the application should therefore be determined by the Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **Parish Council**

- 4.1 Albrighton Parish Council objects to the development and states that it recommends refusal of the application for the following reasons:
1. Because the land is allocated as site ALB003 in the SAMDev and site ALB2a in the Albrighton Plan, for the for the development of homes for the elderly, and therefore should comprise bungalows. It is also in the Green Belt and approval to infringe on the Green Belt in this instance was only given in this case because it was perceived that there is a significant need for homes for the elderly in the village.
  2. Because the majority (eleven) of the proposed dwellings would be executive

type four-bedroom and five-bedroom bedroom houses, whereas only three would be bungalows. There would also be a three-storey apartment block, that would not be suitable for the elderly;

3. Because the development proposed would be overdevelopment of the site with properties crammed together and some overlooking of adjacent existing properties in the Albrighton Conservation Area; and
4. Because the vehicular access and egress would put excessive pressure on Garridge Close, which is a narrow road.

4.2 The Parish Council advise that they have also consulted the Albrighton Development Action Group (ADAG) who similarly also recommend refusal of this application for the reasons set out above.

### **Public Comments**

4.3 In addition to the comments of Albrighton Parish Council there have been thirty-one third party presentations, all objecting the development, which in summary make the following points:

- The land is allocated as allocated site ALB003 in the SAMDev and allocated site ALB2a in the Albrighton Plan, for the for the development of homes for the elderly, and therefore should comprise bungalows. The dwellings proposed largely comprise larger family homes for younger people. Unless a restriction is placed on their occupancy to limit it to people over 55, the scheme will not serve the needs of the retired population as intended and in compliance with the SAMDev and Albrighton Plan;
- The site is allocated for up to 20 dwellings and development should provide a larger number of small dwellings;
- The Ecological Statement submitted with the application identifies a net loss of biodiversity value on the site. Paragraph 170(d) of the NPPF requires new development to secure a net gain in biodiversity;
- The Heritage Impact Assessment submitted with the applications concludes the development will cause “less than substantial harm” and it is therefore necessary to consider whether the public benefits outweigh the harm which they do not;
- Garridge Close is too narrow and totally unsuitable to accommodate the increase in traffic that will be generated from this development. It is already a hazard for children and other pedestrians, including users of the bridleway, as there is no pavement along much of its length and visibility can be poor;
- Traffic issues have not been fully addressed or accurately represented. Traffic from the development will significantly impact on the residents of Garridge Close. The figures for vehicle movements related school traffic arising from Albrighton Primary School and Nursery quoted in the submitted Highway and Transport Report are not credible and the data submitted in the report generally is inaccurate and misleading;
- School traffic already results in a significant volume of cars parking along the whole way up Garridge Close, often blocking driveways, obscuring a clear

- exit to the road and safe navigation into Newhouse Lane and onto Cross Rd, with traffic backed up for some considerable time and drivers are mounting pavements and blocking safe directional flow;
- Concerns about the suitability of the junction with Newhouse Lane and Crossroads to accommodate the increase in traffic that the development will inevitably create;
  - Access for emergency vehicles would be difficult;
  - The submitted Highway and Transport Report suggests and appears to rely on there being greater working from home in future, as a result of the Covid19 pandemic;
  - There will be an increased traffic hazard during the construction phase and increased noise and pollution;
  - There will be an increase in environmental pollution and noise from the increased traffic from traffic once the development is completed;
  - Concerns about damage to, and the loss of, trees;
  - The adjacent bridleway is subject to flooding. The development will exacerbate the flood risk to adjacent properties;
  - The development will encroach on the bridleway and footpath from the end of Garridge Close;
  - Concern that the existing hedgerows and trees that form the northern boundary with the Bridleway will be properly and regularly maintained;
  - The application states that there is a 'generous facing distance to existing properties' on the north facing side of the development. 25% of the development overlooks one adjacent private garden/residence. There will be a total of 6 properties along this boundary which incorporates the apartment block and also two 4+ bedroom houses resulting in overlooking and a loss of privacy;
  - Concerns about the impact on wildlife;
  - Concerns about surface water and foul water drainage;
  - Concerns about the impact on boundary fences;
  - Concerns about disturbance during the construction phase;
  - Residents from Ash Grove access their back gardens from Garridge Close adding to the risk to pedestrians from traffic including construction traffic if the application is approved;
  - There has been a recent fire at the property on the corner of Garridge Close and Newhouse Lane which has highlighted concerns about access for emergency vehicles;
  - There is another nearby housing development that will create additional traffic; and
  - Although it has been envisaged that access to the allocated site ALB003 in the SAMDev would be through Garridge Close, there has been a significant increase in traffic that has not been taken into account either since the allocation was made and since Garridge Close was built in 2000.

### Technical Consultees

- 4.4 Shropshire Council - Affordable Homes: No objection. Advise that the accompanying affordable housing proforma indicates affordable housing provision as being 2.7 units, which would equate to the provision of two affordable dwellings

and a financial contribution. The information supplied is correct and would accord with policy requirements. The expectation would be that at least one of the two dwellings should be of rented tenure and preferably both. If planning permission is granted, then the affordable housing dwellings and tenure would need to be subject to a s.106 agreement to secure the affordable units and the financial contribution.

- 4.5 Shropshire Council - SUDS: No objection. Advise that the submitted Flood Risk Assessment is acceptable in principle but advise the inclusion of a condition requiring the submission for approval of the surface water and foul water drainage on the site.
- 4.6 Shropshire Council - Highways: No objection. They acknowledge that concerns have been raised with regard to the suitability of Garridge Close to accommodate the additional vehicle movements likely to be generated by the development. However, they advise that whilst Garridge Close appears to be a shared surface, it was originally constructed with the intention that future development would take place. On that basis, the Highway Authority considers that the proposed scale of the development would not have a significant impact on Garridge Close, and therefore a Highway objection to the granting of consent cannot be sustained. They advise the inclusion of a condition requiring the applicant to submit a Construction Management Plan prior to commencement, to minimise the impact on Garridge Close.
- 4.7 Shropshire Council - Public Rights of Way: No objection. Advise that Bridleway No. 8 will continue to run through the new development on its original line from Garridge Close and then adjacent to the southern boundary of the site. This will need to be taken into consideration at all times during the construction phase and after development.
- 4.8 If it is not possible to keep this footpath open whilst development takes place, then they advise that a temporary diversion will need to be put into place.
- 4.9 Shropshire Council Ecology: Following discussion on the original proposal to provide off-site mitigation it was agreed that this did not provide satisfactory mitigation in proximity to the site and because the proposed works would not have been undertaken within Shropshire. Following submission of the amended details providing on-site mitigation, the Ecology Officer still initially objected on the basis that it was not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. To overcome this, they advised that the applicant needed to undertake additional bat surveys, further details of how the bat roost(s) on the site were to be protected and not disturbed, further assessment of the orchard on the site as Priority Habitat and demonstrate that there will not be biodiversity net loss.
- 4.10 Further amended details have subsequently been submitted, including additional bat surveys. The Ecology officer has commented that the additional information includes a biodiversity report and a Biodiversity Metric Calculator to demonstrate the habitat losses and gains and hedgerow losses and gains as a result of the development. They advise that there appears to be a net gain in hedgerows across the site, but a net loss of habitat. This largely reflects the loss of a significant

number of trees across the site. They therefore advise that as well as seeking the retention of more trees within the scheme, to mitigate for biodiversity loss, that features for biodiversity are incorporated into the scheme, to provide habitat for birds, bats and to provide connectivity for hedgehog. However, they advise that these can be secured by condition requiring the submission of a habitat management plan and landscaping plan and that the works are otherwise undertaken in accordance with the details set out in the submitted Ecological Appraisal.

- 4.11 Shropshire Council - Trees: The initial proposal for providing off-site mitigation was also discussed with the Tree Officer, but for the reasons set out above was not considered to provide satisfactory mitigation in proximity to the site and because they would not have been undertaken within Shropshire. In relation to the revised proposals, they have commented that the site comprises the large garden of an existing dwelling, Whiteacres (which is to be retained) a subsidiary bungalow (which is to be demolished), various outbuildings and an adjoining area of unused meadow to the north. The northern part of the site is located within the Albrighton Conservation Area and there are six of the mature ash and oak trees along the site's southern boundary that are protected by a Tree Preservation Order (TPO). The site is otherwise heavily treed, with a variety of mature and younger deciduous and evergreen trees, woody shrubs and hedges being present.
- 4.12 They advise that they do not object in principle to the proposed redevelopment of this site, providing the necessary and correct balance can be struck between the inevitable loss of some of the existing tree cover and the social and economic benefits of the development.
- 4.13 They advise that the submitted Arboricultural Impact Assessment identifies that there are a total of 142 trees, tree groups, woody shrubs and hedges within the site. Of these, 129 are early-mature, mature or older, with just 13 being classed as young. In addition, there are currently two standing dead trees within the site.
- 4.14 Of the early-mature and older group, 86 are proposed for removal to implement the development, with 43 being retained. Of the 86 being removed, 75 of them are classed as category 'B' under the classification described in BS5837: 2012 - Trees in Relation to Design, Demolition and Construction. These are trees of 'moderate quality with a remaining life expectancy of at least 20 years'. The remaining 11 trees are category 'C' (trees of low quality) or 'U' (trees with less than 10 years life expectancy under the current land use). Of the 43 early-mature and older trees to be retained, 33 of them are classed as category 'B' and 10 of them, including all the TPO'd trees on the site, are classed category 'A' - 'trees of high quality with a remaining life expectancy of at least 40 years).
- 4.15 They advise that a fully detailed landscaping scheme has yet to be provided, but that the Proposed Site Layout Plan shows 20 new trees to be planted and a short section of hedge planting to the western site boundary alongside Plot No. 2.
- 4.16 They further advise that they consider the proposed planting positions and chosen species to be reasonable and appropriate to the spatial constraints of the site.



- 4.17 In terms of tree numbers, discounting young trees (of limited amenity value) and considering only early-mature and older trees, and taking account of those trees to be removed and the proposed new tree planting, they advise that the development will result in the net loss of 68 trees, tree groups and hedges, although the latest amendments now show retention of 13 trees and groups of woody shrubs along the eastern and southern boundaries. They nevertheless remain concerned that there will be a large net loss of trees and that the long-term future for the majority of the retained trees, which will be located within private gardens, may not be the preference of future owners.
- 4.18 In relation to the requirements for open space, they comment that SAMDev Policy MD2 requires 30 square metres (sqm) of usable open space per bed space. The submitted Public Open Space drawing shows that a minimum of 1680sqm of open space is required for the 56 bed development, whilst 1787sqm is being provided. However, they comment that a significant proportion of the open space calculation is attributed to the area occupied by a seasonal flood attenuation pond and they therefore question whether its inclusion is valid, because it cannot be considered as publicly accessible or usable open space. If that area is removed from the calculation, then they comment that the amount of open space offered would fall short of the amount required.
- 4.19 With regard to the impacts of the proposed development upon biodiversity net gain (BNG), the Tree Officer, comments that the metrics show an uplift in hedgerow units of 84%, which is welcomed, but that there would still be an overall loss of habitat, as commented on by the Ecology Officer. To address this they advise securing a contribution from the developer to compensate for the net loss of significant trees and habitat as natural assets and/or that there should be an increase in the amount of open space to allow for further tree planting and landscaping works.
- 4.21 Notwithstanding the comments set out above, they otherwise advise, if permission is granted, the inclusion of conditions requiring that all pre-commencement tree works and tree protection measures are implemented, that all construction activities are undertaken in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan and associated drawings, that all activities in the root protection area of key trees are undertaken in accordance with the submitted drawings and under the supervision of and monitoring by the project arborist, and requiring the submission for approval and implementation of a tree planting scheme.
- 4.22 Shropshire Council - Conservation: Advise that the site falls partly with the Albrighton Conservation Area, although the part of the site that lies within the Conservation Area consists of rough grassland and doesn't contain any heritage assets. There are nevertheless some non-designated heritage assets around the periphery of the site including Albrighton Hall and its associated historic grounds.
- 4.23 They advise that they have no objection to the demolition of the existing bungalow and garage that dates from the 1960s, but comment that there is extensive tree cover on the site.

- 4.24 They advise that the Heritage Impact Assessment submitted with the application concludes that the proposal has 'no adverse impact' in that it would not detract from the existing Conservation Area and that in relation to the adjacent listed buildings, including Albrighton Hall and its historic curtilage/grounds, it is deemed that there is no intervisibility and therefore a neutral impact. The Conservation Officer advises that they concur with these findings and with the overall conclusion that the proposal would give rise to "less than substantial harm' as defined under paragraph 196 of the NPPF although this will depend on the retention of the existing trees on the site and to ensure existing screening is maintained and enhanced in order to mitigate against the potential impact.
- 4.25 They comment that the submitted site plan shows retention of trees to the north of the site which is important especially with regards to retaining a degree of separation from the listed curtilages of 31 High Street and The Grey House.
- 4.26 They further comments that currently the site feels very separate and detached from the village centre, and that this sense of detachment should be retained as part of the development.
- 4.27 They advise that upper story windows storey windows should be of reduced and they express concern with housing type E and the front gable porch which they consider to be somewhat incongruous and should be removed with the retention of a simple doorcase/porch. They otherwise have no objections, subject to the inclusion of conditions with regards to the submission for approval of joinery details and details of all external materials and finishes, including samples.
- 4.28 West Mercia Constabulary: Advise that they have concerns with regard to the point of access onto the new proposed development. They comment that the access road currently serves a number of dwellings that are open fronted with direct access onto the existing road but that whilst the existing dwellings have off-road parking, on-street parking does take place that restricts the road width.
- 4.29 Otherwise advise that the developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design, which is the nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment.

## 5.0 THE MAIN ISSUES

- Principle of the Development;
- Highways and Pedestrian Safety and Access;
- Design and Impacts on Heritage;
- Impact on Trees and Ecology;
- Open Space Provision;
- Affordable Housing Provision;
- Drainage; and
- Amenity Impacts.

## 6.0 OFFICER APPRAISAL

## 6.1 Principle of the Development

- 6.1.1 The principle of development is not a significant issue in the determination of this application insofar as the site comprises the allocated housing site, ALB003 within the adopted SAMDev Plan (2015) and in the allocated housing site ALB2a in the Albrighton Plan (2014). As such the principle of the development for residential development is established in the Local Plan and Neighbourhood Plan. The only significant issue in relation to the principle is that raised by the Parish Council, regarding the development of the site for housing for people of retirement age.
- 6.1.2 In relation to this issue, SAMDev Policy S1 states that “Albrighton will provide for local needs, delivering around 250 dwellings over the Plan period” and that “local needs will predominantly be met on two allocated sites, with small-scale windfall development within the development boundary making up the balance” It further states that “land is allocated for housing development as set out in Schedule S1...”
- 6.1.3 Schedule 1 includes Land at White Acres (allocation ALB003) and indicates provision on the site of 20 dwellings. The associated Development Guidelines state:
- “Development to deliver housing that is capable of occupation by people of retirement age. A proportion of one and two-bed units is sought within the development. Development proposals should respect and enhance the character and significance of the Conservation Area and its setting and provide an attractive pedestrian route between the High Street and Garridge Close. Vehicular access should accord with the ‘Manual for Streets’ concept of shared streets with very low vehicular speeds”.*
- 6.1.4 The Albrighton Neighbourhood Plan “Light”, which pre-dates the adopted SAMDev Plan, states that the “dwellings shall be in the form of a housing scheme appropriate for people of retirement age” and that “any proposals should be subject to the development enhancing the adjoining conservation area and its setting”.
- 6.1.5 Design and in the impact on the Conservation Area and the highway and pedestrian related aspects of the proposal are considered in more detail below.
- 6.1.6 In relation the requirement for the development to provide housing for people of retirement age, the comments from Albrighton Parish Council and some of the objectors suggest that the development should comprise bungalows. However, this is not explicitly stated in the Development Guidelines and there is nothing in them that requires the development to comprise bungalows. The Development Guidelines only state that a proportion of one and two-bed units should be provided within the development. The applicant has complied with this requirement through the provision of three one-bedroom bungalows and four two-bedroom flats.
- 6.1.7 The comments of the Parish Council and the objectors are understandable given the intention of the Development Guidelines and the site will have very good access to Albrighton High Street, making it ideal for housing for people of retirement age. It is also the case that the scheme will comprise predominantly

large 4 and 5 bedroom family houses which could not be described as meeting a specific local need for retirement homes. In that respect the proposal is unfortunate and cannot be considered to make best use of the site in relation to the identified need that its allocation was intended to meet, but neither is the proposal inconsistent with the requirement of the Development Guidelines and nor could it be said that all the dwellings proposed would not be “... *capable of occupation by people of retirement age*”. As such, unfortunate though the proposal is in relation to the desire to see the site developed for people of retirement age and comprising to a greater degree housing more specifically aimed at the retirement age group, the development proposed cannot be considered to be non-compliant with the development plan requirement in relation to the Development Guidelines, and the allocation of the site for housing.

6.1.8 It should also be noted that the site lies within the development boundary for Albrighton and is excluded from the Green Belt.

## **6.2 Highways and Pedestrian Safety and Access**

6.2.1 Other than the issue of whether the site complies with the requirement to provide housing for people of retirement age, the other main issue arising from the application out of the comments of third-parties, objectors, the Parish Council and the Police, concerns the vehicular access through Garridge Close. It will be apparent from the objections received that there have been some forcefully expressed views particularly from the residents of Garridge Close.

6.2.2 The objections raised appear on the one hand to be very strongly motivated by concerns about the existing use of Garridge Close by vehicles of parents of children at the adjacent Albrighton Primary School and Nursery at drop-off and pick-up times and the difficulties this causes for residents, with the Close being used for parking and turning, causing congestion and disturbance. On the other hand, the design and layout of Garridge Close itself raises concerns because it comprises for most of its length a relatively narrow shared access driveway, which is already used to a degree for on-street parking. As a result, there is already a high degree of concern by the residents, that the provision of access to the application site is inadequate and that Garridge Close is not of a design or standard suitable to accommodate another eighteen dwellings. There is also a concern, with the existing level of traffic and use by school related traffic, about pedestrian safety and that access for emergency vehicles may at times be very difficult. Objectors have submitted photographic evidence showing a significant number of cars using the Close, with vehicles backed up and blocking access.

6.2.3 The main issue in relation to the application is not about the existing issues that residents experience, but about whether the access through Garridge Close is adequate to accommodate the development proposed, albeit it is appropriate to take into account the circumstances and issues relating to the existing traffic conditions and the pedestrian environment.

6.2.4 A key consideration in this instance is that the site is an allocated housing site, and the allocation was made on the basis of the access being achieved through Garridge Close, there being no other available access. The existing access, from

the High Street, would not be useable as this a long narrow single width tree lined private road that extends from a narrow gap between the properties fronting on to Albrighton High Street.

- 6.2.5 It is certainly the case that because of the shared surface design of Garridge Close that is already used to a degree for on-street parking that it does not provide an ideal access route into the site. However, as the Highway Authority advises, it was originally constructed with the intention that future development would take place and the proposed scale of development is not so great that it would have a significant impact on Garridge Close. On this basis they advise that a Highway objection to the granting of consent cannot be sustained.
- 6.2.6 It is likely that to some degree the highway and pedestrian safety issues raised by existing residents, will be more significant for a development dominated by large family housing where a higher level of car ownership and vehicle use are likely compared with a development intended predominantly of people of retirement age, but again as the site is an allocated site and has been allocated on the basis of access being taken through Garridge Close, the proposal cannot be considered, given the advice of the Highway Authority, as being anything other than compliant with development plan policy and the NPPF. It should be noted that the development would retain pedestrian access through the site from Garridge Close to the High Street in accordance with the requirements of the Development Guidelines. The line of the existing bridleway and footpath would also be retained.

### **6.3 Impact on Trees and Ecology**

- 6.3.1 Other than the objections relating to traffic and access raised by local residents, the other main consideration in relation to the impacts of the development concerns the impacts on trees and ecology. As details above this has been subject of on-going discussion during the determination period. A key feature of the site is the extent and quality of the existing trees and the habitat they provide. The development of the site will, as set out above, result in the loss in large number of trees and with that a loss of habitat.
- 6.3.2 There has been significant discussion and correspondence with the applicant during the determination period, in relation to the impact on trees and ecology and how best to mitigate this. As set out above the applicant initially proposed to address this through the provision of off-site mitigation through a planting and habitat creation scheme at the Patshall Scout Camp Site. This however, although located only 2.7km south of the site, is over the county boundary in South Staffordshire, and was considered to be too remote from the site, as well as being out-of-county to provide an acceptable solution. As a result, the applicant has submitted an amended scheme with enhanced planting on the site. They have also undertaken the additional bats survey requested by the Ecology Officer. The amended scheme includes enhanced planting in two area towards the eastern end of the site.
- 6.3.3 As detailed out in the comments of the Tree Officer and the Ecology Officer, set out above, there remain concerns that the level of mitigation required could be better than is currently proposed, particularly in relation to there remaining an overall net

habitat loss, albeit a gain in hedgerows. It leaves the scheme in a position where, in terms of the impact on trees and ecology, the merits of the proposal are at best marginal and worst still not wholly adequate, but both the Tree Officer and the Ecology Officer have advised, notwithstanding the remaining shortcomings that the scheme could be approved with conditions which seek to ensure that an adequate level of mitigation planting is required. In essence the revisions to the design and layout of the scheme have achieved a level where, on balance the scheme can be approved, albeit that this is subject to the degree of weight to be attached the tree planting and ecological proposals. This is a matter for the Committee to consider and weigh in the overall balance of the scheme.

- 6.3.4 The Tree Officer has suggested that any deficiency in the proposals could be addressed through continuing to pursue an element off-site mitigation. The difficulty with this is that in the absence of the specific and acceptable proposal, as was investigated earlier in the determination period, there is currently no delivery mechanism for ensuring the provision of off-site works, so that this does not at present provide a feasible way to progress. Given that this is the case, the application needs to be determined on the basis of the submitted details and whether these are acceptable. The advice is that on balance whilst not securing a net gain in biodiversity, the proposed layout and design can with the recommended conditions be considered at least to meet the minimum of acceptability, in relation to the key tests set out in Core Strategy Policies CS6 and CS17 and SAMDev Policy MD12 in relation to the natural environment, through the imposition of conditions. It is important to bear in mind that this is an allocated housing site through the adopted SAMDev Plan, with a guideline provision of 20 units, when considering the trees and ecology impacts.

## **6.4 Design and Impacts on Heritage**

- 6.4.1 As detailed above the north-eastern quarter of the site falls within the Albrighton Conservation Area. The comments of the Conservation Officer are set out above. The site is notable for being fairly well hidden away and comprises a discreet and separate area away from Albrighton High Street. Nevertheless, it does partly fall within the Conservation Area and even that part of the site outside it is largely adjacent to the boundary of the Conservation Area. It also appears that the boundary of the Conservation Area has been widely drawn to include an area of surrounding open and undeveloped land to the south to protect the setting of the built-up area within and along the High Street, and elements within the surrounding setting. This includes the application site and land to the east and in particular the trees, which form an important part of the character of the area.
- 6.4.2 As detailed above, the application states that the proposed houses and apartments take their design cues from the adjacent Albrighton Conservation Area, in proportion, massing, fenestration pattern, the inclusion of sash windows, and brick and rendered facades with bay windows. Whilst there may be some cues that link through to the fabric of buildings in the Conservation Area in terms of materials, such as brick facings and bay windows, the layout and style of houses proposed has little or nothing in common with the houses in the Conservation Area, providing generally large detached hipped roof executive style detached houses in individual plots with UPVC fenestration, compared with the more traditional town houses and

terraces that are feature of the Conservation Area along the adjacent High Street.

- 6.4.3 Whilst the design of the dwellings cannot be said to be particularly poor, they are also of no particular merit, and appear very much as standard modern executive type houses with an element of traditional design detailing. However, it should also be noted that the residential areas to the east of the site in Ash Grove and Garridge Close are of relatively contemporary design.
- 6.4.4 Furthermore, the site is relative discreet and separate from the High Street, and its overwhelming characteristic is the trees. To design a development at a density similar to and more in keeping with properties with the Conservation Area in terms of design and proportions, may not necessary be the best approach in relation to the retention of the trees and existing landscape character of the site. This the application states, is what the applicant has sought to achieve, although as the Tree Officer has commented, given the size of the dwellings proposed, this has not been particularly well achieved by the currently proposed layout.
- 6.4.5 The Design and Access Statement submitted with the application concludes that the development “will not be detrimental to the Albrighton Conservation Area and the style of housing chosen for the site enhances and reinforces the overriding aesthetic”. This is not an accurate conclusion, and it is certainly not the case that the style of housing chosen enhances and reinforces the aesthetic of the Conservation Area. The Conservation Officer, whilst not objecting to the proposal rightly concludes that there will be harm, albeit “less than significant harm”.
- 6.4.6 Overall, the design of the development, whilst not poor, cannot be considered to be any particular merit either. The houses type and design do not, despite the claims of the application or the supporting Heritage Impact Assessment, enhance and reinforce the aesthetic of the Conservation Area. Equally however the design is not so poor that it would necessarily be considered to contrary to the key development plan design policies, Core Strategy Policy CS6 or SAMDev Policy MD2 given the very discreet location of the site, which is not visible from the High Street and would not directly impact upon it. Furthermore, the site is an allocated housing site, so the presumption is that it will be developed, albeit that this does not mean that the allocation gives carte blanc for poor or mediocre design or development that would give rise to harm to the heritage assets. In this case, it can still be considered to give rise to “less than significant harm”. This being the case, as set out in paragraph 196 of the NPPF, this harm needs to be weighed the public benefits of the proposal. In terms of the impact on the adjacent designated heritage assets including the Albrighton Conservation Area and the nearby Listed Buildings and the Committee needs to be mind of the obligations under s.66 and s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

## **6.5 Open Space Provision**

- 6.5.1 As set out in the comments of the Tree Officer, the proposed layout raises the issue of whether sufficient open space has been provided within the proposed layout. The requirement, as set out in SAMDev Policy MD2, is that provision should be 30 square metres (sqm) of usable open space per bed space. The drawings show provision 1787sqm as compared with a minimum requirement of 1680sqm. On the

face of it the requirement is met and exceeded, but as the Tree Officer has commented a proportion of this space would be used to accommodate a seasonal flood attenuation pond. Again, this is another aspect of the layout that is not ideal but given that the required level of provision has been achieved, this could not in itself provide a basis for refusal.

## **6.6 Affordable Housing**

6.6.1 As detailed in the comments of the Affordable Housing team, there is a requirement to provide 2.7 units of affordable housing, which would equate to the provision of two affordable dwellings and a financial contribution. The applicant has agreed to this with two one-bedroom units to be provided as part of the development and the remainder as a financial contribution. This, as detailed above, would need to be subject to a s.106 agreement in accordance with Core Strategy Policy CS11 and the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) (2012).

## **6.7 Flood Risk and Drainage**

6.7.1 As detailed above, objectors have raised concerns about the development causing an elevated level of flood risk, particularly along the southern boundary of the site. The layout does incorporate season flood attenuation, and the application is supported by a Flood Risk and Drainage Assessment, which the Council's SUDS team have advised is acceptable. The proposal can therefore be considered to be acceptable in terms of flood risk and drainage.

## **6.8 Amenity Impacts**

6.8.1 Objectors have raised concerns about the amenity impacts the development, particularly during the construction phase. The key concerns would be disturbance and the management construction traffic and related activities including parking. These issues can be addressed through a construction hours condition and a condition to require the submission of Construction Management Plan as recommended by the Highway Authority.

## **7.0 CONCLUSION**

7.1 The principle of the development is acceptable given the allocation of the site in the allocated housing site, ALB003 within the adopted SAMDev Plan (2015) and in the allocated housing site ALB2a in the Albrighton Plan (2014). Whilst the Parish Council have objected to the proposals on the basis that the development should comprise bungalows, this is not an explicit requirement of policy, only that is capable of occupation by people of retirement age and that a proportion of one and two-bed units is provided within the development, which is the case.

7.2 In relation to the other key issues, highways and pedestrian safety and access, the impact on trees and ecology and design and the impacts on heritage, it cannot be said that the development, is notable as high quality development, as it gives rise to not insignificant concerns, but in relation to each, the judgement is a balanced one and the advice overall is that there are insufficient grounds to recommend refusal,



given the allocation of the site for new housing development. It should be noted that local residents have raised major concerns about the development when there are already major concerns about the existing levels of traffic and pedestrian safety, although as set above the advice from the Highway Authority is that the access through Garridge Close has been designed and constructed on the basis that it would provide access to the development of the allocated housing site.

- 7.3 The impact on heritage assets is assessed as being “less than substantial harm”. Paragraph 196 of the National Planning Policy Framework advises 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. In this case it can be considered that there is a public benefit in the provision of additional housing to meet the identified need in Albrighton, including an element of provision for people of retirement age, and an affordable element. This would be sited in a sustainable location close to, and with ready access to, Albrighton High Street.
- 7.4 That said, as has been detailed in this report, and notwithstanding that the site has been allocated for residential development, there are a number of matters, as detailed above, in relation to which, the determination of the application is a balanced judgement and comes down to the weight to be attached to each of the considerations. This is most obviously the case in relation to the impacts on trees and ecology and in turn the impact in terms of biodiversity net gain.
- 7.3 The advice is that the application can on balance be considered to be acceptable. On this basis it is recommended that the application be approved subject to the conditions set out in Appendix 1 and a s.106 agreement to secure the provision of two units of affordable housing on the site and the details of their tenure and a financial contribution for the remaining 0.7 of a unit.

## **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

### Development Plan Policy

Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)

Council's Type and Affordability of Housing Supplementary Planning Document (SPD) (September 2012).

### National Planning Policy

National Planning Policy Framework (NPPF) (February 2019)

Relevant Planning History:

Planning Applications

- 14/03657/OUT Outline application for residential development (to include access) GRANT 28th July 2016
- PREAPP/18/00589 Residential development of around 21 dwellings PREAMD 29th March 2019;
- 19/02785/REM Approval of reserved matters (appearance, landscaping, layout, scale) pursuant to 14/03657/OUT for the erection of three residential properties GRANT 11th February 2020;
- PREAPP/20/00068 Demolition of existing bungalow and garage and erection of 13 houses and 5 apartments PREAMD 3rd April 2020

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QFZ68FTD06Z00>

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

- Land at Whiteacres, Albrighton, Shropshire Design and Access Statement, Shropshire Homes, undated;
- Tree Condition Report Arboricultural Impact Assessment Root Protection Areas Method Statement Land at Whiteacre, High Street, Albrighton, WV7 3JF, Forester & Arborist Services Ltd, 9<sup>th</sup> January 2020;
- Soakaway Design in accordance with BRE Digest 365 for Proposed Development on Land at Whiteacres, Albrighton, for Shropshire Homes Ltd, Woodsyde Developments Limited Development Consultants, undated;
- Ecological Appraisal, Whiteacres, Albrighton, Shropshire, WV7 3JF, Greenscape Environmental (Report Ref. 20-02 027.1R, dated 17<sup>th</sup> September 2020);
- Highway and Transport Report, Proposed Residential Development on Land off Garridge Close, Albrighton, Shropshire. For and on behalf of: Shropshire Homes Ltd, Woodsyde Developments Ltd, undated;
- Heritage Impact Assessment, Development on the Site of Whiteacres, Albrighton, Shropshire, SJ 8140 0395 Castlering Archaeology, Report Ref. 708-2, September 2020;
- Flood Risk and Drainage Assessment, Proposed Residential Development on Land off Garridge Close, Albrighton, Shropshire, Woodsyde Developments Ltd, September 2020;
- Biodiversity Metric Report, Whiteacres, Albrighton, Shropshire, WV7 3JF, Greenscape Environmental (Report Ref. 20-02 027.3.MR, dated 1<sup>st</sup> April 2021 and Biodiversity Metric 2.0 - Calculation Tool (undated);
- Comments for 20/03508/FUL Land to the East of Garridge Close, Albrighton, Shropshire, Green Environmental Ltd, 4<sup>th</sup> May 2021;
- Ecological Appraisal, Whiteacres, Albrighton, Shropshire, WV7 3JF, Greenscape Environmental (Report Ref. 20-02 027.2R, dated 24<sup>th</sup> May 2021).

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| - Ecological Appraisal, Whiteacres, Albrighton, Shropshire, WV7 3JF, Greenscape Environmental (Report Ref. 20-02 027.3R, dated 3 <sup>rd</sup> June 2021). |
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Cabinet Member (Portfolio Holder) Councillor Ed Potter
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Local Member Councillor Nigel Lumby
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Appendices APPENDIX 1 - Conditions
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## 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 development shall take place until a scheme of 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: To ensure satisfactory drainage of the site and to avoid flooding.

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- A Construction Traffic Management Plan, including all HGV routing & unloading proposals; and
- An appropriate community liaison and communication strategy, to inform affected local residents and businesses, throughout the works.

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

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

The plan shall be carried out as approved.

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

6. 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 scheme shall include details of:
- a) Creation of wildlife habitats including provision of new hedgerow lengths of 300m, in accordance with the submitted Biodiversity Metric Calculator completed by Greenscape Environmental Ltd, April 2021);
  - b) Location and specification for the erection of a minimum of six bird nest boxes suitable for common bird species including tit species, robin (open fronted) and house sparrow (sparrow terrace boxes);
  - c) Location and specification for the erection of a minimum of six bat boxes suitable for crevice dwelling bats;
  - d) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development;
  - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

7. Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and management All works, including site clearance, shall occur strictly in accordance with the Great Crested Newt Working Method Statement in section

6.2.2 of the Preliminary Ecological Appraisal (Greenscape Environmental, October 2020).

Reason: To minimise the risk of impacting great crested newt, which is a European protected species.

8. All pre-commencement tree works and tree protection measures detailed in the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP, drawing 178-P-ARB Rev E) contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas , Method Statement, Forester and Arborist Services Ltd, 09.01.2020) shall be fully implemented to the written satisfaction of the LPA, before any development-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

9. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of the 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 Local Planning Authority. The approved scheme shall include:
  - a) 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; and
  - b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The approved tree planting scheme shall be implemented as specified and in full prior to completion of the development. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, 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.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

10. 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.

11. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset

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

12. No construction works shall take place before 8.00 am on weekdays and 9.00 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

13. Before the first dwelling is occupied (use commences) the vehicular and pedestrian access to the site shall be constructed and laid out in complete accordance with approved plans.

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

14. All demolition, site clearance, development and landscaping shall occur strictly in accordance with section 6.3 of the Ecological Appraisal, Report Ref 20-02 027.3R, Green Environmental dated 3<sup>rd</sup> June 2021.

Reason: To ensure the protection of bats, which are European protected species.

15. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan (TPP, drawing 178-P-ARB Rev E) contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020). 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.

16. All construction activities within the root protection area of protected trees T31 and T32, as identified in the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020), shall be undertaken in accordance with drawings 3454 Rev A, 178-P-



03 Rev B and 178-P-04 Rev B, under the supervision of and monitoring on site by the project arborist.

Reason: to ensure damage is avoided to important protected trees on the site.

## INFORMATIVES

### General

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.

### Highways

#### Works on, Within or Abutting the Public Highway

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/roads-and-highways/road-network-management/application-forms-and-charges/>

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.

#### No Drainage to Discharge to the Highway

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.

#### Mud on the Highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

## Public Rights of Way

Bridleway No. 8 which extends from end of Garridge Close and adjacent to the southern boundary of the site, will need to be taken into consideration at all times during the construction phase and after development is completed. The following criteria must be adhered to

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards;
- Building materials, debris, etc must not be stored or deposited on the right of way
- There must be no reduction of the width of the right of way;
- The alignment of the right of way must not be altered;
- The surface of the right of way must not be altered without prior consultation with Shropshire Council Public Rights of Way team and nor must it be damaged; and
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to keep this footpath open whilst development takes place, then a temporary diversion will need to be put into place. If this is required please contact the Public Rights of way Mapping & Enforcement Team (fees apply).

## Wild Birds

The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (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 and/or demolition work in buildings or other suitable nesting habitat 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 and buildings for active bird nests should be carried out. If vegetation or buildings 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. Only if there are no active nests present should work be allowed to commence/No clearance works can take place with 5m of an active nest. Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at [https://cieem.net/cieem-and-rspb-advise-against-netting\\_on-hedges-and-trees/](https://cieem.net/cieem-and-rspb-advise-against-netting_on-hedges-and-trees/) If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

