



Committee and date
Southern Planning Committee
20th September 2022

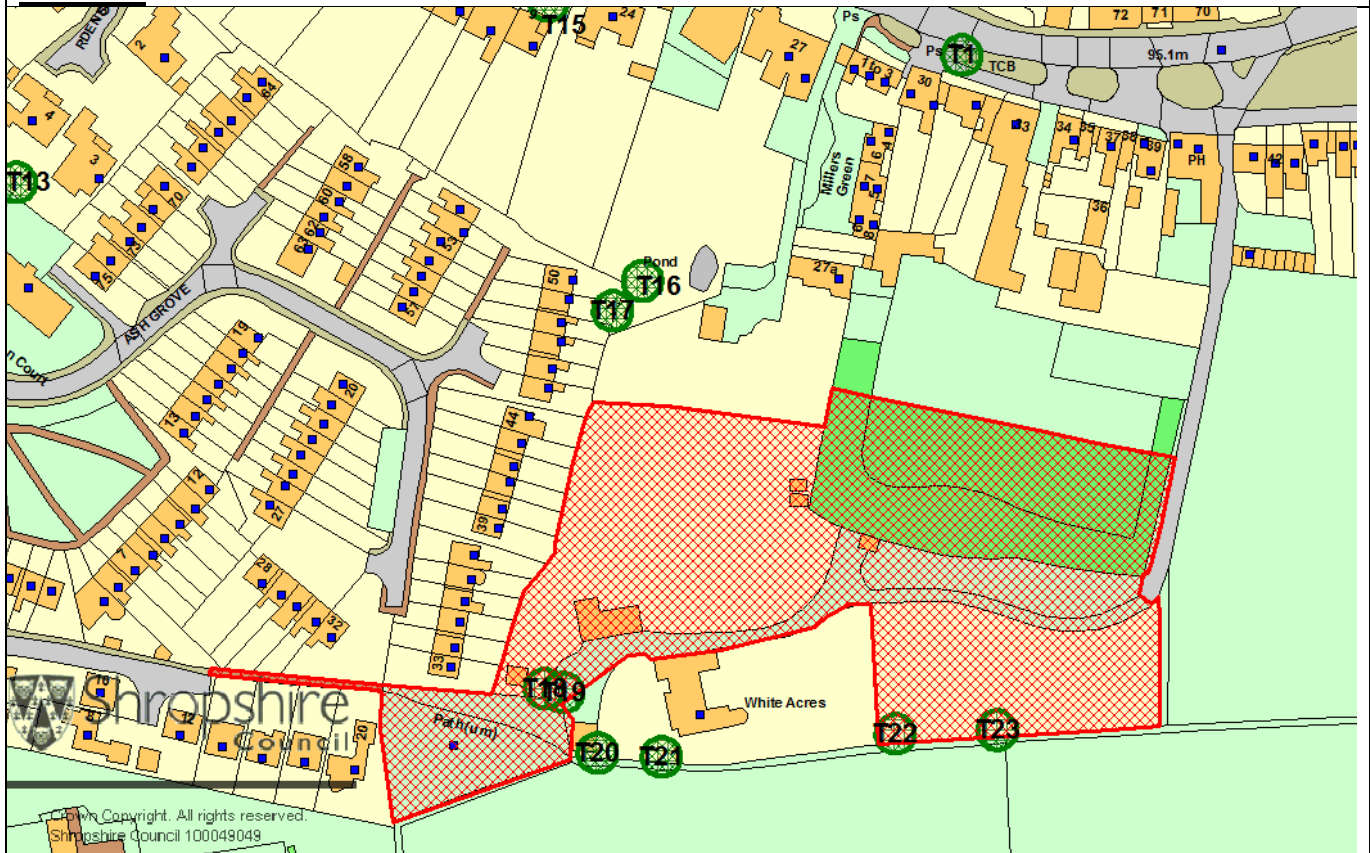
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/05665/FUL	Parish:	Albrighton
Proposal: Erection of 24 dwellings with associated parking/garaging with estate road to include felling of trees and demolition of a bungalow, garage and pool house		
Site Address: Land To The East Of Garridge Close Albrighton Shropshire		
Applicant: Shropshire Homes Ltd		
Case Officer: David Jones	email	: david.jones@shropshire.gov.uk

Grid Ref: 381296 - 303865



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

REPORT

1.0	THE PROPOSAL
1.1	This is a full application for the erection of 24 residential dwellings and associated parking/garaging access road and open space.
1.2	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.
1.3	The 24 new dwellings will comprise a mixture of bungalows, two storey dwellings and three storey apartments as follows:
1.4	<ul style="list-style-type: none"> • 3 one-bedroom terraced bungalows which are proposed to be affordable in tenure. • 2 three storey apartments containing 8 two bedroom and 4 one-bedroom units (12 units in total). • 3 three bedroom detached bungalows. • 6 four-bedroom detached dwellings.
1.5	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.
1.6	Access to the development would be along the public highway through Garridge Close. A new vehicular access road including a footway is proposed along the existing tarmacked private drive serving the last four properties at the eastern end of Garridge Close.
1.7	The existing vehicular access to the site is through a relatively narrow gap between two buildings on Albrighton High Street which then follows a track which forms part of the route of a public right way. This will be closed off for vehicular traffic from the development but pedestrian access for the development and from Garridge Close will be retained.
1.8	Open space will be provided in three parts with the largest extending along the eastern and southeastern boundaries of the site adjacent. On-going maintenance of these areas be undertaken by a private management company which would be secured by way of a legal agreement.

1.9	The discharge of surface water will be controlled through a Sustainable Urban Drainage System (SUDS). Plots 1-3 will be served by soak-ways as porosity is available in this part of the site. The remainder of the development will drained using an attenuation pond with controlled discharge to the existing public surface water sewers in Garridge Close. The attenuation pond will be managed by a management company and with the remainder of the surface water system offered for adoption by the water authority as part of the public sewer. The access roads will be offered for adoption by the Local Highway Authority and will include all road gullies and any highway drainage.
1.10	Foul drainage will be discharged directly into the existing public sewer via an adopted pumped main (though plots 1-3 will be gravity fed).
	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, Highway and Transport Report, Heritage Impact Assessment, Flood Risk and Drainage Assessment, and a Biodiversity Metric Report.
1.11	The application is accompanied by a Technical Note on highway advice which confirms that observations have been made both during the day and at a time leading up to the opening of the primary school adjacent (8 am-9 am).
1.12	A policy note is also included with the application which specifically address the mix of housing proposed with the planning application. This explains how the mix meets the requirements of the retirement age population which the development is intended to service in compliance with policy S1.1a of the SAMDev and Policy ALB1 of the Albrighton Neighbourhood Plan Light (2013). On this basis it is stated that the proposal meets the requirements of Policy MD3 of the SAMDev by ensuring that the mix and type of housing proposed has regard to local evidence and community consultation.
1.13	In the course of processing the planning application the application was amended twice and these changes were consulted and publicised. The main changes were to a number of house types, the position of the foul pumping station and other changes there were various amendments to address the comments of consultees.
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. It is a fairly secluded site with a long narrow tree lined vehicular access commencing from between two properties on the High Street to the north. It also includes strip of land connecting the main part of the site to Garridge Close to

	the west which comprises a residential cul de sac through which the new vehicular access to the development is proposed.
2.2	The highway through Garridge Close commences from a junction with Newhouse Lane to the west where it is initially tarmacked and has pavements either side. Thereafter it becomes a shared surface access finished with brick pavements and having double yellow lines on the northern side. This part of Garridge Close forms part of the adopted public highway. At the eastern end of Garridge Close there is a tarmacked private drive serving the last four properties at the end of Garridge Close which is demarcated from the bridleway with a timber knee rail type fence.
2.3	There are also residential areas at Ash Grove to the west and other properties to the north. There are open fields to the east forming part of the conservation areas and to the south which form part of the greenbelt. Albrighton Primary School and Nursery is located immediately to the south of Garridge Close on Newhouse Lane which forms a junction in proximity to the north with Cross Road.
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 and a pool house are to be demolished.
2.4	There is a bridleway that runs from the end of Garridge Close which then extends along the length of the southern boundary of the application site and onwards east. The existing access at the eastern end of the application site also forms the route of a public footpath that extends south from the High Street along the eastern boundary of the site and then onwards to the south west onto Newhouse Lane.
2.5	The north-east quarter of the site falls within part of the Albrighton Conservation Area which extends to the north and east of the site.
2.6	The site is heavily treed, with a variety of mature and younger deciduous and evergreen trees, woody shrubs and hedges being present. There are also tree preservation orders designated on the site.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	Although the development is compliant with relevant development plan policies, the Parish Council has objected to the application and having been considered by the agenda setting meeting the application is being referred to the Committee for determination.
4.0	Community Representations
4.1	Consultee Comment

4.1.1

Albrighton Parish Council

20.12.2021 Both the SAMDev Plan (2015) and the Albrighton Neighbourhood Plan (ANP) Light (2013) state that this site should be used 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."

It is unfortunate that the wording of the policy is not succinct and is open to interpretation.

However, within the explanation notes of Policy S1: Albrighton Area of the SAMDev Plan, at paragraphs 4.4 & 4.5 it sets out the evidence that Albrighton has an ageing population "that is mismatched with a housing stock dominated by family housing."

Policy ALB2 (ALB2a) States: "The land at White Acres is allocated for small scale residential development. These dwellings shall be in the form of a housing scheme appropriate for people of retirement age".

It is clear that the aim and objective of these policies is to use this site to accommodate some of Albrighton's ageing population, giving them the opportunity to move to smaller accommodation within the Village. This would then free up vacated larger, under occupied houses within the village for families to move in to.

Although it is accepted this proposal allows provision for more 1 & 2 bed dwellings than the previous proposal (20/03508/FUL). The proposed Site Layout Plan demonstrates that the vast majority of the land area of the site is to be occupied by larger homes.

Therefore, the ratio of smaller dwellings compared to the number of larger homes, when viewed through land area, is disproportionate and unacceptable. The Parish Council accepts that the larger houses will be built to 'Lifetime Homes Standard' indicating that these could be occupied by people of retirement age.

However, the reality is it is unlikely that people of retirement age will want to move from one large dwelling to another. Therefore, the Parish Council believes the proposal is contrary to the aims and objectives of the relevant planning policies including SAMDev Policy S1 and ANP Policy ALB2

The application proposes a total of 24 new dwellings to be built on the site, yet the local plans clearly state the site has provision for 20 units. Therefore, the Parish Council considers this application to be an overdevelopment of the site.

The Parish Council also has grave concerns regarding the amount of traffic that will be generated by the development using Garridge Close and its effect on highway safety and the free flow of traffic.

The applicant cites planning application 19/02785/REM as evidence that there was always an intention to extend Garridge Close. However, this application was for a small extension of the road to accommodate three small dwellings and not for a road to service a further 22 dwellings (including White Acres) which would be the case if this application was approved.

Garridge Close has no dedicated footpath resulting in pedestrians and vehicles sharing the same surface. It is highly likely that the level of proposed develop will significantly increase the volume of traffic using this road.

This is exacerbated by the number of larger dwelling proposed which are likely to generate more vehicle trips. As a consequence of pedestrians and the larger number of vehicles sharing the access to this road, the development is likely to have a detrimental effect on highway safety.

This is intensified at School pick up and drop off times as the road is extensively used during these times by parents parking their cars. The nearby former Sports and Social Club is at present used by parents for informal parking. However, if the proposed redevelopment of this site into residential accommodation is approved this parking area will cease to exist, putting additional pressure on Garridge Close and further endangering highway safety.

The increased traffic volume will also have an unacceptably adverse effect on the amenity of the existing residents of Garridge Close through noise and nuisance.

The Parish Council respectfully asks that this application is refused for these reasons.

04/07/2022 Thank you for re-consulting us regarding the amendments to the original application. APC maintains all its reasons for objection from the first consultation and is disappointed that none of the reasons for objection have been addressed by the Developer. APC would also like to point out that since the former Sports and Social Club has now been granted outline planning permission for conversion to residential use, the parking in Garridge Close at school pick up and drop off times has got substantially worse. We would request that an updated traffic survey be carried out, to take account of the change in circumstances.

02/08/2022 Albrighton Parish Council notes the change in location of the pumping station. This minor change does not alter or stance of objecting to this development as planned.

4.1.2

Councillor Nigel Lumby

20/12/2022 Neutral This application follows on from the previous application 20/03508/FUL which I spoke against, as the ward councillor at South Shropshire Planning Committee. That application was refused.

A number of issues I raised have been addressed-

1. The pond has gone, which means that all space is usable
2. The large properties have been moved from the South aspects. This means that the trees on that line have more chance to survive as they will have less impact on persons living in apartments
3. The ratio of 1-2 bed dwellings compared with overall has gone from 7 out of 18- 38% to 15 out

of 24- 62%. This may be seen to represent a bigger 'proportionate' amount of the type envisaged in Samdev plan

4. The dwelling design is now more in keeping with the neighbourhood. The apartments are now three story, however the top story are built into the eaves, lessening the impact. Three story apartments/houses can be found nearby in the conservation area in the High Street, opposite the chemists and next to the Harp.

5. Removal of 5 bed dwellings and their multi vehicle issues. However, this redesign has created a greater strain on the limited access to the site. I have always accepted that Garridge Close is the proposed access to the development land identified in the Samdev plan. I appreciate residents in Garridge Close, some having been there the whole 20 years, do not. Working on 2 cars per household, using parking space requirements, that's 36 cars on the old application and 48 on this new one. Representing a 33% increase in potential traffic, another 12 cars. Can the issues of Garridge Close be mitigated?;

1. Parents parking to drop off/ pick up children at start and end of school day to primary school around corner (Newhouse Lane), where existing residents of Garridge Close say they create bottlenecks, blockages and a dangerous environment for young pupils in the road. I remember the planning officers at the last committee saying that any identified issues around poor parking are a matter for enforcement. However I believe the best way to mitigate is to use planning/CIL to design out the issue. Could consideration be given to stepping out the kerb into the road to make parking on Newhouse Lane immediately by the junction inappropriate to remove the space. Or consideration to double yellow lines on the junction, which are easier to enforce than proving inappropriate parking is an obstruction. Or a safety fence on the pavements by the junction, which would make it safer for children and again discourage parking.

2. Permanent parking or vehicles on the right of Garridge Close at its narrowest section, rendering a large section very narrow, one car width wide. The parked vehicles are in the main owned by residents of Ash Grove who have put non- authorised gates in the fence of their rear gardens that abut Garridge Close. This part of Garridge Close has no footpath or indicated part of the road as a footpath.

	<p>This permanent narrowing could be mitigated by parking restrictions which would make it unattractive to park in Garridge Close and would open up the road. i.e. 7-7pm. 1-hour parking. Mon-Sat. This means that overnight parkers would need to have removed their cars by 8am and would discourage parking on return from work without having to move them again. This would free up the road and whilst not the intent, may provide short term parking for parents dropping off. Parking that is soon to be lost on the social club site, where parents have traditionally parked for years.</p> <p>The traffic survey supplied by the applicant misses the points above. It calculates expected use at peak times and others but does not consider the junction at school time or the reduced width of the road by parking.</p> <p>This creates a dilemma for me. This proposal offers more to Albrighton in relation to sought after 1-2 bedroom properties for retirees and perhaps younger persons. If this is rejected, we are back to the appeal of the original plan, which if successful was of no benefit to the target group as per SamDev or younger persons seeking apartments.</p>
<p>4.1.3</p>	<p>Drainage & SUDS</p> <p>15.12.2021 The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.</p> <p>All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.</p> <p>Comments:</p> <p>The drainage layout and design are acceptable.</p> <p>Confirmation is required of the drainage system extents to be offer for adoption as part of the S104 agreement and whether the swale will be included. Should the swale not be included, a proposed maintenance regime, including details of who will take responsibility, should be submitted for approval to ensure that the system remains in good working order throughout its lifetime.</p> <p>It is strongly encouraged that the swale is offered for adoption as part of the S104 agreement.</p> <p>28/07/2022</p> <ol style="list-style-type: none"> 1. The revised layout has resulted in a slightly lesser drained area to the attenuation pond therefore the proposals are acceptable. 2. Further to our comments dated 15/12/22, confirmation is required of the drainage system extents to be offer for adoption as part of the S104 agreement and whether the swale will be included. Should the swale not be included, a proposed maintenance regime, including details of who will take responsibility, should be submitted for approval to ensure that the system remains in good working order throughout its lifetime.

	<p>It is strongly encouraged that the swale is offered for adoption as part of the S104 agreement.</p> <p>03/08/2022 No further details regarding the adoption or maintenance of the drainage system or swale have been provided to satisfy our comment 2 dated 28/6/22.</p>
<p>4.1.4</p>	<p>Design Out Crime Officer West Mercia Police</p> <p>20.12.2021 I comment on this proposal as Design Out Crime Officer for West Mercia Police.</p> <p>I refer to my comments dated 09/10/2020 concerning a previous planning application for this site. From reviewing the current application it would appear that none of my concerns as detailed below have been addressed. There were also a number of objections from local residents who shared the same concerns. Although this is a new application for more dwellings my concerns remain the same.</p> <p>Having reviewed the plans provided and having made a visit to the site I have concerns with regard to the point of access onto the new proposed development. This access road currently serves a number of dwellings that are open fronted with direct access onto the existing road. Existing dwellings have off road parking but at the time of my visit there were a number of vehicles parked along the road that restricts the road width. There is also a public footpath that edges the road. I have been made aware that the local residents have not been canvassed by the developer to gain their views and concerns. This will have a major impact on those dwellings and residents and their concerns should be listened to. I note that there are a number of objections from local residents who are concerned about traffic flow, on road parking, child safety and the area being used as a drop off and collection point for children attending a local school. I agree with their concerns and would ask that consideration is given to the comments made during the decision making process.</p> <p>Therefore, should this proposal gain planning approval the below advice should be considered by the developer.</p> <p>The developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design. Secured By Design is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The opportunity for burglary offences to occur can be reduced by up to 87% if Secured By Design is achieved. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.</p> <p>Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling. Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must</p>

	<p>be shown to have been manufactured to a design that has been tested to an acceptable security standard.</p> <p>In recent times there has been a tendency to install thumb turn locks on front doors. This type of locking device should only be considered when the lock cannot be easily seen from the outside, any glazed panels are fitted with laminate glass to standard PAS24:2016 / STS 201 and a deflector is fitted to the inside of any letter box opening. Thumb turn locks should never be considered for rear doors if they are half glazed and the internal thumb turn can be easily seen from the outside. This will increase the potential for burglary and other offences to occur. The principles and standards of the Secured By Design initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com</p> <p>During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.</p> <p>29/06/2022 I refer to the comments made for a previous application. My comments remain unchanged and reflect the concerns of local residents. I copy my original comments as below.</p>
<p>4.1.5</p>	<p>SC Parks and Recreation</p> <p>17.12.2021 Under Shropshire Councils SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.</p> <p>2. The types of open space provided need to be relevant to the development and its locality and should take guidance from the Place Plans.</p> <p>3. All POS provided must be useable space and therefore should not include LPG stations, swales, water basins or attenuation pools.</p> <p>4. The ongoing needs for access to manage open space must be provided for and arrangements must be in place to ensure that the open space will be maintained in perpetuity whether by the occupiers, a private company, a community organisation, the local town or parish council, or by Shropshire Council.</p> <p>31/03/2022 I can confirm that I am happy that the public open space is suitable for the development intended.</p>

4.1.6 **SC Ecology**

26.01.2022

RECOMMENDATION:

Conditions and an informative (detailed below) are recommended to secure biodiversity mitigation and enhancement, in accordance with the NPPF, MD12 and CS17.

Comments

I have reviewed the submitted Ecological Appraisal and am happy with the survey work undertaken and agree with the conclusions and recommendations. Conditions are recommended to secure the protection and enhancement of biodiversity.

Biodiversity Metric

The applicants have submitted a biodiversity report alongside a Biodiversity Metric Calculator (excel spreadsheet) to demonstrate the habitat losses and gains and hedgerow losses and gains as a result of the development. The report and spreadsheet are very difficult to cross reference as habitats within the report (or shown in the habitat plans) are not the same as those entered into the spreadsheet. It would assist if there was a habitat plan, both before and after development which accorded with the habitats as entered into the spreadsheet. In this way, the accuracy of the final biodiversity score could be evaluated.

In the absence of this information, I have however, annotated the submitted spreadsheet with some comments (sent separately) however, it is not clear whether the site delivers net gain, or indeed, secures no net loss of biodiversity at this time, in terms of purely habitats. There appears to be a net gain in hedgerows across the site, which is welcomed, but not to the degree purported.

To mitigate for biodiversity loss, or indeed to improve on a positive net gain score, I recommend that features for biodiversity are incorporated into the scheme, to provide habitat for birds and bats and to provide connectivity for hedgehog. A condition to secure such features is recommended.

Recommended Conditions

Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority), an appropriately qualified and experienced Ecological Clerk of Works (ECoW) shall be appointed to ensure that the Working Method Statements, as set out in sections 6.3.2 and 6.6.2 of the Ecological Appraisal – report ref 20-02 027.3 (Greenspace Environmental, 24 November 2021) are adhered to.

Reason: To secure appropriate working methods to ensure the protection of bats and great crested newt which are European protected species.

Prior to first occupation, the ECoW shall provide a report to the Local Planning Authority demonstrating implementation of the Working Method Statements as set out in sections 6.3.2 and 6.6.2 of the Ecological Appraisal – report ref 20-02 027.3 (Greenspace Environmental, 24 November 2021).

Reason: To demonstrate compliance with the Ecological Appraisal Working Method

Statements to ensure the protection of bats and great crested newt which are European protected species.

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;
- 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.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

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;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The 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 174 of the NPPF.

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

- a) 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).
- b) Location and specification for the erection of a minimum of six bat boxes suitable for crevice dwelling bats.
- c) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development.

Reason: To secure features for biodiversity as part of the development in accordance with MD12, CS17 and section 174 of the NPPF.

Recommended Informative

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/>

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.

03.03.2022 Comments

Since my last comments dated 24 January 2022, revised/additional information has been submitted demonstrating qualitative and quantitative changes to biodiversity calculated for habitats (area) and hedgerows using the DEFRA biodiversity metric. This was in response to my previous comments that the submitted information made it difficult to conclude one way or the other whether the development demonstrated at least a no net loss of biodiversity, or indeed a net gain.

Biodiversity Metric

The applicants have submitted a biodiversity metric report (ref: 20-02-027-82MR dated 16 Feb 2022) alongside a Biodiversity Metric Calculator (excel spreadsheet) (dated 15.02.2022) to demonstrate the habitat losses and gains and hedgerow losses and gains as a result of the development.

I have analysed the submitted spreadsheet and updated it with my views on the existing and proposed habitats. For transparency, I have added reviewer comments to justify changes I have made. Of note is the addition of 'urban trees' in the baseline which was not included in the applicant's spreadsheet, to take account of the tree loss outside of areas already counted by being classed as 'woodland'.

My calculations conclude that there will be a net gain in hedgerows across the site in the order of + 114.75 %, which is welcomed, although the hedges created will be small and narrow and not wide and tall hedgerows of most value to wildlife, however, it is still a substantial net gain. There will, however, be a substantial loss of habitat (area) in the order of -68.86%. This reflects the loss of many trees across the site which the tree team have expressed their concern about and whose comments I support.

I recommend seeking the retention of more trees (and hence habitat area) within the scheme, to mitigate for biodiversity loss, however, if this is not possible, then a balanced planning decision should be made to demonstrate that the loss of trees and biodiversity are outweighed by the benefits of the scheme. It may be the case that offsetting (tree planting) may be required, as also supported by the Tree Team in their comments.

The incorporation of features for biodiversity into the scheme, to provide habitat for birds and bats and to provide connectivity for hedgehog may also go some way to offset impacts to biodiversity, as well as the hedgerow gain, however, even taken account as a whole, I would conclude that there would still be an overall substantial biodiversity loss, as a result of the proposed development.

03 March 2022 Please see my latest comments after having carefully considered the submitted biodiversity metric calculator.

As you'll see, my conclusion is that there is a substantial loss of biodiversity (-68.86%) rather than the net gain in area terms the applicant's spreadsheet concluded. I also attach my version of the calculator for transparency together with my reviewer comments.

There will be a net gain in hedgerows, though as noted in my response, these will not be high and wide hedgerows but small managed hedgerows within built development so of lesser value for biodiversity, however, their condition is taken account of in the calculator, so there is a gain.

07/09/2022 No objection

COMMENTS:

Since my last consultation response on this application revised/additional information has been submitted demonstrating qualitative and quantitative changes to biodiversity calculated for habitats (area) and hedgerows using the DEFRA biodiversity metric. Further discussions have also taken place with the applicant to retain as many trees as possible, as well as incorporation of habitats of value for biodiversity within the site itself.

The applicants have submitted an updated biodiversity metric report (ref: 20-02-027-82MR dated 9 June 2022) alongside a Biodiversity Metric Calculator (excel spreadsheet) (dated 29.07.2022) to demonstrate the habitat losses and gains and hedgerow losses and gains as a result of the development.

It is concluded that, without compensation off-site, that there will be a net gain in hedgerows across the site in the order of + 114.75 %, however there will be a substantial loss of habitat (area) in the order of -68.86%.

	<p>In accordance with the mitigation hierarchy, off-site works have been identified and agreed to take place at Donnington and Albrighton LNR, which is within the same settlement as the application, to compensate for the loss of biodiversity on the development site.</p> <p>I therefore have no remaining objection to this application on ecological grounds, subject to a suitable developer contribution and agreement to compensate for the loss of biodiversity on the site, in accordance with SC policy MD12 and the NPPF.</p>
4.1.7	<p>SC Conservation (Historic Environment)</p> <p>31.12.2021 A small parcel of the site towards the north partially falls within the Albrighton Conservation Area, where Grey House and 31 High Street and their respective curtilages extend southwards towards the site. The part of the site that lies within the conservation area consists of rough grassland and doesn't contain any heritage assets, though some non-designated heritage assets lie around the periphery of the site including Albrighton Hall and its associated historic grounds. There are no principle objections to the demolition of the existing bungalow and garage that dates from the 1960s, where it is noted that Whiteacres shall be retained. The site is covered by trees and vegetation, especially to the north of the site. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, along with emerging policies SP1 and DP23 of the Submission Local Plan, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in July 2021 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).</p> <p>It is noted that the site is allocated in SAMDev that forms part of the Shropshire Local Plan (allocated site ALB003) and has been subject to pre-application discussion (PREAPP/20/00068) and a previous planning application 20/03508/FUL that was refused by the south planning committee. The following comments are taken from the 2020 proposal and has been slightly modified as follows:</p> <p>The submitted HIA by Pat Frost of Castlering Archaeology is noted where it states that the proposal has 'no adverse impact' where it would not detract from the existing conservation area where some listed buildings are present, along with Albrighton Hall and its historic curtilage/grounds which is classed as a non-designated heritage (as defined under Annex 2 of the NPPF), where it is deemed that there is no intervisibility and therefore neutral impact. This has been supplemented by an HIA by Berry's that states a similar conclusion with regards to potential impact. There is concurrence with these findings where it is considered that the overall conclusion is that the proposal consists of 'less than substantial harm' as defined under paragraph 202 of the NPPF, albeit it leans towards the lesser end of the spectrum, where this very much depends on</p>

the retention of the existing trees on the site and to ensure existing screening is maintained and enhanced in order to mitigate against potential impact and retention of established character. The site plan in the proposed Design and Access Statement shows retention of trees to the north of the site which is important especially with regards to retaining a degree of separation to the listed curtilages of 31 High Street and The Grey House. Currently the site feels very separate and detached from the village centre, where this sense of detachment should be retained as part of this development. It is noted that there shall be some open space, affordable housing and Lifetime Homes provision on this site where this needs to be flagged up in the Design and Access Statement to be considered as a 'public benefit' which should be addressed as part of addressing the paragraph 202 balance.

Whilst the general proposed design is generally fine taking account of the local vernacular with regards to architectural detailing (i.e. sash windows and segmented headed casements), previous discussion has been made with regards to the proposed housing types where the Principal Planning Officer highlighted concern with the apartment blocks being three storeys where this has now been reduced to two storeys which is supported, though it is encouraged that the upper storey windows should be reduced in size.

No objection subject to proposed amendments as recommended above, where the details of the proposed boundary treatments (use of brick walls and metal estate fencing) are noted, where there are no principle objections subject to conditions with regards to joinery details and all external materials and finishes (samples etc).

10.03.2022 These comments supplement those previously submitted on 31.12.21 where there is no in principle objection. SC Conservation had the following queries (clarification and recommended amendments)

- Reduce the proposed window size openings for the upper storey dormers, and
- Proposed boundary treatments with the recommended use of brick walls and metal estate fencing.

The revised elevation plan (178(2)/P09 (Rev B) is noted where the revised dormer windows are noted, where it is considered that the amendment is satisfactory. There is no clarification regarding the boundary treatments, though they are noted on the proposed site layout plan (178(2)/999/1004 (Rev), though it was subsequently accepted that this could be controlled by way of a planning condition.

05/07/2022 These comments supplement those previously submitted on 31/12/21, where the principle recommended amendment is that of the upper storey dormer windows to the apartment blocks and the need to reduce these. It is noted that the position of the swale fence has been amended.

	<p>No further comments, where previous comments still stand.</p> <p>28/06/2022 No further comments.</p>
4.1.8	<p>SC Archaeology (Historic Environment)</p> <p>09.12.2021 We have no comments to make on this application in respect of archaeological matters.</p>
4.1.9	<p>SC Highways</p> <p>09.02.2022 Further to the recent exchange of emails regarding the above mentioned planning application. Shropshire Council as Highway Authority have now had an opportunity to consider the details submitted and raise no objection to the granting of consent. Concerns have been raised with regard to the suitability of Garridge Close to accommodate the additional vehicle movements likely to be generated by the proposed development. Whilst Garridge Close appears to be a shared surface, it was originally constructed with the intention that future development would take place. Therefore, on that basis, it is considered that based on the proposed scale of the development the impact on Garridge Close would not be severe and therefore a Highway objection to the granting of consent cannot be sustained.</p> <p>The applicant's attention is drawn to the proposed "no-dig" construction, and that a commuted sum may be required to ensure this section of highway can be maintained appropriately, this can be secured through any future Section 38 agreement. Consideration should also be given at an early stage to the location of any streetlighting columns to ensure that access to allocated parking specifically Plots 13 to 24.</p> <p>It is recommended that a condition requiring the applicant to submit a construction management plan prior to commencement to minimise the impact on Garridge Close. Suggested wording is as follows;</p> <p>1. Construction Traffic Management Plan (CTMP)</p> <p>No development shall take place, including any demolition works, until a construction management plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. and shall provide for:</p> <ul style="list-style-type: none"> i. A construction programme including phasing of works; ii. 24 hour emergency contact number; iii. Hours of operation; iv. Expected number and type of vehicles accessing the site: <ul style="list-style-type: none"> · Deliveries, waste, cranes, equipment, plant, works, visitors; · Size of construction vehicles; · The use of a consolidation operation or scheme for the delivery of materials

- and goods;
- Phasing of works;
 - v. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - vi. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
 - vii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - viii. Locations for storage of plant/waste/construction materials;
 - ix. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - x. Arrangements to receive abnormal loads or unusually large vehicles;
 - xi. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
 - xii. Any necessary temporary traffic management measures;
 - xiii. Measures to protect vulnerable road users (cyclists and pedestrians);
 - xiv. Arrangements for temporary facilities for any bus stops or routes;
 - xv. Method of preventing mud being carried onto the highway;
 - xvi. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan shall be adhered to throughout the construction period.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

24/06/2022 Further to previous Highway comments submitted 9th February 2022, Shropshire Council as Highway Authority have now had an opportunity to review the revised details submitted. It is noted that the submitted Landscaping Plan Drawing number 178(2) 999 /1006 Rev D indicates that the proposed access road is to remain private. On this basis, Shropshire Council as Highway Authority continues to raise no objection to the granting of consent, subject to a planning condition being placed on any permission granted that requires a Construction Management Statement to be submitted for approval.

It is should noted that Drawing GC-SF-507: Rev A Surface Finishes Plan does not seem to reflect other details submitted and seeks to remove any footway provision within the site.

01/08/2022 On the basis that the proposed development is to remain private, Shropshire Council have no further comments, but would recommend a planning condition is placed upon any permission granted that requires a Construction Management Plan to be submitted prior to commencement.

4.1.10	<p>Ramblers Association</p> <p>No comments received at the time of writing.</p>
4.1.11	<p>SC Rights of Way</p> <p>No comments received at the time of writing.</p>
4.1.12	<p>SC Regulatory Services</p> <p>29/06/2022 The plans indicate the siting of a small-scale foul sewer pumping station in close proximity to proposed housing, I would recommend that the applicant be required to submit a suitable noise assessment with respect to potential impact from the pumping station upon nearby dwellings.</p> <p>Given the scale of the development site and proximity of existing residential dwellings the potential impacts from noise and dust during demolition and construction phase will need to be appropriately considered in a construction management plan.</p> <p>28/07/2022 Further to liaison with the applicant and submission of the additional information concerning the foul pumping station Ref: SHL/FPS Response - Whiteacres , I confirm that I do not now consider it necessary for submission of a noise assessment.</p>
4.1.13	<p>SC Affordable Housing</p> <p>06/07/2022 The application site lies in an area where the prevailing target rate for affordable housing is 15%. Therefore, for a development comprising 24 dwelling there is a planning policy requirement for 3.6 of these to be delivered as affordable dwellings. This requirement translates into 3 affordable homes and a financial contribution for the remaining fraction. The application submission acknowledges the proposed provision of 3 x 1 bed bungalows; that meet Nationally Described Space Standards and therefore considered to be acceptable provision. These affordable dwellings are required to be delivered as one shared ownership and two affordable rented and subject to a S106 which maintains affordability in perpetuity and restricts allocation. The 0.6 financial contribution requirement would also need to be reflected within the S106.</p> <p>08.09.2022 I can that confirm that we would support the inclusion of 'affordable rented' and 'social rented' tenure, as these would be equally acceptable affordable housing tenures.</p>
4.1.14	<p>SC Learning and Skills</p> <p>No comments received at the time of writing.</p>
4.1.15	<p>SC Trees</p> <p>09.02.2022 I have reviewed documents and drawings submitted with this application and on behalf of Shropshire Council Tree Team I would like to comment on arboricultural aspects of the proposed development.</p> <p>The site comprises the large garden of an existing dwelling, Whiteacres (to be retained) a subsidiary bungalow (to be demolished), various outbuildings and an</p>

adjoining area of unused meadow to the north. That part of the site is located within the conservation area and six of the mature ash and oak trees along the site's southern boundary are protected under a Tree Preservation Order (TPO). The site is heavily treed, with a variety of mature and younger deciduous and evergreen trees, woody shrubs and hedges being present.

Part of the development proposals would entail switching the existing site access, which is along a single-track lane accessed through a narrow gap between properties on Albrighton High Street, to a new access to be created via an area of land to the west of the site, off Garridge Close. That land already has planning permission for the construction of three properties (ref: 14-03657-OUT and 19-02785-REM). The Tree Team does 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.

In considering this current application it is instructive to compare it to the previous application from the same applicant (ref: 20-03508-FUL), which was refused consent, contrary to case officer recommendation, on 25.06.2021. The reason given for refusal is as follows:

'Although the site is an allocated site (Site SB003 - Land at Whiteacres in the Shropshire Council Site Allocations and Management of Development (SAMDev) Adopted Plan (December 2015) and Site ALB002a in the Albrighton Neighbourhood Plan (ANP) 'Light'(June 2013)) for up to twenty dwellings, the development would be contrary to SAMDev Policy S1 and ANP Policy ALB2, in that it would not largely comprise appropriate housing for occupation by people of retirement age in accordance with the requirements of the SAMDev Allocated Sites' Development Guidelines and ANP Policy ALB2. It would also by virtue of its design, layout and loss of trees not adequately respect and enhance the character and significance of the Conservation Area and its setting, and would have an adverse impact on the trees and ecology on and around the site that would not be adequately mitigated. The development would as a result give rise to less than substantial harm to the significance of the designated heritage asset and would not give rise any to public benefits sufficient to outweigh that less than substantial harm. The development would also be likely to result in an unacceptable increase in the level of traffic on Garridge Close, as a result of the deviation from the envisaged type of housing. The development would therefore also not be compliant with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2, MD12 and MD13 and the NPPF.'

The refused application was for 18 new dwellings, comprising 3 terraced bungalows, 11 detached houses and 4 apartments. The apartments were in a single block on the northern side of the site, within the conservation area. By contrast, the current application is for 24 dwellings, comprising 3 terraced bungalows, 9 detached houses and 12 apartments. The apartments are now

proposed to occupy two blocks of 6 units each, located on the southern side of the site.

From an arboricultural perspective, the current arrangement is preferred, in the sense that the apartment blocks would be less visible from the rear of the existing residential dwellings to the north of the site, being moved to the opposite side of the development. The detached dwellings as currently proposed on the northern side of the site could be more readily screened by new tree planting, as part of an approved landscape scheme. In addition, the apartment blocks would be screened from the south to a reasonable extent by the existing mature trees, woody shrubs and hedgerow that form the southern site boundary. This arrangement also places the existing trees and hedgerow at this location on communal ground, rather than within private residential gardens, as was the case with the refused application. I consider that this should result in less pressure to excessively prune or even remove the trees, several of which are protected under a TPO.

Turning now to the detail of the impacts of the proposed development upon trees on the site. The submitted tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020) identifies 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.

The final iteration of the refused application entailed the removal of 70 early-mature or older trees, tree groups and hedges, 61 of which were category 'B' and 9 of which were category 'C' or 'U'. All the TPO and category 'A' trees on the site were to be retained. (BS5837: 2012 - Trees in Relation to Design, Demolition and Construction classifies category 'A' trees as being of high quality with a remaining life expectancy of at least 40 years; category 'B' trees are of moderate quality with a remaining life expectancy of at least 20 years; category 'C' represents trees of low quality and category 'U' trees have less than 10 years life expectancy under the current land use).

The current application entails the removal of all the aforementioned 70 trees, tree groups and hedges, but in addition requires the removal of a further four trees (T44, T71, T72, and T76; although T72 is dead and can be discounted) and one further tree group (T132). I consider the majority of these additional tree removals to be of relatively minor significance, but the loss of tree T44, an early-mature, category 'B' walnut located towards the centre of the development, is regrettable and will, in my opinion, have a detrimental impact upon the appearance and quality of the proposed development.

The overall tree loss summarised above must be balanced against the proposed new planting to be carried out as part of an approved landscape scheme. The submitted Landscaping Plan (dwg: 178(2)-999-1006) shows 21 new standard sized

trees to be planted throughout the scheme. However, I consider that this number should be reduced to 17 through an amended landscape plan, because in my opinion some of the suggested tree planting locations are unsuitable, as follows:

Plots 4 and 6: two trees located too close to the detached garages - remove; Plot 7: tree located close to front of house – substitute for smaller variety eg Amelanchier variety (snowberry), or Prunus amanagowa (flowering cherry); Swale: two trees located too close to garages to plots 11 and 12 – remove; Either side of entrance to apartments parking area: fruit bearing trees located too close to (overhanging) parking bays – substitute for non-fruiting species eg Amelanchier variety (snowberry), or Prunus amanagowa (flowering cherry).

In addition to the above, I would recommend removing the suggested area of 'thicket / scrub mix' on either side of the bridleway east of the three bungalow units. There is insufficient space for additional tree planting here due to the presence of existing trees to be retained. The suggested thicket planting also falls under the canopy spread and within the root protection area of adjacent TPO trees and the competition with them should be avoided.

Aside from these points regarding the proposed locations of new tree planting, I note that specific details have yet to be provided regarding planting pit design and associated infrastructure. Further details will also be required as to the proposed methodology for wild flower seeding or planting, some of which is located within the root protection area of retained trees, so as to avoid any potential root damage during ground cultivation. These landscaping details could be provided under condition to any planning permission granted.

In terms of overall tree numbers, discounting young trees (taken to be of negligible amenity value) and taking account of those trees to be removed and the proposed new tree planting (17 trees not 21 as currently shown on the Landscaping Plan), the development as currently proposed will result in the net loss of 57 out of the 129 early-mature and older trees, tree groups and hedges on the site.

Turning to considerations of local plan policy, important trees and groups of trees qualify as a natural asset for the purposes of adopted Shropshire Council SAMDev Policy MD12 – Natural Environment. This policy encourages development that appropriately conserves, enhances, connects, restores or recreates natural assets. Development that will have a significant adverse effect upon a natural asset will only be permitted if it can be clearly demonstrated that there is a): no satisfactory alternative means of avoiding such impacts through re-design or relocation on an alternative site; and b): the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of avoidance then mitigation then compensation measures will be sought. An application should demonstrate that on-site mitigation or compensation measures are not feasible, before off-site measures will be

considered (such as tree planting, for example, towards compensation for unavoidable tree loss). Applicants may, where appropriate, make a contribution via a section 106 agreement to funds to support the conservation and enhancement of natural assets, including the planting of trees, woodland and hedgerows.

This approach is supported by SAMDev Policy MD2 (Sustainable Design), which at paragraph 3.8 states that ‘to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13.’

Section 3.12 of MD2 goes on to state that ‘new planting of trees, woodland and hedges should be incorporated to reinforce existing landscape features and will be particularly favoured in publicly accessible or visible locations within the site. Consideration should be given to the appropriate use of trees and plants, reflecting the character of the site and its context, including the use of native trees and provision of long lived, large canopied trees. Sufficient space should also be provided to safeguard existing vegetation where possible. Where the layout, density or design of development results in the loss of existing vegetation, suitable mitigation measures should be put in place on site, in the first instance, or through off site compensation measures where this is not possible, in accordance with the principles in Policy MD12 Natural Environment.’

My consultation responses to the previous refused application raised the issue of potential off-site tree planting, or financial contribution from the developer towards it, being employed to compensate for the substantial net tree loss resulting from the development as currently proposed, in accordance with SAMDev Policies MD2 (Sustainable Development) and MD12 (Natural Environment). In the absence of a reduction in the number of proposed dwellings in the current scheme, to allow the retention of more category ‘B’ trees and / or space for planting a greater number of new trees, I remain of the opinion that suitable compensation for this net tree loss should be secured, for example through a s106 agreement, as a prerequisite of planning permission. Subject to that caveat, I would recommend attaching the following tree protection and landscaping conditions, should permission for this current application be granted:

All pre-commencement tree works and tree protection measures detailed on drawing 178(2)-P-ARB and in the Arboricultural Method Statements and Tree Protection Plans 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.

The development shall be implemented in accordance with drawing 178(2)-P-ARB and the approved Arboricultural Method Statements and Tree Protection Plans 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.

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 approved drawings 3454 Rev A, 178(2)-P-TPO1 and 178(2)-P-TPO2, 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.

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:

- 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;
- 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.

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 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.

03.03.2022 I can report that I consider your offer of £30,000 under a s106 Agreement towards restoration of the tree lined parade on Albrighton High Street to be acceptable from an arboricultural perspective. I consider that this would have sufficient public amenity benefit to compensate for the net loss of trees to development within the site (in conjunction with new tree planting as part of an approved landscape scheme within the site).

This therefore satisfactorily addresses the concern raised in my consultation response to the planning application of 9th February 2022. That response also contained recommended tree protection and landscaping conditions to be applied, should permission be granted. I stand by those recommended conditions. I would stress that this addresses the concerns I raised from an arboricultural perspective; there are of course numerous other material considerations to be taken into account which will have a bearing on the determination of the application.

07/04/2022 I have reviewed the amended Landscape Plan (178(2)-999-1006 REV B), amended Arboricultural Plan (178(2)-P-ARB REV B) and amended Arboricultural Impact Assessment submitted further to my previous consultation response (dated 9th February 2022).

I note that amendments have been made to the new tree planting proposals in terms of tree species and certain planting positions that largely address the concerns raised in my previous response. There remains one issue that has not been addressed on the amended Landscape Plan, in that the two trees proposed to be planted on the left and right hand sides of the entrance to the parking area between the two apartment blocks are still shown as rowan and crab apple respectively. These are perfectly acceptable trees in themselves, but since their canopies will overhang the parking bays closest to them, I would recommend substituting them for a species that, whilst bearing ornamental blossom, does not bear fruit and has a much more upright (less wide spreading) branch structure, such as the cherry variety Prunus manogawa. (A similar substitution has already been made in front of plot 7, for reasons of confined space). However, this is a

recommendation based on potential future nuisance issues and I would not see it as grounds for objection to the Landscape Plan.

As a final comment on the tree planting proposals, I note that plot 4 has been substituted for a different house type and garage arrangement, as a result of which I consider that there is now room for a suitable tree to be planted in the garden on the north side of the dwelling. This would not only add to the tree stock, but also serve as a useful visual screen between the rear of plot 4 and the front of plot 6 behind (north of) it. Of the planting palette included on the Landscape Plan, I would suggest a silver birch would be suitable.

Turning to the overall layout and design of the scheme, I note that the shape of the swale has been altered to allow retention of Tree 44 an early-mature walnut. I consider this to be a tree of high amenity value in a central location that will enhance the appearance of and add character to the development. However, reference to the amended arboricultural report (p28) shows this tree has potential to increase significantly in size and that its canopy starts at a height of 2m above ground level. The layout as currently proposed shows that the canopy of this tree extends on its west side over halfway across the access road serving plots 10 12, directly in front of plot 9 on the opposite side of this road. Given the low height of the canopy and the future growth potential, I would strongly recommend that the layout be further amended if possible, so as to create a greater distance between Tree 44 and the access road to its west. I would suggest this could perhaps be achieved by moving plot 9 slightly to the west and angling it slightly north-east to south-west, to align more with the garages to its north. This would allow the mouth and southern end of the access road to be shifted slightly further away from the tree. I hope that this suggestion could be put to the applicant for their consideration.

Subject to the points of detail regarding tree planting and site layout discussed above, I support the revisions put forward in the amended documents and would refer to my previous consultation response of 9th February 2022 for recommended conditions to be applied, should permission for this application be granted (although the reference numbers for the approved documents and drawings would need amending to reflect the current versions).

05/08/2022 I have reviewed the amended drawings submitted since my last consultation response of 14th July 2022 (which incidentally does not seem to have been registered against this application) and wish to provide further comment regarding arboricultural issues.

My consultation response of 14th July supported the revision of the layout so as to retain the walnut tree (T44) towards the centre of the site, but raised three specific points of concern regarding:

i) the different locations of the tree protection measures for T44 as shown on the Boundary Treatment Plan compared to the Arboricultural Plan;

- ii) the different locations of services to be installed through the root protection area (RPA) of protected ash tree (T32) as shown on the General Arrangements Plan compared to the Works Near TPO Tree sheets 1 and 2;
- iii) the species choice for the new tree to be planted close to the north-eastern corner of plot 12.

Having reviewed the amended drawings, I can report that the latest revisions have addressed the concerns identified above. I therefore have no remaining objection to this application on arboricultural grounds, subject to suitable measures to protect retained trees from damage or harm during demolition and construction activities, implementation of an approved scheme of landscaping, and a suitable developer contribution as necessary and appropriate to compensate for loss of tree amenity on the site, in accordance with SC policies MD2 and MD12.

I would recommend attaching the following conditions, should permission be granted:

-All pre-commencement tree works and tree protection measures detailed on drawing 178(2)-P-ARB Rev D and in the Arboricultural Method Statements and Tree Protection Plans 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 [registered 13 June 2022]) 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.

-The development shall be implemented in accordance with drawing 178(2)-P-ARB Rev D and the approved Arboricultural Method Statements and Tree Protection Plans 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 [registered 13 June 2022]). 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.

-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 [registered 13 June 2022]), shall be undertaken

	<p>in accordance with approved drawings 3454 Rev A, 178(2)-P-TPO1 Rev B and 178(2)-P-TPO2 Rev B, under the supervision of and monitoring on site by the project arborist.</p> <p>Reason: to ensure damage is avoided to important protected trees on the site.</p> <p>·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 full and final details of the landscaping scheme shown on the approved Landscaping Plan (178[2]-999-1006 Rev F) have been submitted to and approved in writing by the LPA. The final details shall be prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, and include details 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.</p> <p>Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.</p> <p>·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.</p> <p>Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.</p>
4.1.16	<p>Country Parks and Heritage Sites Manager (South)</p> <p>07/09/2022 I confirm that I am happy to accept the proposal for £20,000 payment to be made for management of Donington and Albrighton Local Nature Reserve. This will be as part of compensation works for proposed development work at Whiteacres, Albrighton. This was discussed at the recent Donington and Albrighton Local Nature Reserve management committee meeting (Emma and Bob are copied in)</p> <p>In terms of the Greenscape report, we can carry out the following recommendations at the nature reserve;</p> <p>Removal of variegated yellow archangel and cherry laurel from wet woodland</p>

	<p>The planting of scrub mentioned in the report will be carried out in conjunction with coppicing of willow trees. Without the coppicing, the young trees will struggle for light. The planting list will include other British native species, as well as those mentioned. We reserve the right to plant the scrub at areas of the reserve most suitable (using our discretion). Therefore, it will not be limited to those locations mentioned in the report. The increased light levels reaching the woodland floor will have benefits in terms of ground-flora, invertebrates and food webs</p> <p>Our management works will not include removal of daffodils. These have been planted by members of the community so, although non-native, they have cultural and aesthetic value</p> <p>In summary, I am confident that the biodiversity of the nature reserve can be improved considerably, using our local ecological knowledge of the site.</p>
<p>4.1.17</p>	<p>MOD Safeguarding</p> <p>18/05/2022, 11/07/2022 & 28/07/2022 The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.</p> <p>The application is for the erection of 24 dwellings, with associated parking, garaging, and landscaping. The 2 3-storey dwellings are approx. 11m in height, and the 2-storey dwellings are approx. 8m in height.</p> <p>The application site occupies the statutory safeguarding zone(s) surrounding DCAE Cosford. In particular, the aerodrome height and technical safeguarding zones surrounding the aerodrome and is approx. 2.04km from the centre of the airfield.</p> <p>After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.</p> <p>The MOD must emphasise that the advice provided within this letter is in response to the data and/or information detailed above/in the developer's letter/document titled 'Design and Access Statement' dated 03/12/2021. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.</p>

4.2	Public Comments
4.2.1	<p>This application was advertised via press notices and a site notice was posted on three occasions following the receipt of amended plans and the overall publicity period expired on the 30.08.2022. Eight objections have been received at the time of writing on the following grounds:</p> <p><u>Publicity Arrangements</u></p> <p>Residents have not been notified directly. The site notice was not displayed as stated.</p> <p><u>Historical and other Planning Matters</u></p> <p>The first approval for the use of Garridge Close as an access was for the construction of only 3 dwellings. The proposed building plans on the social club will reduce parking options for the school.</p> <p><u>Housing Mix</u></p> <p>The proposal does not meet the requirements for Albrighton's ageing population due to the number of 3 and 4 bedroom properties.</p> <p><u>Overdevelopment</u></p> <p><u>Highway Safety and Convenience</u></p> <p>The proposed development would result in an unacceptable increase in traffic along Garridge Close which is too narrow. Currently congestion and parking problems along Garridge Close and Newhouse Lane are caused traffic associated with the school and occupants of adjacent residential properties which use Garridge Lane to access the rear of their properties. Parking also occurs on the junction of Garridge Close and Newhouse Lane which is narrow and there is a pedestrian crossing adjacent and this is dangerous. The shortening of driveways will mean that vehicles protrude out into the road and mean that vehicle movements will be closer to houses.</p> <p>Potential for restricted access by emergency vehicles and delivery vehicles. Parking restrictions are not supported (as no parking would then be available for Garridge Close residents) but a residents parking scheme is and would ensure that the road not obstructed.</p> <p>Contrary to the highway report submitted with the planning application:</p> <ul style="list-style-type: none"> • The beyond 2 Garridge Close there is no pedestrian area, the block paved road is a shared surface for cars and pedestrians. • There is currently no free flow of traffic along Garridge Close at peak times.

- It is considered that the data supporting the report is inaccurate and misleading in terms of the number of existing and proposed vehicle movements.

There is no pavement and demarcating a pedestrian area is not sufficient in pedestrian safety terms. The safety of users of the bridleway is queried and the fact that it is overgrown means pedestrians have to walk on the road.

Concerns are expressed in relation to the impacts of construction traffic including Large Goods Vehicles (LGV's) and parking for contractors. As part of any permission access for residents of Garridge Close in the course of construction needs to be maintained.

The previous planning application was refused and one of the reasons was based on the an unacceptable increase in traffic along Garridge Close. This was based on 19 dwellings whereas the current proposal increases the number of dwellings.

The properties at Ash Grove have pedestrian gates opening onto Garridge Close which are used for deliveries and refuse collection. Cars are parked on Garridge Close belonging to residents of Ash Grove.

Garridge Close is block paved and it is questioned who will maintain this should it be damaged by construction traffic. It is stated that the deeds of a number of properties at Garridge Close have shared responsibility for the tarmac section of the road and it is queries who will pay for these to be changed.

There have been incidents where parked cars are damaged by delivery drivers due to insufficient manoeuvring space being available.

Precedent

The development could potentially create a vehicular access to a further development to the rear of the Harp Public House and exacerbate highway problems.

Loss of trees and biodiversity

There are trees which have Tree Preservation Orders present on the application site and the development will result in the loss of established trees and biodiversity. Stated that the boundary the property goes through the centre of a tree trunk.

Residential Amenity

The proposal would change a quiet cul dec into an access for a larger development which will impact on residents, their well-being/mental health and property values. Construction traffic would pass in close proximity to houses and with mud, dust and noise impacting on residents.

	<p><u>Other Matters</u></p> <p>Questioned why a pumping station is required and how it will be maintained.</p> <p>Damage to services. Impact of construction traffic on housing foundations.</p>
5.0	THE MAIN ISSUES
	<p>Material Planning History Principle of the Development Highways Safety and Convenience Arboriculture and Biodiversity Historic Environment Open Space Affordable Housing Flood Risk and Drainage Residential Amenity</p>
6.0	OFFICER APPRAISAL
6.1	Material Planning History
6.1.1	<p>A planning application under reference 20/03508/FUL was refused planning permission on this site on the 25.05.2021 for 20 residential units. It was refused contrary to the officer recommendation for the following reason:</p> <p>Although the site is an allocated site (Site SB003 - Land at Whiteacres in the Shropshire Council Site Allocations and Management of Development (SAMDev) Adopted Plan (December 2015) and Site ALB002a in the Albrighton Neighbourhood Plan (ANP) 'Light'(June 2013)) for up to twenty dwellings, the development would be contrary to SAMDev Policy S1 and ANP Policy ALB2, in that it would not largely comprise appropriate housing for occupation by people of retirement age in accordance with the requirements of the SAMDev Allocated Sites' Development Guidelines and ANP Policy ALB2. It would also by virtue of its design, layout and loss of trees not adequately respect and enhance the character and significance of the Conservation Area and its setting and would have an adverse impact on the trees and ecology on and around the site that would not be adequately mitigated. The development would as a result give rise to less than substantial harm to the significance of the designated heritage asset and would not give rise any to public benefits sufficient to outweigh that less than substantial harm. The development would also be likely to result in an unacceptable increase in the level of traffic on Garridge Close, as a result of the deviation from the envisaged type of housing. The development would therefore also not be compliant with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2, MD12 and MD13 and the NPPF.</p>
6.1.2	<p>An appeal was made against this refusal of planning permission and the decision is currently pending. The refused application was for 18 new dwellings, comprising 3</p>

	terraced bungalows, 11 detached houses and 4 apartments. The apartments were in a single block on the northern side of the site, within the conservation area. By contrast the current proposal comprises 12 apartments (4 -one bedroom and 8 - 2 bedroom), 6 bungalows (3 of which are affordable 1 bed terraced type and 3 are three bedroom detached type) and 6 two storey dwellings (4 bedroom). Material differences between the current application and that subject to application 20/03508/FUL will be considered in the main body of the report below.
6.1.3	One of the primary concerns raised in the objections of the parish council, West Mercia Police and in representations received from members of the public relate to the adequacy of the road through Garridge Close for vehicular access for this development. It is material that planning permission (under references 14/03657/OUT and reserved matters application 19/02785/REM) has been granted for three dwellings utilising the tarmacked shared drive at the end of Garridge Close. Whilst this permission is for a lesser number of dwellings than that proposed under the current application it is a material consideration in the assessment below.
6.1	Principle of development
6.1.1	The relevant development strategy policy is that set out in the Shropshire Local Development Framework Adopted Core Strategy (March 2011) “Core strategy” and the adopted Shropshire Council Site Allocations and Management of Development Plan “SAMDev” (December 2015).
6.1.2	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 purposes has been established in the Local Plan and Neighbourhood Plan. The only significant issues in relation to the principle here are raised by the Parish Council who contend that the development should provide housing for people of a retirement age and that the number of dwellings proposed is excessive.
6.1.3	Policy S1 of the SAMDev 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 stated that “land is allocated for housing development as set out in Schedule S1...”, this includes Land at White Acres (allocation ALB003) and indicates provision on the site of 20 dwellings.
6.1.4	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".
6.1.5	Policy MD3 (Delivery of Housing Development) of the SAMDev requires that residential proposals on sites of five or more dwellings include a mix and type of housing that has regard to local evidence and community consultation.
6.1.6	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".
6.1.7	One of the grounds that planning permission under reference 20/03508/FUL was refused was that it would not largely comprise of appropriate housing for occupation by people of retirement age. In planning application 20/03508/FUL the housing mix and type proposed was 10 4-bedroom two storey properties, 1 5-bedroom two storey property, 3 1-bedroom terraced bungalows and 4 two storey 2 bedroom flats. The officer report on this planning application acknowledged that whilst this scheme comprised predominantly 4- and 5-bedroom family housing given that 3 1-bedroom terraced bungalows and 4 two storey 2-bedroom flats were also proposed it could not be considered non-compliant with the development guidelines and the allocation of the site for housing which only requires that a proportion of one and two-bed units is provided and that properties were capable of occupation by people of retirement age.
6.1.8	The housing mix and type now comprises 12 apartments (4 -one bedroom and 8 - 2 bedroom), 6 bungalows (3 of which are affordable 1 bed terraced type and 3 are three bedrooms detached type) and 6 two storey dwellings (4 bedroom). The housing mix and type now predominantly comprises smaller units (being the 12 one and two bed apartments and the 3 one-bedroom bungalows), further the provision of 6 bungalows in the development makes these units more suitable for persons of retirement age. In addition, the application is accompanied by a policy note which details how this housing mix and type was arrived at having regard to local evidence and community consultation as required under policy MD3. The policy note explains that this community consultation was undertaken in the process of adopting the local plan and in processing the planning application under reference 20/03508/FUL. It is also material that in accord with the comments of SC Affordable housing that 15% or 3.6 of the 24 units should be affordable in tenure in accord with material planning policy. The 3 x 1 bed bungalows are proposed as affordable units and these would be secured by way of a legal agreement with two being for affordable rented and the other being provided on a shared ownership basis. A financial contribution equating to 0.6% of the values of an affordable housing unit would also be secured by way of the legal agreement. On this basis and notwithstanding the comments of the parish council it is considered that the proposal is wholly compliant with all material planning policy aspects in relation to housing mix, type and consultation requirements.

6.1.9	<p>The parish council consider that the provision of 24 units comprises overdevelopment as the allocation in the SAMDev indicates provision on the site of 20 dwellings. The figure of 20 in the SAMDev is an indication of the number of residential units which is likely to be brought forward on the site and not a maximum ceiling figure. The National Planning Policy Framework (2021) “NPPF” provides guidance in paragraphs 124 and 125 on achieving appropriate densities in developments and advises that planning decisions should support development that makes efficient use of land taking into account the listed criteria which include the identified need for different types of housing, infrastructure, the desirability of maintaining the areas character and in securing well designed attractive healthy places. As explained in the preceding section the proposal subject to the current application proposes smaller units with a view to aligning with the requirements with the development guidelines and the allocation of the site for housing in meeting an identified housing need for older occupants. A detailed assessment of number of dwellings proposed including consideration of the adequacy of the highway infrastructure and whether the development maintains the character of the area having regard to the NPPF’s requirements is undertaken below.</p>
6.2	<p>Highways Safety and Convenience</p>
6.2.1	<p>One of the significant issues in relation to the planning application which is evident in the comments of objectors, the parish council and West Mercia Police are various concerns in relation to the vehicular access through Garridge Close.</p>
6.2.2	<p>The issues 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 25 dwellings (this includes the existing bungalow at Whitehaven the access for which would be re-routed through Garridge Close). There is also a concern, with the existing level of traffic and the use by school related traffic, about pedestrian safety and access for emergency and other vehicles.</p>
6.2.3	<p>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.</p>

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. It is also material that as explained in the introduction of this report planning permission has already been granted for an access through Garridge Close for a development of 3 dwellings on this site.
6.2.5	The comments of the Highway Authority acknowledge the concerns that have raised in relation in relation to the suitability of Garridge Close to accommodate the additional vehicle movements likely to be generated by the proposed development. They go on to explain that Garridge Close was originally constructed with the intention that future development would take place. Further they consider that based on the scale of the proposed development the impact on Garridge Close would not be severe and a highway objection to the granting of consent could not be sustained.
6.2.6	Concerns are also expressed in relation to the impacts of construction traffic associated with the development and the consequent impacts in terms of amenity, dust, noise but also on the condition of the public highway leading to the site. These are legitimate concerns and mitigation measures are considered necessary in the duration of the development given that all construction traffic will travel through Garridge Close. The Highway Authority have recommended a planning condition requiring the submission of a Construction Traffic Management Plan which would serve to mitigate these impacts in the course of the construction of the development by regulating certain aspects of these activities.
6.2.7	It should be noted that the development would retain a pedestrian access through the development from Garridge Close to the High Street. This pedestrian access to retail and public transport links means that the site can be regarded as being located in a highly sustainable location. Albrighton Primary School is also located within walking distance to the west. The existing bridleway and footpath of the site's periphery would also be retained and this aligns with the development guidelines provided in connection with the allocation of the site for residential purposes described earlier in this report.
6.3	Arboriculture and Biodiversity
6.3.1	In the officer report on the previous planning application 20/03508/FUL it was explained that in spite of various revisions to the scheme, in terms of the impact on trees and ecology, the merits of the proposal are at best marginal and at worst still not wholly adequate, but both the Tree Officer and the Ecology Officer advised that notwithstanding the remaining shortcomings that the scheme could be approved with conditions to ensure that an adequate level of mitigation planting is required. Key policy considerations in regard to these considerations are set out in Core Strategy Policies CS6 and CS17 and SAMDev Policy MD12.

6.3.2	<p>In terms of the comparing the current application with 20/03508/FUL the Tree Team advise that the current arrangement is preferred with the 3 storey apartment blocks being sited on the southern side of the site making them less visible and they would be reasonably screened from the south by the existing mature trees, woody shrubs and hedgerow that form the southern site boundary. It is further advised that this arrangement also places the existing trees and hedgerow on communal ground, rather than within private residential gardens, as was the case with the refused application and that this should result in less pressure to excessively prune or even remove the trees, several of which are protected under a Tree Preservation Orders.</p>
6.3.3	<p>The Tree Team also advise that the final iteration of the refused application entailed the removal of 70 early-mature or older trees, tree groups and hedges, 61 of which were category 'B' and 9 of which were category 'C' or 'U'. They explained that Category B Tree are of moderate quality with a remaining life expectancy of at least 20 years. Category 'C' represents trees of low quality and category 'U' trees have less than 10 years life expectancy under the current land use). It is explained that the current application entails the removal of all the aforementioned 70 trees, tree groups and hedges, but in addition requires the removal of a further four trees (T44, T71, T72, and T76; although T72 is dead and can be discounted) and one further tree group (T132). The Tree Team consider the majority of these additional tree removals to be of relatively minor significance. The Tree Team explain that the loss of these existing trees needs to be balanced against the new planting proposed in the landscaping scheme as part of the development. As part of the amended plans submitted a number of matters raised by the Tree Team were addressed, including the retention of a Walnut and other trees and various changes to the landscaping plan. All matters raised by the Tree Team have been addressed and due to the net loss of trees on the site a contribution of £10, 000 has been agreed to compensate for their loss. This money would be used towards replacement trees of up to 4 cherry trees in locations along Albrighton High Street.</p>
6.3.4	<p>Policies MD 2 (Sustainable Design) and MD 12 (The Natural Environment) which seek to protect and compensate when natural features such as trees are lost in connection with development. Given the net loss of trees and the loss of amenity identified in the comments of the Tree Team it is considered that a financial contribution of up to £10, 000 towards replacement trees in locations along Albrighton High Street is necessary, directly relates to mitigation required in connection with the development and is fairly and reasonably related to the scale and loss amenity as evidenced by the comments of the Tree Team.</p>
6.3.5	<p>The Ecology Officer states that on the basis of the submitted Ecological Appraisal that they are content with the survey work undertaken and agree with the conclusions and recommendations, conditions are recommended to secure the protection and enhancement of biodiversity. The conditions recommended include requirements for the incorporation of features for biodiversity into the scheme, to provide habitat for birds, bats and to provide connectivity for hedgehog with a view to offset impacts of the development on biodiversity. The consultation response</p>

	<p>also explains that even with a net increase in hedgerows as part of the proposed landscaping scheme and biodiversity improvements required by way of planning conditions that there would still be an overall substantial biodiversity loss as a result of the proposed development. It was recommended that more trees (hence) habitats were retained within the scheme. Amendments were made to the scheme which included the retention of additional trees as part of the development in accord with the comments of the council's Tree Team, as per the comments of SC Ecology there is still a substantial loss of biodiversity (-68.86) as a consequence of the development.</p>
6.3.6	<p>Based on this biodiversity loss off site mitigation is proposed with a £20, 000 payment at Donington and Albrighton Nature Reserve. The works identified entail the removal of various invasive species which will result in biodiversity enhancements in terms of ground flora and invertebrates. As part of the compensation measures appropriate monitoring and corrective action would be required for up to 25 years. The comments of SC Ecology state that this is an acceptable method of compensating for the biodiversity loss. Comments from Officer's of council responsible for Donington and Albrighton Nature Reserve state that they are in agreement with these works and the associated monitoring requirements.</p>
6.3.7	<p>Policy MD12 (Natural Environment) of the SAMDev encourages development that appropriately conserves, enhances, connects, restores or recreates natural assets. It states that development that will have a significant adverse effect upon a natural asset will only be permitted if it can be clearly demonstrated that there is a) no satisfactory alternative means of avoiding such impacts through re-design or relocation on an alternative site; and b) the social or economic benefits of the proposal outweigh the harm to the asset. Whilst policy MD12 is not inconsistent with the NPPF (2021) the latter provides the more recent guidance. Paragraph 180 a) of the NPPF (2021) states that if significant harm to biodiversity cannot be avoided, adequately mitigated or as a last resort compensated then planning permission should be refused. The comments of the Trees Team and SC Ecology together explain that overall that there is a loss and biodiversity (-68.86 based on the submitted biometric assessment) and that this is due to the loss of trees and hence habitat as part of the development. In terms of criteria a) of policy MD12 and requirements in the NPPF (2021) in terms of firstly redesign and mitigation, amended plans have been submitted addressing comments of the council's Tree Team in terms of the retention of additional trees, notably the more significant walnut tree at the centre of the development. There is also a net gain in terms hedgerows on the site albeit that as per the comments of SC Ecology these will not be high and wide hedgerows but small managed hedgerows within built development so of lesser value for biodiversity. As there is still a net loss of biodiversity compensation is permissible under these policies as a last resort. The advice of the Trees Team and SC Ecology is that off-site compensation is appropriate in this instance with compensatory tree planting in the High street and biodiversity enhancements at Donington and Albrighton Nature Reserve. In terms of the requirements both criteria a) and b) of policy MD12 in terms of the</p>

	<p>consideration of alternate sites and the weighting of social and economic benefits it is material that the site is allocated for residential purposes such that the principle of the development has already been established. Bringing the allocated housing site forward for residential development will support the development of sustainable and self-contained communities with associated social and economic benefits in accord with the settlement hierarchy in the development plan. Social benefits also include providing a good quality sustainable housing of the correct mix and type to meet the needs of the community and in this case the needs of people of retirement age and an affordable housing element. The development would also be located close to, and with pedestrian connectivity to, Albrighton High Street with access to retail, social and community facilities and public transport links which means that the development can be regarded as being located in a highly sustainable location. Having regard to these material considerations it is considered that criteria a) and b) of policy MD12 are deemed to be met.</p>
6.3	<p>Historic Environment</p>
6.3.1	<p>SC Conservation (Historic Environment) explain that part of the site is within a conservation area, there are also listed buildings present to the north along with Albrighton Hall and its grounds to the east which are classed as a non-designated heritage asset. The Heritage Impact Assessment submitted with the planning application indicates that the proposal would not result in harm based on the fact that the existing site does not contribute positively to the conservation area and because the proposed development does not result in any loss of significance of conservations area’s medieval core or wider rural landscape. In addition, due to the distance from and intervening screening present it is stated that the development will not lessen the significance or setting of the listed buildings to the north. As regards Albrighton Hall and its historic curtilage/grounds which is classed as a non-designated heritage it is deemed that there is no intervisibility and therefore there is a neutral impact. The council’s SC Historic Environment state that they concur with these findings and their overall conclusion is that the proposal consists of less than substantial harm as defined under paragraph 202 of the National Planning Policy Framework, albeit that this leans towards the lesser end of the spectrum where this very much dependant on the retention of the existing trees on the site and to ensure existing screening and enhancement of these via the proposed landscaping scheme to mitigate against potential impact of the development and retain the established character of the area.</p>
6.3.2	<p>The Council’s SC Historic Environment also advise that the proposed design is generally fine taking account of the local vernacular with regards to architectural detailing. Amended plans were also received addressing SC Historic Environment concerns that the upper storey windows should be reduced in scale and this consultee now has no objections but recommends conditions requiring details of boundary treatment, joinery and all external finishes and materials. As some of this information has already been provided conditions on all these matters are not considered necessary.</p>

6.3.3	<p>In terms of the impact on the adjacent designated heritage assets including the Albrighton Conservation Area and the nearby Listed Buildings the Committee needs to be mindful of the obligations under s.66 and s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended). SC Historic Environment’s overall conclusion is that the proposal consists of less than substantial harm albeit that this leans towards the lesser end of the spectrum. In accord with advice in paragraph 202 of the NPPF Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this regard it is material that the site is allocated for residential purposes under the provisions of the development plan. Bringing the allocated housing site forward for residential development will support the development of sustainable and self-contained communities with associated social and economic benefits in accord with the settlement hierarchy in the plan. Social benefits include providing a good quality sustainable housing of the correct mix to meet the needs of the community and in this case the needs of people of retirement age and an affordable element in accord with the provisions of the development plan. The development would also be located close to, and with pedestrian connectivity to, Albrighton High Street with access to retail, social and community facilities and public transport links which means that the development can be regarded as being located in a highly sustainable location. Direct and indirect economic benefits in terms of employment opportunities will also accrue. Taken together these public benefits are considered to outweigh the less than substantial harm identified by SC Historic Environment which they acknowledge is at the lower end of the spectrum.</p>
6.3.4	<p>It was explained earlier in the report that a financial contribution of up to £10, 000 has been agreed toward the planting of trees on Albrighton High Street as compensation for the net loss of trees and biodiversity. Albrighton High Street is also within the conservation area to the north of the site. As explained in the introduction of this report the development guidelines associated with the allocation of this site (ALB003) state that the development proposals should respect and enhance the character and significance of the conservation area and its setting. The Albrighton Neighbourhood Plan “Light” also requires that “any proposals should be subject to the development enhancing the adjoining conservation area and its setting”. The proposed financial contribution will enable the replacement of up to 4 existing cherry trees on the High Street which are of declining health and are disrupting the hard surface around them which looks unsightly. An associated benefit of these compensatory works is that the replacement trees would also improve the visual amenities of this part of the conservation area. It is therefore considered that the financial contribution will also serve to enhance this part of the conservation area which is in proximity with the site, this aligns with requirements associated with the residential allocation of the site and can be attributed positive weight because the conservation area will be enhanced.</p>
6.5	<p>Open Space</p>
6.5.1	<p>The requirement, as set out in SAMDev Policy MD2, is that there should be 30 square metres (sqm) of usable open space per bed space. The drawings show</p>

	<p>provision 3197 sqm as compared with a minimum requirement of 1680 sqm. Having regard to the comments of the SC Parks and Recreation the 3 areas proposed for open space in the development are considered to meet the guidelines listed and the maintenance of these areas can be secured by way of a legal agreement. The council's Tree Team have also advised that in comparison with the previous planning application on the site that the current proposals to place trees in these communal open space area is preferred, in that it will likely result in less pressure to prune and remove trees which are covered by Tree Preservation Orders.</p>
6.6	<p>Affordable Housing</p>
6.6.1	<p>There is a requirement to provide 3.6 units of affordable housing, which would equate to the provision of three affordable dwellings and a financial contribution. The applicant has agreed to that the 3 x 1-bedroom terraced bungalows would be 'affordable rented' or a 'social rented' tenure and both are acceptable to the council's SC Affordable Housing. These requirements would need to be the subject of a section 106 agreement in accordance with Core Strategy Policy CS11 and the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) (2012).</p>
6.7	<p>Flood Risk and Drainage</p>
6.7.1	<p>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.</p>
6.7.2	<p>The reasons why a pumping station is required for foul drainage has been raised in the objections received to the planning application. A pumping station is generally required to deal with height differences between the development and the public sewer and it is not reflective of the adequacy of the sewerage system in the locality.</p>
6.8	<p>Residential Amenity</p>
6.8.1	<p>Policy CS 6 (Sustainable Design and Development Principles) amongst other matters seeks to ensure that all development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Concern is raised in objections on residential amenity grounds including proximity, overlooking and general disturbance.</p>
6.8.2	<p>Objectors have also 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 condition to require the submission of Construction Traffic Management Plan (CTMP) as recommended by SC Highways. Allied to this requirement SC Regulatory Services recommend that given the scale of the development site and proximity of existing residential dwellings that the potential impacts from noise and dust during demolition and construction phase will need to be appropriately mitigated with a Construction Management Plan (CMP).</p>

6.8.3	The council's SC Regulatory Services initially stated that a noise assessment would be required given the proximity of existing residential properties to the pumping station. Amended plans were subsequently submitted re-siting the pumping station to a location where SC Regulatory Services are content that no noise assessment is now required.
7.0	CONCLUSION
7.1	The principle of the development is acceptable given the allocation of the site as an allocated housing site, ALB003 within the adopted SAMDev Plan (2015) and in the allocated housing site ALB2a in the Albrighton Plan (2014). The planning application has been amended such that the housing mix and type now predominantly comprises smaller units and in association with the provision of 6 bungalows this means the proposal is capable of occupation by people of retirement age which makes the proposal compliant with the policy provisions described in the report.
7.2	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. It is also a significant material consideration 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.
7.3	Notwithstanding that the site has been allocated for residential development, the loss of trees and hence habitat (-68.86%) weighs against the development. Policy tests in MD12 and the NPPF (2021) require consideration of avoidance, mitigation and then compensation as well as the consideration of the social or economic benefits were deemed to be met. As part of this assessment offsite compensation through a financial contribution totalling £30, 000 at Donington and Albrighton Local Nature Reserve was considered appropriate to offset the biodiversity loss.
7.4	SC Conservation advise they generally accept the findings of the HIA which assesses the impacts on the conservation area, listed buildings and that the impact on heritage assets is assessed as being "less than substantial harm" albeit that this leans towards the lesser end of the spectrum. In accord with advice in paragraph 202 of the NPPF Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. These public benefits have been assessed in the report including the site's residential allocation as part of the settlement strategy and the benefits of bringing this forward in association with the other public benefits identified in the report. Taken together these public benefits were deemed to outweigh the less than substantial harm identified in the comments of SC Conservation, which were acknowledged to be at the lower end of the

	<p>spectrum. It is also material that an associated benefit of the compensatory works to plant trees in Albrighton High Street in that this would enhance the conservation area and this can be attributed positive weight in the assessment.</p>
7.5	<p>Having regard to all material considerations the advice is that the weight of the balance is in favour of planning permission being granted. It is recommended that planning permission is granted subject to a legal agreement being completed to secure affordable housing requirements, open space provision and a dedicated pedestrian access through the development from Garridge Close and total, up £10,000 contribution towards the replacement of up to 4 existing trees in Albrighton High Street and £20,000 towards biodiversity enhancements at Donnington and Albrighton Local Nature Reserve as compensation for tree and consequent habitat loss as a result of the development. The replacement of the trees in Albrighton High Street will also contribute towards the enhancement of the conservation area in accord with the development guidelines associated with the residential allocation in the SAMDev and the Albrighton Neighbourhood Plan.</p>
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
8.2	Human Rights

	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

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

20/03508/FUL Erection of 18No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage and pool house REFUSE 25th June 2021

21/05665/FUL Erection of 24 dwellings with associated parking/garaging with estate road to include felling of trees and demolition of a bungalow, garage and pool house PDE

Appeal

22/03020/REF Erection of 18No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage and pool house INPROG

11. Additional Information

[View details online:](#)

[21/05665/FUL | Erection of 24 dwellings with associated parking/garaging with estate road to include felling of trees and demolition of a bungalow, garage and pool house | Land To The East Of Garridge Close Albrighton Shropshire](#)

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

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Nigel Lumby

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

APPENDIX 1 – OBLIGATIONS, CONDITIONS AND INFORMATIVES

PLANNING OBLIGATIONS

- Provision of 3 affordable housing units comprising the 3 x 1-bedroom terraced bungalows (two social rented or affordable rented and 1 shared ownership) in addition to a financial contribution equivalent to .6 of the value of an affordable housing unit to Shropshire Council for affordable housing purposes.
- Provision of public open space (as shown on drawing Public Open Space Plan 178(2)/P/POS Rev E before 50% of the dwellings are occupied and the provision of a pedestrian access between Garridge Close and the Public Right of Way on the eastern boundary once the development is substantially completed. Details of the maintenance and long-term management of the public open space and the pedestrian access for the lifetime of the development hereby approved including any associated boundaries (including any trees and hedges) shall be approved by the Local Planning Authority prior to their use.
- No development shall commence until a scheme of biodiversity enhancements at the Donington and Albrighton Local Nature Reserve “LNR Biodiversity Scheme” has been submitted to and approved in writing by the Local Planning Authority which shall include provision for:
 1. A payment of £20, 000 to be made to Shropshire Council in respect of the LNR Biodiversity Scheme Works which also includes provision for all monitoring and contingency for any corrective actions and which shall be payable prior to the commencement of the development hereby approved.
 2. Enhancements at Donington and Albrighton Local Nature Reserve commensurate with the biodiversity loss in connection with planning permission 21/05665/Ful. A timetable for the implementation of the LNR Biodiversity Scheme.
 3. Monitoring results, including any corrective actions and a timetable for their implementation to be submitted to the Local Planning Authority at appropriate intervals in relation to the biodiversity enhancements implemented as part of the LNR Biodiversity Scheme for a period of up to 25 years.
- A financial contribution of up to £10, 000 towards the replacement of up to 4 existing cherry trees including associated works and costs in Albrighton High Street. A specification and costings for undertaking these works shall be provided by Shropshire Council within 3 months at the written request of the applicant. The financial contribution shall be paid to Shropshire Council prior to the commencement of the development hereby approved.

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 hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents

accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:

Location Plan 178(2)/P/100
Topographical Survey 178(2)P/101
General Arrangement Plan GC-GA-500: Rev C
General Arrangement Plan GC-GA-501: Rev C
Works Near T.P.O Tree – Sheet 2 178(2)/P/TPO1 Rev B
Works Near T.P.O Tree – Sheet 2 178(2)/P/TPO2 Rev B
Public Open Space Plan 178(2)/P/POS Rev E
Aboricultural Plan 178(2)/P/ARB Rev E
Apartments Floor Plans and Elevations 178(2)/P/09 Rev C
Material Plan 178(2)/999/1007 Rev D
Landscaping Plan 178(2)/999/1006 Rev G
Boundary Treatments Plan 178(2)/999/1005 Rev F
Site Planning Layout 178(2)/999/1004 Rev G
Longitudinal Section GC-LS-502: Rev A
Proposed Levels and Kerbing Plan GC-PL-503
Proposed Levels and Kerbing Plan GC-PL-504
Refuse Tracking Plan GC-RT-505: Rev A
Small Pumping Appliance Plan GC-SP-506: Rev A
Surface Finishes Plan GC-SF-507: Rev A
Drainage Areas Plan GC-DA-508: Rev A
Fire Appliance Plan GC-FP-510: Rev A
Fire Appliance Plan GC-FP-510: Rev A
HT52 – Burnhill (Opp) Floor Plans and Elevations 178(2)/P/14
Twin Single / Double Garage 178(2)/P/12
Double Garage 178(2)/P/11 Rev A
Single Garage 178(2)/P/10 Rev A
HT-Windsor (Opp) Floor Plans and Elevations 178(2)/P/05 Rev A
Bungalows – Floor Plans and Elevations Rev A

Apartments Floor Plans and Elevations 178(2)/P/09

Garden Wall with Gate & Pier GW/01

Close Boarded Fence with Brick Pier 3604

2.0 High Protective Barrier 3588

1.8M High Close Boarded Fence – 125mm Boards with Capping Rail 3582

No Dig Tarmac Road 3454 Rev A

Bradstone Flag Setting Out Details for Paths and Patio's 3343

Estate Metal Rail with Gate 2456 Rev B

HT49 – Whiston (AS) Floor Plans and Elevations 178(2)/P/07

HT49 – Whiston (AS) Floor Plans and Elevations 178(2)/P/08

HT52 – Burnhill (AS) Floor Plans and Elevations 178(2)/P/04

HT53 – Kingswood (AS) Floor Plans and Elevations 178(2)/P/03

HT72 – Stanlow (OPP) Floor Plans and Elevations 178(2)/P/02 Rev B

HT72 – Stanlow (AS) Floor Plans and Elevations 178(2)/P/06 Rev B

Tree Condition Report Arboricultural Impact Assessment Root Protection Areas Method Statement
(09.01.2020) Terry Merchant Chartered Forester

Flood Risk and Drainage Assessment (November 2021) Woodside Development Ltd

Ecological Appraisal (24/11/2021) Greenscape Environmental

Highways and Transport Report (November 2021) Woodsyde Developments Ltd

Heritage Impact Assessment (November 2021) Berrys

Design and Access Statement Shropshire Homes

Reason: To ensure that the development is completed in accord with the approved details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any demolition works, until a Construction Transport Management Plan "CTMP" incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. and shall provide for:
 - I. A construction programme including phasing of works;
 - II. 24 hour emergency contact number;
 - III. Hours of operation;
 - IV. Expected number and type of vehicles accessing the site;
 - V. Deliveries, waste, cranes, equipment, plant, works, visitors;
 - VI. Size of construction vehicles;
 - VII. The use of a consolidation operation or scheme for the delivery of materials and goods;

- VIII. Phasing of works;
- IX. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- X. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- XI. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- XII. Locations for storage of plant/waste/construction materials;
- XIII. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- XIV. Arrangements to receive abnormal loads or unusually large vehicles;
- XV. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- XVI. Any necessary temporary traffic management measures;
- XVII. Measures to protect vulnerable road users (cyclists and pedestrians);
- XVIII. Arrangements for temporary facilities for any bus stops or routes;
- XIX. Method of preventing mud being carried onto the highway;
- XX. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

All construction activities shall be implemented strictly in accordance with the CTMP approved in writing under the provisions of this planning condition.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and to safeguard the amenities of occupants of adjacent residences.

- 4. Notwithstanding the plans hereby approved no development shall take place until a scheme of surface and foul water drainage, which shall include detailed specifications, calculations and arrangements for the provision of a management and maintenance for the lifetime of the development have been submitted to and approved in writing by the local planning authority. Such details must include the adoption arrangements by any public authority or statutory undertaker or other arrangements to ensure that the management and maintenance scheme will be implemented and maintained throughout the lifetime of the development.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

- 5. Development work will not commence until the arrangements for the provision of a management and maintenance scheme regarding the road system, the footpaths and the associated surface water drainage system for the lifetime of the development have been submitted to and approved in writing by the local planning authority. Such details must include the adoption arrangements by any public authority or statutory undertaker or other arrangements to ensure that the management and maintenance scheme will be implemented and maintained throughout the lifetime of the development.

6.

Reason: In order to ensure satisfactory and safe development.

- 7. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the application site for the purposes of the development hereby

approved until full and final details of the landscaping scheme shown on the approved Landscaping Plan (178[2]-999-1006 Rev G) have been submitted to and approved in writing by the Local Planning Authority. The final details shall be prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, and include details 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. The approved landscaping scheme shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner.

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. Notwithstanding the plans hereby approved no works associated with the development will commence and no equipment, machinery or materials shall be brought onto the application 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 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.
 - 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.

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. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any site clearance or development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works / service runs / Sustainable Urban Drainage Scheme (SUDS) will be carried out, shall be submitted to the Local Planning Authority. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an RPA is planned and carried out in such a manner as 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.

10. No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the approved Tree Protection Measures have been established in compliance with the final approved Tree Protection Plan (Photographs of it in place

might suffice). The approved Tree Protection Measures shall thereafter be retained in position in the duration of the construction of the development hereby approved.

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

11. Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority), an appropriately qualified and experienced Ecological Clerk of Works (ECoW) shall be appointed to ensure that the Working Method Statements, as set out in sections 6.3.2 and 6.6.2 of the Ecological Appraisal – report ref 20-02 027.3 (Greenspace Environmental, 24 November 2021) are adhered to.

Reason: To secure appropriate working methods to ensure the protection of bats and great crested newt which are European protected species.

12. No development shall take place (including demolition, ground works and vegetation clearance) until an Ecological Construction Environmental Management Plan “ECEMP” 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;
 - 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 ECEMP approved in writing under the provisions of this planning condition.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

13. No development shall take place (including demolition, ground works and vegetation clearance) until a Habitat Management Plan “HMP” 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;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - i) Possible remedial/contingency measures triggered by monitoring;
 - j) The financial and legal means through which the plan will be implemented.

The development hereby approved shall be implemented strictly in accordance with the HMP approved in writing under the provisions of this planning condition.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

14. No development shall take place (including demolition, ground works and vegetation clearance) until a biodiversity features plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:
- a) Location and specification for the installation of a minimum of eight integral swift bricks into buildings, erected in clusters of two-three.
 - b) Location and specification for the erection of a minimum of eight woodcrete (or similar) bat boxes suitable for crevice dwelling bats.
 - c) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development.
 - d) Location and specification for one amphibian hibernacula to be built within the site.

Reason: To secure features for biodiversity as part of the development in accordance with MD12, CS17 and section 174 of the NPPF.

15. Prior to the first occupation of the development hereby approved the Ecological Clerk of Works (ECoW)shall submit a report for the written approval of the Local Planning Authority demonstrating the implementation of the Working Method Statements as set out in sections 6.3.2

and 6.6.2 of the Ecological Appraisal – report ref 20-02 027.3 (Greenspace Environmental, 24 November 2021).

Reason: To demonstrate compliance with the Ecological Appraisal Working Method.

16. No development shall commence until a Construction Environmental Management Plan “CEMP” has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include general environmental provisions relating to the construction of the development and, as a minimum, shall include detail of:

Full specification(s) of external lighting (if any)

Working hours during the construction

Dirt and dust control measures and mitigation

Noise, vibration and pollution control impacts and mitigation;

Water quality, drainage impacts and mitigation.

Height, specification and colour of all safety fencing and barriers to be erected in the construction of the development hereby approved.

Monitoring and compliance measures including corrective/preventative actions with targets in the CEMP which shall accord where relevant with British Standards.

The development hereby approved shall be undertaken in accordance with the approved CEMP.

Reason: To safeguard against any impact the construction of the development may have on local and residential amenity.

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

17. Prior to the above ground works commencing samples and/or full details of all external materials including colours 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.

18. Prior to the commencement of the relevant work details of all external windows, doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These details to be submitted 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, windows and any other external joinery shall be carried out in complete accordance with the details as may be approved in writing by the Local Planning Authority under the provisions of this planning condition.

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

19. All pre-commencement tree works and tree protection measures detailed on drawing Arboricultural Plan 178(2)-P-ARB Rev E and in the Arboricultural Method Statements and Tree Protection Plans 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 [registered 13 June 2022]) shall be fully implemented to the written satisfaction of the Local Planning Authority 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.

20. The development shall be implemented in accordance with drawing Arboricultural Plan 178(2)-P-ARB Rev E and the approved Arboricultural Method Statements and Tree Protection Plans 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 [registered 13 June 2022]). 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.

21. 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 [registered 13 June 2022]), shall be undertaken in accordance with approved drawings No Dig Tarmac Road 3454 Rev A, Works Near T.P.O Tree – Sheet 2 178(2)-P-TPO1 Rev B and Works Near T.P.O Tree – Sheet 2 178(2)-P-TPO2 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.

22. Any trees or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason In the interests of visual amenities of the locality.

23. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

24. The dwelling(s) hereby approved shall not be occupied until the car parking space(s) for those dwelling(s) have been completed. The car parking spaces(s) shall thereafter be retained for these purposes in the lifetime of the development hereby approved.

Reason: To ensure that the development does not result in any road / parking problems.

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 within 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/ 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.