

# AGENDA ITEM



Committee and date

**21st May 2024**

## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 23/02095/OUT	<b><u>Parish:</u></b> Albrighton
<b><u>Proposal:</u></b> Outline planning permission for up to 90 dwellings, to include access only. (Revised description)	
<b><u>Site Address:</u></b> Proposed Residential Development Land East of Shaw Lane Albrighton Shropshire	
<b><u>Applicant:</u></b> Boningale Homes Ltd	
<b><u>Case Officer:</u></b> Sara Jones	<b><u>email:</u></b> sara.jones@shropshire.gov.uk

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**Recommendation:-** GRANT permission and provide delegated authority to Officers to secure a Section 106 Agreement as described in the report and any necessary conditions.

## REPORT

### 1.0 THE PROPOSAL

1.1 The amended application under consideration is for outline planning permission to include the access as the only matter for consideration at this stage. The detailed layout, landscaping, scale and appearance of the development is reserved for future consideration. Following significant issues raised by Officers with respect to the layout, the applicants have amended the application. The scheme proposes the erection of up to 90 dwellings on approximately 3.5 hectares of agricultural grazing land to the north of the existing Millfields housing estate. This effectively represents Phase 4 of development, the Local Planning Authority having recently resolved to grant planning permission for Phase 3 (as a windfall site). The proposal site is allocated for residential development under housing allocation ALB002 East of Shaw Lane, in both Shropshire Council's adopted and emerging Local Plan. The schedule S1.1a: Housing Sites for land east of Shaw Lane (ALB002) has a provision guideline of 180 units.

Phase 1 - 56 dwellings;  
Phase 2 - 65 dwellings; and  
Phase 3 – 43 dwellings (windfall site)

The guideline figure for the allocated site sought the delivery of around 180 dwellings. Phase 1 and 2 having delivered 121 dwellings it is anticipated that this remaining site would deliver at least 59 dwellings.

1.2 The main vehicular access for the development is proposed to be through the Millfields development to the south via the existing access onto Kingswood Road. A secondary access onto Shaw Lane is proposed to be provided for pedestrians, cyclists and for emergency access only. The site is currently accessed off Shaw Lane via a gated shared driveway (School Road) with the St Marys Primary School, which is under the applicant's ownership, with the school having a right of access along the driveway.

1.3 The relevant planning history includes applications 17/03774/FUL and 18/03579/FUL. These applications proposed access solely from Shaw Lane with no assurance that access from Kingswood Lane to the south could be achieved, both were refused (and 17/03774/FUL dismissed at Appeal) on the unacceptable impact the proposal would have on highway safety along Shaw Lane.

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- 1.4 Application 17/03774/FUL included a three-storey extra care building which was considered to be out of keeping with the character and appearance of the locality, and to have an adverse impact upon the setting of the listed railway station building. The Inspector agreed with the Council's concerns and concluded that, the totality of harm identified would outweigh the combined public benefits associated with the proposal, including its provision of extra care homes and affordable housing.
- 1.5 Overall, the Inspector concluded that the evidence indicated that the existing conditions present safety risks to highway users and the increased vehicular activity associated with the development at the proposed site access junction with Shaw Lane would unacceptably increase the risk of conflict and confusion between highway users, to the detriment of highway safety.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is bounded to the north by caravan storage, Albrighton Railway Station and a railway line. To the southwest is Saint Mary's Church of England Primary School and school grounds. To the south is the existing Millfield's housing development. The western boundary features a field hedgerow, separating the site from residential gardens on Shaw Lane. Further agricultural land bounds the site to the east.
- 2.2 Four trees on the site are protected under a Tree Preservation Order (TPO) the 'Shropshire Council (Land off Shaw Lane and Kingswood Road, Albrighton') TPO, 2010'. The protected trees are identified as T9, T10, T11 and T12 (all English oaks) in the Arboricultural Assessment and Method Statement (fpcr, April 2023).

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

- 3.1 The Parish Council comments are at variance with the Officer view and the Local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Development Manager South, consider that material planning considerations are raised which warrant consideration by the South Planning Committee.

## **4.0 Community Representations**

### **Consultee Comment**

#### **4.1 SC Highways – Comments**

In the event the applicant pursues the outline permission with access and removes layout as a matter for consideration, Shropshire Council as Highway Authority would not raise any objection to the granting of consent. The current application currently only promotes emergency vehicular access off Shaw Lane, together with pedestrian and cycle access. This is something that is a key consideration when determining

whether from a highway perspective we would support the application. A vehicular access off Shaw Lane would not be appropriate or supported by the Local Highway Authority. On this basis we would seek secure as part of any outline permission granted that this is reflected in any reserve matters application when layout is considered. Recommend conditions.

#### 4.2 **SC Affordable Housing** – Comments:

That the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy and that the level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split for affordable homes provided as a requirement of Policy is 70/30% split in favour of affordable rented tenure.

The affordable dwellings would be required to be transferred to a Registered Provider and allocated in accordance with the Councils Adopted Allocation Policy.

We would also expect the affordable homes to be served off an adopted highway (part of the illustrative master plan would suggest that some dwellings are served off an unadopted highway). Otherwise, this would result in an additional cost to the Registered Provider which may then be passed to the occupier.

Whilst not a current policy requirement, we encourage affordable housing to meet Nationally Described Space Standards.

The size, type, tenure and siting of the affordable housing should be discussed and agreed in writing with the Housing Enabling team before the submission of Reserved Matters should Outline consent be granted.

#### 4.3 **SC Trees** – Comments - In the event the applicant pursues the outline permission with access and removes layout as a matter for consideration, recommend conditions.

#### 4.4 **SC Rights of Way** – No Rights of Way are affected by the application proposal.

#### 4.5 **SC Conservation** – No objection.

Comments - The site lies adjacent Albrighton Railway Station and the interconnecting pedestrian bridge which is grade II listed along with the railway bridge that goes over the adjacent highway which is also grade II listed. The principal railway station was built by the Shrewsbury and Birmingham Railway that later became the Great Western Railway (GWR) during the 1880s in their 'house'

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Italianate design constructed in the 1850s in red brick and slate. The site is also adjacent Meeson Hall that is also grade II listed. To the west of the site lies the terrace of 1- 9 Shaw Lane where these are considered to be a non-designated heritage asset as defined under Annex 2 of the NPPF, where the terrace may have been constructed not long after the construction of the railway.

- 4.6 **SC Archaeology** – Recommend condition - archaeological inspection of ground works.

Further to our comments and recommendations of 03 July 2023 and in the light of further submissions from the applicants' agents and the results of investigative work undertaken on adjacent sites, we are prepared to amend our recommended mitigation for a programme of archaeological work in the form of a watching brief and instead we would recommend that provision for an archaeological inspection of ground works for the proposed development be made a condition of any planning permission for the development.

- 4.7 **SC Drainage** – The outline drainage strategy is acceptable in principle and for this Outline application. Recommend condition and informatives.

- 4.8 **SC Environmental Protection – Amenity** - Recommend condition noise mitigation measures and given the development sites proximity to existing housing and a school there is a potential for noise and dust impact upon the locality during construction phase. Recommend that if permission is granted that a condition requiring submission of a suitable construction management plan which includes measures to control noise and dust impact is attached.

- 4.9 **SC Environmental Protection – Contamination**

Site investigations and evidence of the significant contamination that remains on the main part of the Albrighton Gasworks is reported by GIP Ltd and was submitted in support of planning application 17/02469/FUL. Environmental Reports by GIP Ltd can be viewed at <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OQD8RITDLYE00> and investigations suggested that the prevailing hydraulic gradient in respect of groundwater was in a southerly direction from the Gasworks site to the existing pond within the proposed development site. Contamination in both soils and groundwater was significant.

The Integrale Ltd site investigation and reporting was undertaken nearly 9 years ago and can no longer be accepted to demonstrate potential risks to human health, controlled waters and the environment, and an updated site investigation and risk assessment is required.

Recommend condition.

- 4.10 **SC Ecology (04.03.2024)**

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Recommend conditions.

- 4.11 **Environment Agency** – No objection, recommend conditions.
- 4.12 **Severn Trent Water** – No objection, recommend condition drainage details are secured by condition to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
- 4.13 **Network Rail** – Comments that this proposal will require an interface with Network Rail and raise a number of issues relating to the proximity of the railway line. Full comments can be viewed on the Council's Public Access System.
- 5.0 Public Comments  
Publicity**
- 5.1 Albrighton Parish Council (11.01.2024) – Objection remains as submitted 7<sup>th</sup> July 2023.

Comments that:

- the Parish Council were presented at their last full council with a proposal from the developer, regarding the inclusion of a 20-space car park on the westerly side of the development which they have agreed to take ownership and responsibility for, subject to design considerations and that the proposed attenuation pond would then be tanked underground and the space then being more open.
  - the Parish Council are also aware of a proposal from the developer for an access road is to be extended down, with amenities piped to the top of St Mary's Primary school playing field, to expand use of the junior pitch for the community. Such inclusions, if documented by the developer on the portal, would go some way to mitigate Parish Council objections.
- 5.2 Albrighton Parish Council (07.07.2023) – Objection
- accepts that the land in this application is allocated for development in the Shropshire Council SAMdev plan for housing development in the village.
  - welcomes the position taken by the developer to have a pedestrian and emergency only access by St Mary's school in Shaw Lane.

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- expected the development to help alleviate issues of parking in the village in Shaw Lane and Station Road, emanating from vehicle parking from users of the Railway Station, St Mary's school during drop off and pick up and the nearby doctor's surgery.
- expected within the whole site that open space would be provided with various amenities.
- draws attention to the wording of the SAMdev policy and that the expectation was that a car park would be provided. Considers that the proposed allocation of six spaces, as parallel cut outs from the road, do not provide any additional spaces in reality, as motorists could have parked on that side of the road anyway. Their provision of six spaces falls well short of the 20 spaces envisaged when SAMdev was agreed.
- whilst the developer can point to national guidelines that the proposed phase four development has been met, it is not providing the openness that Albrighton residents were expecting as a usable space. There is no park in Albrighton and this was an opportunity to provide more usable open area to walk and play.
- as the developer has now obtained phase three and four, they are now in the position where they are responsible for provision of facilities identified in SAMdev as there is not much reserved land left within the allocation.
- there is the demand from villagers for an adult football pitch. At our planning committee the developers stated there is an adult pitch at the rear of St Mary's school.
- Parish Council would encourage the developers to consider providing access to these grounds via the development. Security of the school has been the main prohibitor from this field being made available to the public. If a car park could be provided this could be used on a weekend by team members parking. This would minimise parking disruption to residents of the development.

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- as only on outline application, APC are worried that at this stage no provision is identified for one- or two-bedroom dwellings and dwelling suitable for elderly persons, identified in the SAMdev.

5.3 24 Representations received objecting to the application, on grounds which may be summarised as follows:

- strain in local services of the significant new developments.
- It should be a condition of planning permission that existing roads on phases 1 and 2 are completed and adopted by Shropshire Council before any work of phase 4 commences.
- residents of phase 1 have already been living adjacent to a building site for 3+ years, and the planning conditions should ensure that these previous phases of the development are completed and protected from disruption from Phase 4.
- further development is planned by another developer adjacent to Phase 2, which may further impact traffic levels and disturbance to existing residence.
- suggest land to be used for emergency access is gifted to the school to provide a safer, wider access route that allows vehicles to pass on this (blind) thoroughfare, solving an extant issue around vehicular access.
- concern about proposed emergency access route next to school and the use of a bollard, which will become neglected and eventually fail; use of the emergency route by younger children in terms of safety i.e. running into Shaw lane and question time saved by emergency services when factor in removal of the bollard.
- concerns over the impact of additional vehicles movements on Shaw Lane (resulting from the poorly considered control of access for emergency vehicles) and concern that the environmental harm caused does not currently outweigh the benefit of additional housing provision.



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- the transport assessment plan has not been updated since phase 3 was given planning permission. It notes the proposals for phase 3 but has not updated the figures to compensate.
- Millfield Road already has cars parked alongside the road, and an additional 56 vehicle movements along the already Millfield Road (figures from the transport assessment plan) needs to be reconsidered when combined with the additional movements from phase 3.
- with vehicles from phase 4 potentially accessing the M54 the failure to provide an alternative access at the North end of the development could add 3 to 4 KM per day to the return journey for house on phase 4, which is no conjunctive to environmental targets.
- Road access should be included onto Shaw Lane, with a high restricted barrier to ensure access is only used by residential vehicles, and to satisfy Network Rails concerns about the low bridge on Station Road. This could be in the form a shared access road with the school.
- inclusion of a sports facility is also not included in the transport access plan, and if that is accessed via any of the phases of the Millfield developed will increase car movements via Millfield Road – the plans do not provide sufficient parking for the sports field, which is likely to cause further on road parking problems.
- the transport access plan has missed the opportunity to provide direct footpath access to the rail station, which the developer could include in conjunction with the owner of the derelict land adjacent to the station. Current options would require pedestrians to walk in the wrong direction onto Shaw Road before doubling back to access the railway station. It would be a missed opportunity not to provide a direct and shorter footpath between phase 4 and the front of the railway station.
- section 106 developers' contribution should be sort to transform the derelict land adjacent to the railway station driver into additional parking, and to provide a pavement along the full length of the station driver. Section 106 contribution could about sort to provide level access to the Birmingham bound platform at Albrighton Railway Station.

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- request that a condition to ensure that the developer, including their contractors and sub-contractors, must not use an vehicles above 3.5 tones along the existing development roads, with all delivers on larger vehicles transferred to low weight vehicles before turning on to Millfield Road to reduce the risk to existing residences.
- request noise mitigation during construction to ensure no workers on site before 0830 or after 1700, including their vehicles.
- the proposal to widen the access along School Drive (incorporating the current access track) requires the removal of one beech tree (T20) and a significant encroachment of the RPA for the cedar tree (T19) located at the top of School Drive. These trees make a significant contribution to the street scene which will be even more valuable with the further proposed development of the area. If the emergency access is removed from the proposals, this would allow consideration of alternative paved/ gravelled surface that might allow the beech to be retained and for less impact on the cedar tree. If there does need to be excavation within the RPA of the cedar, would suggest that this should be either hand digging only; or excavation with an air-spade. The current arboricultural method statement simply states that the work will be undertaken under a watching brief, and this is not sufficient.
- request installation of a pedestrian crossing at the bottom of School Drive.
- potential for bats – submitted Ecological appraisal is insufficient. Surveys should be undertaken at the appropriate time.
- request location of electric vehicle charging points as part of the full planning application.
- concern about potential archaeology, support for efforts to understand how Albrighton has developed.
- gas central heating should not be the default heating system. Avoiding the costs associated with connecting to the gas network would allow heat pumps to be installed for a similar (or lesser cost) and would result in reduced carbon emissions. It is hard to imagine how Shropshire would be able to reach nett

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zero by 2030 without requiring all new development to be nett zero (although it is recognised that this is perhaps at odds with national planning policy).

- increased use of sole access along Millfields Lane, already used by 150 dwellings, additional 43 (phase 3) and up to 90 further dwellings double size of estate making life intolerable for those of us living on this road. Request reducing in road speeds to 20 mph plus traffic calming measures.
- concern about impact of construction traffic.
- request the provision of single storey bungalows with the aim of releasing family suitable accommodation within the town.
- concern about position of proposed attenuation pool in terms of drainage and proximity to the primary school.
- residents of 1-9 Shaw Lane currently have no off-road parking facilities, request securing access to back of properties via land currently proposed for attenuation pool.
- access path alongside No.9 Shaw Lane with a crossing will erode the parking available to 1-9 Shaw Lane.
- will impact adversely on condition of access roads.

#### 5.4 Ward Cllr Lumby – Objects

- unable to support the application because it doesn't provide the facilities that the community was expecting.
- whilst the children's play area and a small fenced in children's football area have been provided by the developer in phase 2, there is little in the outline application to satisfy the remaining items identified in SAMdev, even though they have through the four phases, owned the majority of land.
- the Draft Local Plan states that the development of the saved SAMDev residential allocation will include provision of land on or adjoining the site for

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open space and leisure facilities and help provide additional parking in the vicinity of Albrighton railway station.

- notes that the wording in the emerging Draft Local Plan policy for this site has changed in that the provision for an adult football pitch and car park have gone from a 'shall' to a 'will'. The original documents when SAMdev was open for consultation indicated a 20-space car park and parking for a coach.
- considers that the coach parking is not necessary but parking for 20 cars remains very much a requirement. Several other objections from members of the public have identified the issue of parking in Shaw Lane and Station Road. A 20-space car park, which could be constructed of the mesh under grass type, would be crucial to alleviating parking issues and making Shaw Lane safer for children attending St Mary's School. Whilst it would attract some commuters from the railway station, relieving on street parking, it could be used by parents drop off/pick up to then use the safe connecting pavement into Shaw Lane school entrance.
- the developer must consider a scheme, funded by CIL where access and facilities are built to use the adult size playing field at the rear of Shaw Lane. Again, the car park would have a role to play allowing persons attending football to park safely and not interfere with the residents of the development. SAMdev clearly said the facility can be adjacent to the development. A youth shelter within the open space should be considered, as it will be far enough away from the houses.
- there was an expectation from the community that this phase 4 would provide more open space than the (nationally compliant) other phases have provided, to give an area to play in.
- the developer should consider contributing, via CIL or 106 to having a raised roadway outside St Mary's school to further provide safety for users.

5.5 Comments West Midlands Trains - would like to propose the following improvements to the station to ensure it's fully accessible:

- Install lifts
- Tarmac the station approach
- Improve exiting footpath on current station approach
- Recover footpath on Birmingham bound platform

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- Install lighting on footpath
- Install waiting shelters/benches

## 5.0 THE MAIN ISSUES

Principle of development  
Access Arrangements  
Community Parking  
Layout  
Ecology  
Residential Amenity  
Archaeology  
Contamination  
Drainage

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site itself forms part of a wider site allocated for residential development at Albrighton within the adopted Local Plan. Specifically, the site forms the northern element of residential allocation ALB002. The site is also located within the settlement development boundary for Albrighton as identified on the Policies Map for the adopted Local Plan. As such, the principle of residential development on the site is established within the adopted Local Plan.

6.1.2 The development guidelines for residential allocation ALB002 are documented within Schedule S1.1a of the SAMDev Plan. They state:

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

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

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

6.2 Access Arrangements

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- 6.2.1 As noted above previous applications encountered issues with achieving a suitable access onto Shaw Lane. The Transport Statement prepared in support of the Phase 1 and Phase 2 planning application, set out that the proposed access onto Kingswood Road would serve the Millfield site in its entirety. A vehicular access off Shaw Lane would not be acceptable and accordingly the applicant has indicated that only emergency vehicular access would be provided off Shaw Lane, together with pedestrian and cycle access. As such a condition is recommended to secure that as part of any outline permission granted that the reserved matters application includes full engineering details of the proposed pedestrian, cycle and emergency access on to Shaw Lane and that the approved works are fully implemented before any of the dwellings it would serve are first occupied.
- 6.2.2 A new foot and cycle path connect the development directly onto Shaw Lane to the west and reduce the walking distance to local amenities. School Road would need to be modified to allow for a dedicated parallel footway / cycleway along its northern edge which would comprise a width of 3 metres wide, with a total corridor width of 4 metres provided to allow for emergency access. The installation of a reflective collapsible bollard to replace the existing gate would ensure that the only vehicles to use the footway / cycle facility would be emergency related. The “school keep clear” markings would be re-painted and two dropped kerb and tactile paving crossings provided to the south and north of School Lane.
- 6.2.3 SC Highways would welcome the refreshment of the markings and the crossing point. Furthermore consideration was given to the provision of a raised plateau to reduce traffic speeds in Shaw Lane however as this access would be an emergency access to the site only and the Safety Audit undertaken by the applicant noted that the proposed dropped kerb and tactile paving crossing points were deemed acceptable and did not identify these to be of a safety concern, the applicant has declined to include this within the scheme.
- 6.2.4 It has been demonstrated that a Fire Tender could suitably turn left in / left out at the emergency access at Shaw Lane and also enter a suitably designed internal road layout.
- 6.2.5 In terms of a visibility requirements, the Shaw Lane access would only be used in the event of an emergency / when the main access via Kingswood Road is blocked. It is not considered necessary or reasonable to demonstrate standard visibility for an emergency access.
- 6.2.6 A second bollard on the development side of the link via Shaw Lane could be provided which would restrict any vehicles on the development side from using the route (other than in emergencies). It is noted that whilst the width of the pedestrian access would be reduced either side of the proposed bollards this is considered acceptable in terms of the relevant guidance contained within Manual for Streets.

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- 6.2.7 In terms of physical separation between the proposed pedestrian access and School Lane, the existing mesh perimeter fencing is proposed to remain and a short section of guard rail fencing is proposed at the existing school gated entrance to improve intervisibility between the school access and the proposed path.
- 6.2.8 Whilst it will be for the school to decide whether a new pedestrian only access is acceptable, the indicative scheme shows how a new pedestrian access could be provided between the proposed development and the school. The access could be located adjacent to 5 additional school cars parks spaces and could provide a more direct link to both future children walking to school and parents using the communal parking bays for drop-offs and pick-ups.
- 6.2.9 The proposed development is an acceptable location for travel by sustainable modes, with many services and facilities in acceptable walking and cycling distances.
- 6.3 Community Parking
- 6.3.1 The submitted Transport Statement acknowledges that there is insufficient formalised parking provided within St Mary's Primary School existing school grounds to accommodate staff, which resulted in ad-hoc indiscriminate overspill parking on grassed verges. The Transport Statement concludes that there is a need for 5 additional parking spaces. It also observes that only staff are authorised to park in the school grounds.
- 6.3.2 To address the identified need the indicative scheme proposes a parcel of land that can accommodate 6 additional parking spaces on the eastern edge of the school's internal access road.
- 6.3.3 Albrighton Station includes a pay and display car park with facilities providing some 17 car parking spaces and 50 cycle spaces. The submitted Transport Statement concludes via observation that there is sufficient car parking provided at Albrighton Station and given there is local free on-street parking available in the vicinity of the railway station, this is a more attractive option for commuters than having to pay at the rail station car park. Further on-street parking does occur along the public highway in the vicinity of the site; however, this is primarily during the school drop-off period (between 08:40 and 09:00), with the majority of parents parking on Shaw Lane and a small proportion parking on the unrestricted section of Station Road or within the railway car park itself.
- 6.3.4 In the light of the above and in response to the SAMDev policy, the indicative scheme includes 6 on-street lay-by spaces adjacent to the public open space access via Kingswood Road. The applicant contends that these communal parking spaces would be open to the public to use as they wish, i.e., for school drop-offs, the train station, or GP surgery, with each of these amenities closely accessible via the pedestrian / cyclist access via Shaw Lane. It has therefore been demonstrated that

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the allocation guideline seeking the provision of community additional parking in the vicinity of Albrighton railway station could therefore be met within this final part of the wider allocation as part of the future reserved matters application.

## 6.4 Layout

6.4.1 It is acknowledged that the layout of a development on this site would need to be largely driven by the constraints imposed by access requirements, provision of public open space, requirement for an attenuation basin and existing trees/pond. Together with the proximity to the railway line and Albrighton Bypass and existing caravan storage north of the site and the school to the southwest.

6.4.2 As noted above the amended application excludes the layout of the development which would be considered at the time of the Reserved Matters application. The indicative layout submitted is unacceptable, encountering issues with regards to “place making” such as insufficient space for vehicular manoeuvring, lack of space for viable and sustainable planting, unacceptable drag distances for refuse collection points, extensive areas of unrelieved parking and inactive edges which would not create a well-designed place.

6.4.3 The layout has however demonstrated that a suitable separation distance can be achieved between the estate perimeter road and retained trees and hedgerows and suitable tree protection measures have been included in the submitted AMS in the AA and MS.

6.4.4 The indicative layout shows a mixture of terraced, semi-detached and detached dwellings. The size, type, tenure and siting of the affordable housing would be required to be identified at the time of the submission of Reserved Matters and preferably discussed with the Housing Enabling Team before submission. Whilst the level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application, the current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split for affordable homes provided as a requirement of Policy is 70/30% split in favour of affordable rented tenure. The affordable dwellings would be required to be transferred to a Registered Provider and allocated in accordance with the Councils Adopted Allocation Policy.

6.4.5 Whilst the precise dwelling mix is a marketing decision for the applicant, it is considered that the mix of development suggested here is varied and would be in accordance with Core Strategy policy CS11 and SAMDev Plan policy MD3, which seek to achieve mixed, balanced and inclusive communities, and the development guidelines to the SAMDev housing allocation.

## 6.5 Open Space Provision

6.5.1 When considering open space provision, in addition to the relevant development guideline (as set out in para. 6.1.2 above), SAMDev Plan Policy MD2 requires the



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provision of adequate open space of at least 30sqm per person calculated on the basis of one person per bedroom.

- 6.5.2 As the landscaping, layout, scale and design has now been reserved for consideration at a future date this is a matter which could be secured by a suitably worded condition to ensure that adequate open space of at least 30sqm per person is provided.
- 6.5.3 Turning to the site guidelines this refers to land for facilities rather than the facilities necessarily themselves being provided, on or adjoining the site. In this regard the applicant has been exploring opportunities to facilitate the provision of formal leisure facilities adjacent the site. This provision should however be complemented by the provision of land on-site for open space and leisure facilities. The open space provision approved on the previous phases of development which make up the overall allocation includes a formal play area and junior football pitch, however it remains important that appropriate and effective open space provision which complements the wider provision on the site, is made on the component of this allocation. In addition, it is noted that the development would be subject to the CIL and that a proportion of this money would be available for the provision of sports facilities should this be a priority for the community.
- 6.5.4 Overall, it is considered that there would be opportunities for the provision of additional open space and leisure facilities with good pedestrian connections to the village could be made on and on land adjoining the site and that details of this should form part of the first reserved matters application. A legal obligation could also ensure that details of the on-going management/ maintenance of the public open space are provided for.
- 6.6 Ecology
- 6.6.1 It is noted that the landscaping details are reserved to be submitted as part of the Reserved Matters application. The Agent has confirmed that as part of these details they would submit a detailed Biodiversity Net Gain Matrix which would demonstrate a net gain. This application was submitted prior to the mandatory 10% net gain requirement however the reserved matters application will need to show no net loss. Section 7 of the Feasibility Report submitted with this application sets out the on-site and off-site options to achieve this.
- 6.6.2 In the light of the additional information submitted the SC Ecology Team have raised no objection to the scheme and recommend suitable conditions to ensure the provision of biodiversity net gain, the provision of amenity and biodiversity afforded by appropriate landscape design and features of recognised nature conservation importance are protected.
- 6.7 Residential Amenity

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- 6.7.1 The details submitted to support this application include a Noise and Vibration Impact Assessment. Surveys were undertaken to determine the existing levels of noise and vibration associated with the adjacent railway lines, Albrighton Bypass, caravan storage and Primary School. This has established that as a consequence of the traffic noise associated with the trainline and bypass, some properties with a direct site line of the railway line and Bypass would require some mitigation in the form of acoustically controlled ventilation. The vibration assessment found that the resultant day and night-time vibration levels would be such that no mitigation is required and likewise the noise from children using the external play areas has been assessed and, when looking in context, it is unlikely to be significant. Therefore, there is no significant noise impacts due to the existing school. Whilst layout has been omitted for consideration at this time the assessment submitted remains relevant.
- 6.7.2 The SC Environmental Protection Team has been consulted on the application and raise no objection in principle subject to appropriate conditions to ensure that details of the noise mitigation measures are submitted for approval.
- 6.7.3 Whilst it is noted that the detailed design of the dwellings is reserved for future consideration the indicative layout indicates that each dwelling could be provided with two parking spaces, which may include the garages. There are no existing residential properties immediately adjacent to the application site proposals, with the exception of adjacent indicative Plot 27 where, subject to an appropriate layout, sufficient distance separation could be retained and, subject to appropriate detailing, an acceptably designed dwelling would ensure no loss of existing residential amenity. Properties on Shaw Lane would be separated from the proposed dwellings by the school premises and as shown on the indicative layout the attenuation pond and associated landscaping, which would ensure the proposals would have no significant impact upon their amenity. The relationship of the proposed development with the dwellings constructed under the previous phase adjacent the southern boundary of the site could be separated by a linear landscaping feature which would, subject to its dimensions, ensure no residential amenity conflicts.
- 6.7.4 Overall, it is considered that an appropriate scheme could be designed to ensure that there would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself.
- 6.7.5 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue can be addressed by conditions requiring the submission and approval of a construction method statement and restricting construction times to 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturdays and no construction on Sundays, Bank or Public Holidays.
- 6.8 Historic Environment

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- 6.8.1 The submitted Heritage Assessment concludes that the site has low potential to encounter remains greater than local archaeological interest. Surviving archaeological remains would most likely be associated with previous farming regimes and 19th century clay extraction pits of a negligible level of local archaeological interest, and their study would be of limited to no evidential value in relation to current research agenda. Based on the information available, the potential archaeological interest of the site does not undermine the principle of its development.
- 6.8.2 Initially the SC Archaeologist recommended a phase of fieldwork to be made a condition of granting planning permission. Upon further consideration the SC Archaeologist is content that in the light of the results of investigative work undertaken on adjacent sites, an archaeological inspection of ground works would be sufficient in this case to ensure the protection of archaeological interests. This aspect of the development could therefore be addressed by the imposition of a suitably worded condition.
- 6.8.3 The submitted Heritage Assessment concludes that the development of this site would have no harm upon the significance of Albrighton Conservation Area, and the Grade II listed buildings 'The Railway Bridge', 'The Railway Station and Footbridge', and 'Meeson Hall', as such it aligns with the statutory objectives of Sections 66 and 72 of the Planning (Listed Buildings and Conservation areas) Act 1990, and Paragraph 189 of the NPPF. The SC Conservation Officer raises no objections in principle to the development of this site.
- 6.9 Contamination
- 6.9.1 The SC Contamination Specialist has reviewed the application and confirmed that site investigations undertaken previously in connection with application 17/02469/FUL are out of date and can no longer be accepted to demonstrate potential risks to human health, controlled waters and the environment and therefore that an updated site investigation and risk assessment is required. Accordingly, a condition is recommended, should permission be granted, to ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.
- 6.9.2 The Environment Agency has also been consulted and concurs with the SC Contamination Specialist's advice and also recommends conditions to ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures; and that the development protects ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).
- 6.10 Drainage

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The Council, as Lead Local Flood Authority (LLFA), has no objection to the proposed development subject to conditions. A Flood Risk Assessment (FRA) has been submitted with the application as required by the NPPF. A Flood Risk Assessment and Drainage Strategy which includes drainage calculations for the disposal of surface water for each phase of the development could be secured by condition to accord with Policy CS18 of the Core Strategy.

## 6.11 Other Issues Raised

- 6.11.1 It is noted that the site is in proximity to the railway line. Network Rail have recommended conditions and identified that the developer (along with their chosen acoustic contractor) is recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.
- 6.11.2 The submitted Noise and Vibration Impact Assessment demonstrates that a suitably designed scheme could be accommodated on this site which would ensure that the future occupants of the dwellings would be afforded acceptable living standards in respect of noise and disturbance (vibration); and that the development would be unlikely to lead to complaints which may in turn place unreasonable restrictions on the established Railway Network.
- 6.11.3 Furthermore, Network Rail has requested that to ensure the safe operation and integrity of the railway, conditions/informatives are attached to protect the railway and its boundary.
- 6.11.4 Network Rail bridge WSJ2/371 carrying rail over Station Road is just north of the site. It's a low bridge with a signed height restriction of 10'-6" 3.2m. The Transport Assessment notes there have been no recorded accidents at the Shaw Lane access, however Network Rail has identified that there have been 3 recorded bridge strikes at the low bridge since 2020. Network Rail has concerns that there could be an increase in the risk of bridge strikes at this bridge through construction traffic and increased traffic volume once the site is in use. Accordingly, whilst it is noted that the site vehicle access is proposed to be from Kingswood Road a condition is recommended to ensure that a Traffic Management Plan is submitted and approved as part of the Construction Management Plan and that a scheme for the provision of advanced warning signs is submitted and approved prior to the development commencing.
- 6.11.5 As noted above the West Midlands Trains have requested improvements to the station to ensure its accessibility to all users. However, whilst this would be welcomed it is not considered to meet the tests with respect to being necessary in order to make the development acceptable.

## 7.0 CONCLUSION

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- 7.1 The site is located within the settlement development boundary for Albrighton and forms the northern element of residential allocation ALB002. As such, the principle of residential development on the site is acceptable having been established within the adopted Local Plan. The amended application under consideration is for outline planning permission to include access as the matter only for consideration. In principle it has been established that a vehicular access off Shaw Lane would not be acceptable and accordingly the scheme proposes that the access to the residential development of up to 90 dwellings would be provided from Millfield Road and then onto Kingsford Lane and a secondary access provided from Shaw Lane for pedestrians, cyclists and for emergency access only. This arrangement is considered acceptable, and a condition is recommended to secure that the reserved matters application includes full engineering details of the proposed pedestrian, cycle and emergency access on to Shaw Lane and that the approved works are fully implemented before any of the dwellings it would serve are first occupied.
- 7.2 The layout, landscaping, scale and appearance of the development is reserved for future consideration, and there would be opportunities for an appropriately designed development to provide for open space and leisure facilities and community parking facilities with good pedestrian connections to the village sufficient to adequately meet the aspirations of the allocation guidelines. It is recommended that this application be granted subject to conditions and a signed S106 agreement which takes into account the on-going management and maintenance of public open space and secures the provision for the delivery of affordable housing in accordance with the requirements of the Councils SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of the Reserved Matters application.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

Shropshire Core Strategy:  
CS1 Strategic Approach

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CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS10 Managed Release of Housing Land  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Site Allocations and Management of Development (SAMDev)Plan:

MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD3 Delivery of Housing Development  
MD8 Infrastructure Provision  
MD12 The Natural Environment  
MD13 The Historic Environment  
S1.1a Albrighton

SPD on the Type and Affordability of Housing  
Albrighton Neighbourhood Plan

## RELEVANT PLANNING HISTORY:

15/02448/FUL Residential Development of 65 dwellings with access and associated works (Amended Description) GRANT 16th April 2018  
17/03774/FUL Residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses; improved access REFUSE 7th June 2018  
18/03579/FUL Residential development of 6 bungalows and 58 houses (revised scheme) REFUSE 26th November 2018  
19/01917/AMP Non-material amendment relating to planning permission 15/02448/FUL - Residential Development of 65 dwellings with access and associated works (Amended Description) GRANT 19th June 2019  
21/00555/AMP Non-material amendment to planning application number 15/02448/FUL GRANT 11th March 2021  
21/00936/DIS Discharge of Conditions 4 (Road Construction), 7 (On-Site Construction), 9 (Bat Bricks), 10 (Lighting), 11 (Swifts), 13 (Badgers), 15 (Tree Protection), 16 (Drainage), 17 (Archaeology), 18 (Levels) and 20 (Footpath Link) on Planning Permission 15/02448/FUL for the residential development of 65 dwellings with access and associated works (Amended Description) DISAPP 14th April 2021  
21/05729/DIS Discharge of Condition 5 (Details of Ball Catch Fencing) associated with planning application number 15/02448/FUL REFUSE 2nd February 2022  
22/00341/AMP Amendments to planning permission 15/02448/FUL - Plot 100 replaces house type K with two Type G units, reconfigured parking bays to plots 90-93, removal of swales following redesigned drainage solution GRANT 1st April 2022

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22/00342/FUL Subdivision of plot to allow for the erection of an additional dwelling (Type G) associated with planning permission 15/02448/FUL (Phase 2A) GRANT 31st March 2022  
22/01451/DIS Discharge of Condition 5 (Sports Pitch Fencing) on Planning Permission 15/02448/FUL for the Residential Development of 65 dwellings with access and associated works (Amended Description) DISAPP 30th March 2022

## Appeal

19/02731/REF Residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses; improved access DISMIS 1st November 2019

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RURJKOTDH0900>

List of Background Papers  
Planning application reference 23/02095/OUT and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member  
Cllr Nigel Lumby

Appendices  
APPENDIX 1 - Conditions



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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the appearance, landscaping, layout, scale and means of access thereto (other than the access points into the site from the Millfields development to the south via Kingsford Lane and the secondary access from Shaw Lane for pedestrians, cyclists and for emergency access only) of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application, other than in respect of the access points direct from the Millfield Road to the south and the secondary access from Shaw Lane for pedestrians, cyclists and for emergency access only. (As such details indicated on plans accompanying the application are for illustration purposes only).

Reason: To define the permission and to retain planning control over the details of the development to accord with Policy CS6 of the adopted Core Strategy.

5. The main means of vehicular access to the development shall be from Millfield Road only. A vehicular, pedestrian and cycle connection from the site must be afforded to land ALB017 & ALB021 (as defined in the draft development plan) directly up to the development boundary of the site. There shall be no means of vehicular access, other than emergency services vehicles, from Shaw Lane.

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Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, in accordance with Policy CS6 of the adopted Core Strategy.

6. The first submission of reserved matters shall include details of how the development will ensure no net loss of biodiversity. This will be informed by an updated statutory biodiversity metric and will follow the recommendations in section 7 of the Biodiversity Net Gain Feasibility Report (FPCR, February 2024). The details shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works;
- ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
- iii) Details of both species composition and abundance (% within seed mix etc.) where planting is to occur;
- iv) Proposed management prescriptions for all habitats;
- v) Assurances of achievability;
- vi) Timetable of delivery for all habitats; and
- vii) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feedback mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the provision of biodiversity net gain

7. The first submission of reserved matters shall include a Construction Environmental Management Plan. The submitted 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

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- 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.

8. The first submission of reserved matters shall include full details of both hard and soft landscaping works. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. The submitted details shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (including creation of hibernacula and log piles and hedgehog-friendly gravel boards);
- b) A tree and hedge planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version;
- c) Details of the trees and shrubs to be planted in association with the development, including schedules of species (including scientific names), seed mixes, locations or density and planting pattern, type of planting stock, size at planting, means of mulching, protection and support, planting period and date of completion, and measures for post planting maintenance and replacement of losses;
- d) 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 c) above;
- e) Written specifications for establishment of planting and habitat creation;
- f) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees or shrubs of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and to enhance the appearance of the development and its integration into the surrounding area.

9. The application for reserved matters relating to the layout of the development shall specify the location of the proposed affordable housing units (provision being in accordance with the associated Section 106 Agreement) to be provided on that part of the site covered by that application. No works shall commence on the part of the site covered by that application until the location of affordable housing within it has been approved in writing by the local planning authority.

Reason: To ensure the provision of affordable housing, in accordance with Development Plan housing policy.

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10. The first application for reserved matters shall include the layout and provision of public open space of at least 30sqm per person calculated on the basis of one person per bedroom and the provision of at least 12 standard sized car parking spaces dedicated for community use, together with details of and the mechanism for the provision of additional leisure facilities on or adjacent the site.

Reason: The provision of play areas and informal open space is necessary in the interest of the amenity, health and well-being of future residents. The condition is to ensure the quantity, quality and accessibility of recreational and amenity open space is appropriate for the development hereby permitted and the provision of community parking facilities in accordance with Policy MD2 and Schedule S1.1a of the SAM(Dev) Plan and Policy CS6 of the Core Strategy.

11. The application for reserved matters relating to the layout of the development shall specify the domestic waste disposal arrangements which shall be adhered to throughout the operational phase of the development.

Reason: To ensure a sustainable development, protect the amenity of the area, the amenities of occupiers of nearby properties and future occupiers of the dwellings hereby permitted in accordance with Policy CS6 of the Core Strategy.

12. The application for reserved matters relating to the layout of the development shall include a Noise and Vibration Impact Assessment undertaken by a suitably qualified person which demonstrates that amenities of future residents / occupiers are protected and that appropriate mitigation measures are identified. The dwellings constructed in each phase of the development shall incorporate the identified noise reduction measures, which shall be carried out/installed before each dwelling is first occupied.

Reason: To ensure the amenities of future residents / occupiers are protected in accordance with Policy CS6 of the Core Strategy.

13. The plans and particulars submitted in support of the first reserved matters application shall include to the written satisfaction of the Local Planning Authority a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version. The development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

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 in accordance with Core Strategy policies CS6, CS17, and policies MD2 and MD12 of the SAM(Dev) Plan.

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14. The plans and particulars submitted in support of the first reserved matters application shall include 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, to the written satisfaction of the LPA. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The development shall subsequently be undertaken in accordance with the approved tree planting scheme.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area in accordance with Core Strategy policies CS6, CS17, and policies MD2 and MD12 of the SAM(Dev) Plan.

15. No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations, or its current version. In this condition 'retained tree' means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any 'retained tree'. This condition shall have effect until a Reserved Matters application is submitted and approved in full.

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 in accordance with Core Strategy policies CS6, CS17, and policies MD2 and MD12 of the SAM(Dev) Plan.

16. A landscape and habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape and habitat management plan shall be carried out as approved.

Reason: In the interests of the visual amenities and ecological interests of the area and to ensure the maintenance of open space and habitat areas in perpetuity in accordance with Core Strategy policies CS6, CS17, and policies MD2 and MD12 of the SAM(Dev) Plan.

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17. No construction or other operations/works associated with the development hereby permitted shall take place outside the hours of 08:00 to 18.00 Mondays to Fridays, and 08:00 to 13.00 on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To ensure that the amenity that neighbouring occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy CS6 of the Core Strategy.

18. The first application for reserved matters shall include full details of existing and proposed ground and finished floor levels. For development adjacent to the boundaries of the application site and adjacent to existing residential properties, the details shall include details of the setting out of buildings with plans annotating the distance of buildings from the boundaries to the existing adjacent properties. The plans shall also provide details of the ground levels at the retained trees and hedges. The development hereby permitted shall only be carried out in accordance with the approved details.

Reason: To ensure the levels are acceptable in relation to the surrounding area and to ensure the development is appropriate in relation to the amenity of neighbouring property; and that there is a satisfactory relationship to existing trees and hedges to be retained in accordance with Policy MD12 of the SAM(Dev) Plan and Policies CS6 and CS17 of the Core Strategy.

## **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

19. The development shall be carried out in accordance with a phasing plan, which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To clarify how delivery of development within the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation are provided in time to cater for the needs and impacts arising from the development and to accord with Policy CS6 of the adopted Core Strategy.

20. No development approved by this permission shall commence until the applicant has notified Shropshire Councils Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide them with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site has the potential to hold archaeological interest and to accord with Policy MD13 of the SAM(Dev)Plan.

21. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the planning authority:

1) A site investigation scheme, based on 'Geotechnical And Phase II Contamination Report No. 1337/A, Intergrale Limited, December 2014' to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

4) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 3 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (2 and 3). The report shall include results of any sampling and monitoring. It shall also include any plan (a "longterm monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Planning Authority. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors, in accordance with Policy CS6 of the Core Strategy.

22. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with and the works carried out accordingly. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors, in accordance with Policy CS6 of the Core Strategy.

23. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and

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submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. In accordance with Policy CS6 of the Core Strategy and paragraph 174 of the National Planning Policy Framework.

24. Prior to the commencement of the development full engineering details of the proposed pedestrian, cycle and emergency access on to Shaw Lane shall be submitted to and approved in writing by the Local Planning Authority. This access shall not be used for construction vehicles. The works shall be fully implemented in accordance with the approved details before any of the dwellings it would serve are first occupied.

Reason: To ensure a satisfactory means of access to the highway protected in accordance with Policy CS6 of the Core Strategy.

25. Before the commencement of any above ground development hereby permitted, a phasing programme for the delivery of the following infrastructure / elements shall be submitted to and approved in writing by the local planning authority:

- a) the phased provision of pedestrian/cycle infrastructure, including provision for temporary works to ensure connectivity as the development phases progress;
- b) Completion of footpaths, cycleways, shared routes, and associated works (including lighting, signage, street furniture).
- c) Completion of emergency vehicular access, pedestrian and cycle access off Shaw Lane.
- d) where applicable details of proposed measures to ensure vehicular access, other than emergency use is prevented between the site and Shaw Lane.

The development shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety in accordance with Policy CS6 of the Core Strategy.

26. No development shall take place, 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:

- i. A construction programme including phasing of works;
- ii. 24 hour emergency contact number;
- iii. Hours of operation;
- iv. Measures to control noise and dust impact;
- iv. Expected number and type of vehicles accessing the site:
  - o Deliveries, waste, cranes, equipment, plant, works, visitors;
  - o Size of construction vehicles;



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- v. The use of a consolidation operation or scheme for the delivery of materials and goods
- vi. 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):
- vii. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads
- viii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- ix. Locations for storage of plant/waste/construction materials;
- x. Arrangements to receive abnormal loads or unusually large vehicles;
- xi. Any necessary temporary traffic management measures;
- xii. Method of preventing mud being carried onto the highway;
- xiii. 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 and to ensure that the amenity that neighbouring occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy CS6 of the Core Strategy.

27. No development shall take place until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and the life of the operational use of the development. The Plan shall provide for:

- o a traffic management and HGV routing plan for HGV Vehicles; and
- o the implementation of advanced warning signs with respect to the Railway Bridge (identified as Ref. 1053664 in the submitted Heritage Impact Evaluation by Marrons Planning).

Reason: To avoid congestion in the surrounding area and to protect Heritage Assets in accordance with policy CS6 and CS17 of the Core Strategy, policy MD2 and MD13 of the SAM(Dev) Plan.

28. Prior to the commencement of development of each Phase hereby permitted, a scheme of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the scheme would not lead to stability issues on the adjacent railway land and shall include details of the future maintenance of the drainage system. The development shall be undertaken in accordance with the approved details. The approved scheme for each phase shall be implemented in full accordance with the approved scheme before the dwellings are first occupied and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding or land instability both on and off site and ensure satisfactory drainage facilities are provided to serve the site in accordance with Policy MD2 of the SAM(Dev) Plan and Policies CS6 and CS18 of the Core Strategy and paragraph 135 and 193 of the National Planning Policy Framework.

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29. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out within 10 metres of the operational railway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the construction of the development can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with policy CS6 of the Core Strategy and paragraph 135 and 193 of the National Planning Policy Framework.

30. A method statement and risk assessment shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The statement and assessment shall include details of scaffolding works associated with the construction of the development within 10m of the railway boundary. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the construction and subsequent maintenance of the development can be carried out without adversely affecting the safety, operational needs or integrity of the railway and in the interests of public safety in accordance with policy CS6 of the Core Strategy and paragraph 135 and 193 of the National Planning Policy Framework.

31. Should any part of the development incorporate piling works or ground compaction works, a risk assessment and method statement (RAMS) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works. The RAMS shall also include confirmation that adjoining occupiers/businesses have been notified of the proposed duration and hours of piling/ ground compaction together with contact details of those carrying out the works. All piling/ground compaction works as necessary to complete the development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance and to prevent any piling works and vibration from de-stabilising or impacting the railway in accordance with policy CS6 of the Core Strategy and paragraph 135 and 193 of the National Planning Policy Framework.

32. Prior to the erection of any external lighting on the site, in each development phase, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features; and that there would be no overspill of light onto the railway land. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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Reason: The details of lighting are needed to i) ensure provision of safe and convenient access for residents/occupiers, ii) avoid loss of residential amenity and prevent unacceptable light pollution; iii) avoid disturbance on foraging and commuting routes for wildlife, and in particular to ensure that excessive lighting is avoided adjacent to hedgerows and habitat features; iv) to ensure that the railway can operate safely, thus in accordance with Policies CS6 and CS17 of the Core Strategy and paragraph 135 and 193 of the National Planning Policy Framework.

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

33. Before occupation of the first dwelling in each development phase, details of a scheme, including a programme for implementation (specifying the maximum number of dwellings to be occupied before completion of the scheme), for the provision of equipped and informal play areas, formal and informal recreational and amenity open space for that relevant development phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of levels, drainage, planting, enclosure, street furniture, surfacing, seating and play equipment and structures (where necessary). Development shall be carried out in accordance with the approved details and programme and retained for the lifetime of the development. Thereafter, the formal and informal recreational and amenity open space and play areas shall not be used for any purpose other than play space, recreational or amenity space as approved.

Reason: The provision of play areas and informal open space is necessary in the interest of the amenity, health and well-being of future residents. The condition is to ensure the quantity, quality and accessibility of recreational and amenity open space is appropriate for the development hereby permitted in accordance with Policy MD2 of the SAM(Dev) Plan and Policy CS6 of the Core Strategy.

34. Prior to first occupation / use of the buildings commencing, in each development phase, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A mix of the following boxes shall be erected on the site:

- external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including swifts (swift bricks), starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), small birds (26mm and 32mm, standard design) and robins and blackbirds (open-fronted boxes).
- invertebrate boxes and/or bricks.
- hedgehog boxes.

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The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting and to timetable to be submitted and agreed in writing with the Local Planning Authority. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with SAM(Dev) Plan policy MD12, Core Strategy policy CS17 and section 180 of the NPPF.

35. Prior to occupation of the site details of a trespass proof fence/boundary treatment along the boundary with the railway line together with a phasing and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing/boundary treatment shall be installed prior to the occupation of the dwellings and in accordance with the approved phasing plan. The approved fence/boundary treatment shall be maintained for the lifetime of the development in accordance with the approved plan.

Reason: To protect the adjacent railway from unauthorised access and public safety in accordance with policy CS6 of the Core Strategy and paragraph 135 and 193 of the National Planning Policy Framework.

## **Informatives**

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

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

Shropshire Core Strategy::  
CS1 Strategic Approach  
CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS10 Managed Release of Housing Land  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Site Allocations and Management of Development (SAMDev)Plan:

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MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD3 Delivery of Housing Development  
MD8 Infrastructure Provision  
MD12 The Natural Environment  
MD13 The Historic Environment  
S1.1a Albrighton

SPD on the Type and Affordability of Housing  
Albrighton Neighbourhood Plan

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

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

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

#### 4. Network Rail - Informatives

The developer is advised to submit directly to Network Rail Asset Protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be reassured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

#### Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely

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impacted by outside party proposals unless the necessary asset protection measures are undertaken.

Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail prior to implementation.

Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure. Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon Network Rails access.

## 5. BATS AND TREES INFORMATIVE

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

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trusts Bat Survey: Good Practice Guidelines (3rd edition).

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

## 6. NESTING BIRDS INFORMATIVE

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

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

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

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

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

## 7. GENERAL SITE INFORMATIVE FOR WILDLIFE PROTECTION

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

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

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

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

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

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

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

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

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If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed. If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

8. 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 a 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.

9. Contamination

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

[http://shropshire.gov.uk/committee-](http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf)

[services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf](http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf)

10. Drainage

The outline drainage strategy is acceptable in principle and for this Outline application.

1. The LLFA are aware of some flooding on Station Road. The attenuation must be calculated using the equivalent critical storms.

2. The route of the existing drain or culverted watercourse must be clearly identified and a 3m drainage easement is required for maintenance purposes. Any flows into the existing pond must be maintained to ensure the viability of the asset.

3. Further to paragraph 6.4.10 of the FRA and Drainage Strategy report, at ground exceedance flows can only be fully analysed when a confirmed layout and levels are known.

Shropshire Councils Local Standard D of the SUDS Handbook requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water



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flooding of more vulnerable areas (as defined below) within the development site or contribute to surface water flooding of any area outside of the development site.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Contour and/or exceedance route plans must be submitted for approval demonstrating that the above has been complied with and that there is sufficient provision to remove surface water from the highway to the underground piped system.

4. In order to develop the surface and foul water designs for each phase, to satisfy the LLFAs requirements, reference should be made to Shropshire Councils SuDS Handbook which can be found on the website at

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The Appendix A1 - Surface Water Drainage Proforma for Major Developments must also be completed and submitted for each phase.

11. Severn Trent Water - Comments:

STW would not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements - please note, STW would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

STW would strongly recommend the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit our website:

<https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> and follow the application form guidance to begin this process.

**IMPORTANT NOTE:** This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

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