

AGENDA ITEM



Committee and date

Southern Planning Committee

25th March 2025

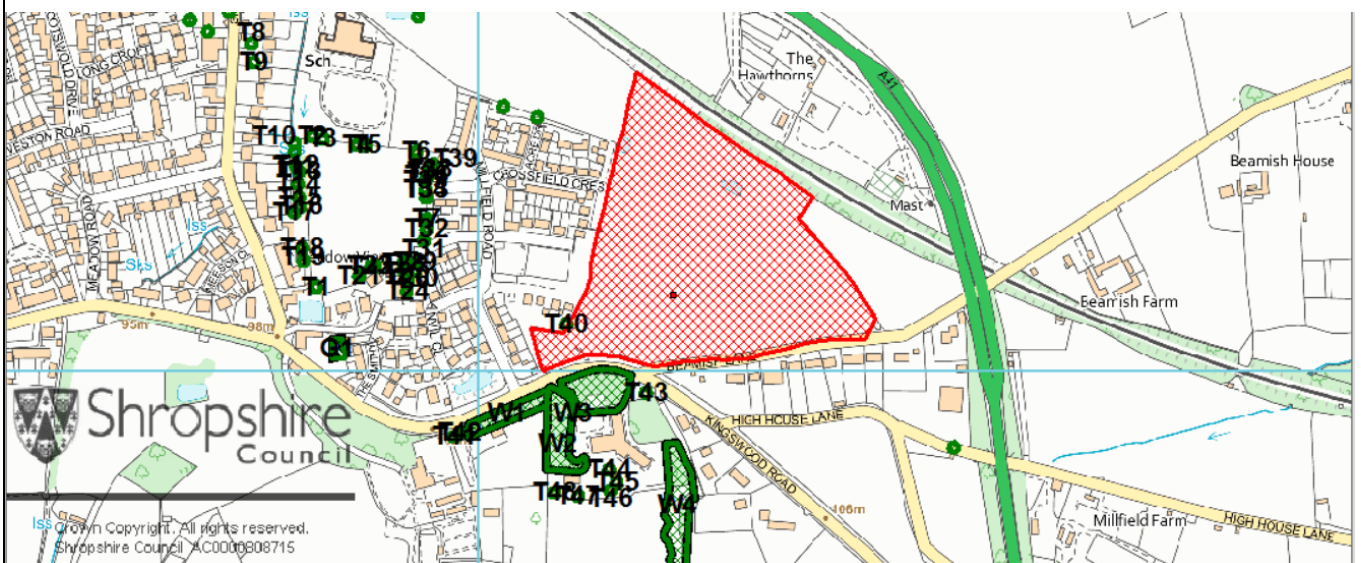
Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 24/02662/OUT	<u>Parish:</u>	Albrighton
<u>Proposal:</u> Outline application for the erection of up to 150 dwellings with associated infrastructure and the principal means of vehicular access from Kingswood Road only (all other matters reserved)		
<u>Site Address:</u> Proposed Residential Development Land To The North Of Kingswood Road Albrighton Shropshire		
<u>Applicant:</u> Mr John Turton		
<u>Case Officer:</u> Louise Evans	<u>email:</u> Louise.m.evans@shropshire.gov.uk	

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Recommendation:- Grant permission with delegation to officers to confirm condition wording and to secure a section 106 agreement to address affordable housing, long term management of open space, contributions towards passenger transport, a traffic regulation order for restricted access of Beamish Lane, travel plan monitoring, cost recovery for the 30 year monitoring period for Biodiversity Net Gain and cost recovery for monitoring the section 106 agreement.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline approval for the erection of up to 150 dwellings with associated infrastructure.
- 1.2 The principal means of access from Kingswood Road is being secured within this application but all other matters remain reserved for future consideration.
- 1.3 The scheme details the provision of an access with a right turn ghost lane on Kingswood Road to serve the development.
- 1.4 A screening opinion was issued on 30th May 2025 to the effect that the proposed development would not require an Environmental Impact Assessment (ref: 24/01860/SCR).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises of an agricultural field approximately 5.85 hectares (14.45 acres) in area, which immediately adjoins the eastern edge of the settlement boundary of Albrighton (as defined by the inset maps associated with the Site Allocations and Management of Development (SAMDev) Plan adopted in 2015).
- 2.2 Kingswood Road and Beamish Lane form the southern boundary with the application site and a railway line, linking Telford with Birmingham, is to the north. Located along the western boundary of the site are existing and proposed residential developments known as Millfields.
- 2.3 The main features of the site are the established landscape which includes a row of mature trees (including Category A trees) to the southwest fronting Kingswood Road, established trees close to the railway line, mature hedges along the boundaries and two waterbodies - the first to the western boundary and the second to the north of the site. There is one Tree Preservation Order effecting a single Oak Tree on site (TPO reference: SC/00018/10). In terms of topography, the land falls

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generally from the north eastern corner of the site to the south western corner/
lowest part of the site.

2.4

The site is located in Flood Zone 1 on the Environment Agency's Flood Map for Planning.

2.5

The site is approximately 120 metres east of the edge of the Albrighton Conservation Area.

2.6

The site is not subject to any ecological designations, although there are two non-statutory sites within 2 km of the site: Donington and Albrighton Local Nature Reserve and Kingswood Common.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 This is a major application, which, in the view of the Planning Services Manager in consultation with the Chairman, should be determined by the relevant planning committee. Furthermore, the Parish Council have submitted a contrary view to Officers regarding material planning reasons which cannot reasonably be overcome by negotiation or planning condition and the Planning Services Manager in consultation with the Chairman agree that the item should be determined by the relevant planning committee.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 SC Affordable Houses:

3rd October 2024: Highlighted the need for affordable housing and compliance with draft housing policies in the emerging local plan. (submitted prior to the knowledge that the Draft Local Plan is likely to be withdrawn from examination)

4.1.2 SC Highways DC:

10th December 2024: Reviewed the Transport Assessment and Framework Travel Plan, requesting additional information and revisions to ensure the proposals are acceptable.

7th March 2024: Shropshire Council, as the Local Highway Authority, has raised no objection in principle to the residential development at the proposed location. However, they have expressed concerns regarding the proposed access to the site and the lack of proposals to mitigate the likely impact on Beamish Lane. The submitted Transport Assessment indicates that the proposed junction arrangement would not result in significant delays, and the junction will operate well within theoretical capacity. However, the guidelines intended for the roundabout on

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Kingswood Road were meant to create a gateway to Albrighton and provide traffic calming. The applicant has not taken this forward, considering it unnecessary from a junction capacity perspective and due to the potential loss of trees.

While the principle of accessing the site via a ghost island junction is accepted, the applicant has not fully demonstrated that a satisfactory access to the site can be provided. Therefore, it is recommended that a condition be placed on any planning permission granted, requiring detailed design to be undertaken, which may result in amendments to the proposed access road.

Concerns have also been raised about the impact on Beamish Lane. It is recommended that a planning condition be placed on any permission granted, requiring details of the restriction of access to Beamish Lane to be submitted for approval as part of the first reserved matters application.

A framework travel plan has been submitted with the outline planning application, and it is recommended that a condition be placed on any permission granted, requiring a Travel Plan to be submitted and approved before the occupation of the first dwelling. Annual surveys should be submitted for 10 years following the first occupation.

Section 106 contributions have been suggested, including a Passenger Transport Contribution of £180,000, a Beamish Lane Highway contribution of £25,000, and a Travel Plan Monitoring contribution of £10,000.

Other suggested planning conditions include the completion of streets and estate street phasing plans, submission of details for adoptable streets, and a management plan for on-site construction.

Active Travel England:

- 4.1.3 12th August 2024: Issued standing advice and encouraged the local planning authority to consider it as part of the assessment.

SC Ecologist:

- 4.1.4 19th August 2024: Reviewed the Ecological Appraisal, Badger Report, and Biodiversity Net Gain Assessment, recommending mitigation measures for badgers, bats, great crested newts, and other species.

SC Learning & Skills:

- 4.1.5 14th August 2024: Indicated the need for additional school place capacity due to the development and recommended contributions for education provision to come via CIL funding.

SUDS:

- 4.1.6 5th August 2024: Appraised the Flood Risk Assessment and recommended a detailed drainage layout plan and maintenance regime for the sustainable drainage system. A condition has been recommended.

SC Trees:

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- 4.1.7 19th August 2024: Reviewed the Arboricultural Assessment and recommended tree protection and landscaping conditions. Welcomed the retention of the Beech Trees at the entrance to the site.

SC Waste Management:

- 4.1.8 30th July 2024: Emphasized the need for adequate storage space for waste and suitable highway specifications for waste collection vehicles.

SC Archaeology (Historic Environment):

- 4.1.9 13th August 2024: Recommended a programme of archaeological work, including a field evaluation and possible further mitigation.

SC Regulatory Services:

- 4.1.10 7th August 2024: Supported the recommendation in the Preliminary Risk Assessment for an intrusive investigation to assess contamination. Conditions for contaminated land provided.

4.2 Public Comments

- 4.2.1 **Cllr Nigel Lumby** (8th September 2024) Detailed Summary:

Connectivity Issues: The Boningale Homes Development, phase 4, has not established a link to the Wain development. This lack of connectivity is a significant concern as it hinders the integration of the two communities and the sharing of amenities. The SamDev plan shows connectivity between the Millfield's developments, with Boningale Homes designing phase 2 to have two road spurs ready for connectivity. However, Wain developments have indicated that these spurs fall short of the boundary, making them unusable. Ensuring proper connectivity is crucial for facilitating access to schools, the railway station, and other facilities, thereby enhancing community integration.

Traffic Safety Concerns: The current setup on Kingswood Road, with a ghost island and filter lane to Millfields, has led to speeding issues. The wide road created by this setup has caused motorists to perceive a higher speed limit, resulting in numerous complaints about speeding. It is suggested that a traffic island, rather than a T junction, be implemented to moderate traffic speed and enhance safety. The West Mercia Police Crime Commissioner has emphasized the importance of designing roads for appropriate speeds rather than relying solely on enforcement.

Residents Concerns: Residents on Beamish Lane have raised concerns about the increased traffic and safety at the junction with the A41. The junction is on a bend and has been deemed dangerous, with recent measures taken to reduce the speed limit to 60mph. It is proposed that Beamish Lane be designated as 'No entry

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to motor vehicles unless for access' to improve safety. This measure should be funded by the developer as part of the application process.

Pedestrian and Cycle Access: The proposal includes pedestrian and cycle access from the development into Beamish Lane, connecting to the National Cycle route. While this is a positive aspect, there are concerns about the safety of Beamish Lane. Additional safety measures should be considered to ensure the well-being of pedestrians and cyclists.

Highways View: The developer needs to address the outlined issues at the application stage. If these concerns are not resolved, it is recommended that Shropshire Council reject the application. Ensuring safe and effective connectivity and addressing traffic safety issues are paramount for the success of the development and the enhancement of the community in Albrighton.

4.2.2

Albrighton Parish Council (5th September 2024) (comments in full)

Albrighton Parish Council accepts this application and development is in the Local Plan and is recognised phased development for the village and is not against it as such. Whilst this is outline, the committee was concerned about the lack of clarity for the connecting entrances to Millfields. No agreement had been reached with the developers of phase 4, whose indicative drawing does not show connectivity with this development. This indicative drawing does not show any connectivity with the existing phase 2 of Millfields. APC think it is vital that connectivity is established.

The two estates must be part of one community, not barriered off. Residents and in particular children, should not be walking around onto the Kingswood Road main road to get onto Millfields, nor inhibited from walking through a safe environment to the primary school, Railway station and other village activities.

When Millfields was first envisaged, the proposed roundabout turned into a ghost island, filter lane. This has caused the road to be wide and drivers lose the perception of speed. A common complaint on this stretch of road. If the same wide T junction is to be accepted for this development, because it is so close to the other junction, there is a concern about speed and safety. Kingswood Rd is a fast feeder road off the A41, without much to slow traffic down. Whilst we appreciate the 30mph limit will be moved beyond the junction, the committee do not believe suggested measures would be as effective as a roundabout.

Whilst this is outline, and indicative only, APC want to raise concern about the lack of facilities this site and the wider Millfield's estate has given back to the community.

Public Representations

4.2.3

11 representations have been received in relation to the application, two of which suggest the provision of Swift nest bricks/boxes to enhance biodiversity and a further comment, from a neighbouring developer on Millfields, has invited

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discussions regarding connectivity points. The remaining representations are summarised as follows:

Vehicular and Pedestrian Access: Concerns about the safety of vehicular access onto Kingswood Road and the increase in traffic on Beamish Lane, which is narrow and lacks passing points and footpaths but is used by horse riders, cyclists, and walkers. There are also worries about the increased use of Beamish Lane and the danger of crossing the A41 due to high traffic speeds. There are concerns that the information submitted in support of the application has not accurately captured the issues with Beamish Lane and the need for mitigation.

Environmental Impact: The development could lead to the loss of habitat for wildlife, such as skylarks, and the loss of productive farmland.

Housing Density and Affordable Housing: The Albrighton Development Action Group (ADAG) suggests that the proposed density of housing is too high and that the provision for affordable housing is inadequate. They recommend increasing the figure of onsite affordable housing to 40-50% and reducing the overall housing density.

Public Transport and Infrastructure: There is potential to improve public transport if agreements can be made for a through route for local bus services. Connections should be secured with existing and proposed developments. Additionally, more consideration should be given to play, sport, and recreation infrastructure for the families of new residents.

Community Services: The village cannot accommodate additional residents and the additional pressure it brings on services like doctors, chemists and schools.

5.0 THE MAIN ISSUES

- Principle of development
- Access and Highway Safety
- Design
- Affordable housing
- Developer contributions
- Other planning matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

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- 6.1.1 The starting point for decision taking is the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused unless there are other material considerations which indicate otherwise.
- 6.1.2 For the purposes of assessing this proposal the development plan presently comprises of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development (SAMDev) Plan 2015. The Albrighton Neighbourhood Plan 2013 and a range of Supplementary Planning Documents (SPD) can be material considerations where relevant to the proposal.
- 6.1.3 A key objective of the adopted development plan is to concentrate residential development in locations that promote economic, social and environmental sustainability. The Council's Core Strategy Policies CS1, CS3, CS4 and CS5 seek to achieve managed, targeted growth by steering new open-market housing to sites within market towns, other key centres and certain named villages (Community Hubs and Clusters) as identified in the Site Allocations and Management of Development (SAMDev) Plan. Sporadic development in the countryside (i.e. outside the designated settlements) is generally unacceptable unless there are exceptional circumstances, typically as set out in Core Strategy Policy CS5 and SAMDev Policy MD7a.
- 6.1.4 Albrighton is identified as a Key Centre within the adopted development plan. The application site is located outside of the development boundary for Albrighton on land which is safeguarded by SAMDev policy S1 to be available for possible future use to meet the settlement's long term development needs. As such, the proposal does not accord with the policies of the adopted development plan, however, the plan does recognise that this site is intended for housing development within future development plans.
- 6.1.5 The NPPF is a material planning consideration within decision making. It was updated in December 2024 and adopts a new standard method for calculating housing need, the purpose of which is to significantly boost housing delivery across England. In light of the recent changes to the standard methodology and the uplift in local housing need for Shropshire, the Council is currently unable to demonstrate a five year supply of deliverable dwellings. In such circumstances, the NPPF renders the adopted development plan policies concerning the delivery of housing development as being out-of-date.
- 6.1.6 The effect of this is that the tilted balance, as set out in paragraph 11 d) of the NPPF, is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations,

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making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.1.7 In considering the sustainability of the site, it is recognised that Shropshire Council had identified the site as a draft allocation for housing development (Ref: ALB017) in our Local Plan Review following the removal of the site from the Green Belt in 2006 when the Bridgnorth District Local Plan was adopted. Therefore, whilst the Draft Local Plan is likely to be withdrawn from examination and not taken forward or adopted, the evidence base used to inform the allocations can be a material consideration for current applications. In this instance, that evidence base re-enforces the case that the site is both in a sustainable location (being a logical extension adjoining the settlement), and of a suitable scale to meet the needs of Albrighton and Shropshire as a whole. That being the case, the principle of development on this site is acceptable providing the scheme can also secure good design and affordable homes.

6.2 Access and Highway Safety

6.2.1 At the pre-application stage, the scheme was subject to a Design Review with Design:Midlands. Their response concluded that the work undertaken to date, including site analysis, landscape assessment, tree surveys, provision of a development framework with design parameters and illustrative masterplan, is generally well considered. However, significant concern was raised in relation to the location and form of the proposed access which would require the removal of important Beech trees.

6.2.2 With regards to the principal access, the scheme details the provision of a right turn ghost lane on Kingswood Road to serve the development. The proposal as submitted with the planning application now ensures the retention of the significant trees at the entrance to the site. The trees as a grouping/feature are of very high amenity value and Shropshire Council will take steps to secure their long-term protection by making a Tree Preservation Order. The alignment of the proposed access will also ensure the protected Oak tree within the site can also be safeguarded from adverse effects of development.

6.2.3 The latest access placement, which maintains the existing carriageway width with no widening involved would only require a white line marking refresh. A village gateway feature is also proposed, located approximately 155m to the southeast of the proposed site access location, which includes moving the 30mph speed restriction and the use of dragon's teeth markings to reinforce the entry point into the village. It is suggested that the proposed road marking will create the impression of road narrowing, promoting decreased traffic speeds and serve as a reminder to drivers that they are entering a populated area.

6.2.4

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It is recognised that the expectation of the community for this development was that it would include the provision of a roundabout on Kingswood Road which would assist in reducing traffic speeds. This was translated into the development guidelines for the site allocation within the Draft Local Plan stating '*An appropriately designed roundabout will be provided on Kingswood Road at the point of access into the site.*' However, as previously detailed, the Draft Local Plan is unlikely to be adopted and the guidelines would not have been a requirement even if the plan were to have been adopted. They are guidelines and not planning policy in that respect. Officers cannot secure the guidelines without the will of the developers involved.

6.2.5

The Local Highway Authority do not object to the principle of the right turn ghost lane proposal and accept that it could operate within capacity. However, the design of the access as put forward is not demonstrated to be acceptable with regards to junction radii and width and a condition requiring the submission of full engineering drawings of an appropriate scheme has been suggested to overcome concerns.

6.2.6

With regards to the use of Beamish Lane, the Transport Assessment has concluded that there would be a negligible increase in the use of Beamish Lane as a result of the development. This is not a view shared by the local community and the Local Highway Authority has suggested a planning condition to deal with the submission of further details of measures to deter use of the road together with a financial contribution to deal with a traffic regulation order to alter the status of the existing road. Subject to the use of these, the scheme could be made acceptable.

6.2.7

A framework travel plan has been submitted with the outline planning application and the Local Highway Authority has recommended that a condition be placed on any permission granted requiring a Travel Plan to be submitted and approved before the occupation of the first dwelling. Annual surveys should be submitted for 10 years following the first occupation and a financial contribution is sought to recover the costs associated with monitoring these. A further contribution towards the passenger transport is also proposed to ensure that a strategy to promote travel by sustainable modes can be developed to serve the site. This will need to be covered by a Section 106 agreement rather than through CIL to enable it to contribute to revenue rather than capital costs.

6.2.8

Additional planning conditions have been suggested by the Local Highway Authority. These include the completion of streets and estate street phasing plans, submission of details for adoptable streets, and a management plan for on-site construction. These are deemed to be reasonable and have been attached at the end of this report.

6.3 Design

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- 6.3.1 The scheme is submitted in outline with the design of the scheme reserved for later consideration. There are, however, certain parameters for the development that need to be set at the outline stage to ensure that they can be secured within the reserved matters submissions. This includes matters such as the quantum of open space provision, requirements to provide vehicular and pedestrian connections between the current and existing and proposed development, housing mix and a parking strategy. It is advised that these are secured through conditions which have been recommended at the end of this report.
- 6.3.2 When considering open space provision, SAMDev Plan Policy MD2 requires the provision of adequate open space of at least 30sqm per person calculated on the basis of one person per bedroom. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses. A condition requiring this has been recommended at the end of this report.
- 6.3.3 With regards to the connections, a matter raised by the Local Member, the Parish Council and members of the public, it is noted that the framework plan indicates potential links with Millfields and development to the east as well as a pedestrian link onto Beamish Lane. In order to clearly establish expectations, a condition has been suggested that ensures vehicular connection is given to the boundary of the application site into phase 4 of Millfields and the potential development land to the east as well as the provision of two additional pedestrian and cycle points into Millfields. With regards to phase 4 of the Millfields development, the permission for this site also contained a similar condition affording access into this site.
- 6.3.4 With regards to housing mix, it is recognised that policy CS11 requires developments which seek to balance the size, type and tenure of the local housing stock and that all housing developments are designed to be capable of adaptation to accommodate lifestyle changes, including the needs of the elderly and people with disabilities. Furthermore, to seek to address the mis-match between Albrighton's aging population and a housing stock dominated by family housing, the Albrighton Neighbourhood Plan 'Light' Policy ALB1 states: 'All housing proposals of five or more units will be expected to deliver at least 20% of these units as one- and two-bed properties. To reflect the need for a mix of one- and two-bed properties, all schemes which are required to deliver at least five one- and two-bed properties should provide a minimum of 40% of these units as one-bed properties'. This will be a key consideration for the scheme and an appropriate condition to address this matter prior to or upon the submission of reserved matters has been recommended at the end of this report.
- 6.3.5 Furthermore, with regards to parking provision, the Council has not adopted any specific parking standards but rather assesses each case on its own merits. The result of this is that it can make refusing reserved matters schemes on this matter

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difficult if the developer does not wish to engage with us as an Authority. However, by attaching a condition to the outline consent to cover this matter, the developer will be required to give due consideration to this issue within any future schemes. As the condition is drafted, there is the opportunity for this to be agreed prior to the submission of a reserved matters scheme to ensure that the developer has the opportunity to avoid costly re-designs within submissions.

- 6.3.6 It is noted that there has been some concerns that the development of the proposed site will lead to issues with regards to neighbouring amenity. As the application has been submitted in outline, detailed plans have not been provided. Clearly, this will be a material consideration within any future reserved matters application, however, there is no clear reason why an acceptable development could not come forward on this site whilst affording existing neighbours reasonable levels of amenity.

Affordable Housing

- 6.4 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 the prevailing housing target rate. The current prevailing target rate for affordable housing in this area is 15% minimum. The assumed tenure split for affordable homes provided as a requirement of policy is 70/30% split in favour of affordable rented tenure.
- 6.4.1

- 6.4.2 The scheme as submitted proposes 20% affordable housing which would have accorded with the minimum requirements set out in the Draft Local Plan. As the Draft Plan is now unlikely to be adopted, the policies it contains do not carry weight for decision making, however, the overprovision of affordable housing offered can be given significant weight in the overall planning balance.

Developer Contributions

- 6.5 It is recognised that the Skills and Learning Officer has suggested the need for contributions from the development to mitigate the impact on local education facilities but recognises that this will come via CIL contributions. In this instance, pre-application discussions took place with both School Services and the NHS, both of which confirmed that they are likely to make requests for CIL funding as a result of this development.
- 6.5.1

- 6.5.2 Albrighton has two primary schools, Albrighton and St Mary's. The site is in the catchment of St Marys which shows an overcapacity at the time the development is likely to come online. However, Albrighton primary is likely to be under capacity. Accounting for the over capacity of Albrighton primary school combined with the under capacity of St Mary's primary school and the yield from the development, there is sufficient capacity within the primary schools in Albrighton to serve the

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development. Idsall has sufficient capacity to cater for secondary education needs. As such, the School Services bid will be likely to cover requirements for early years and Special educational needs and disabilities (SEND) capacity.

6.5.3 Taking account of the likely bid from the NHS with the likely bid from School Services, the likely CIL contribution from the development is sufficient to cover both these matters such that there is no additional need for a financial contribution secured via the Section 106 with regards to NHS and education requirements.

6.5.4 The scheme will be subject to a section 106 agreement to secure affordable housing, long term management of open space, contributions towards passenger transport, a traffic regulation order for restricted access of Beamish Lane, travel plan monitoring and cost recovery for the 30-year monitoring period for Biodiversity Net Gain.

Other planning matters

6.6 The application has been accompanied by a landscape and visual assessment, a heritage assessment, an arboricultural assessment, an ecological appraisal, a noise statement, a flood risk and drainage assessment, a preliminary risk assessment (contaminated land) and a utility report to support the principle of development on this site. Taking account of the content of these documents, consultees have not raised any specific concerns with the scheme but have recommended conditions to ensure that matters are appropriately addressed within future submissions. The recommended conditions have been detailed at the end of this report.

7.0 CONCLUSION AND PLANNING BALANCE

7.1 The development proposes up to 150 dwellings on a site beyond the development boundary of Albrighton and thus is contrary to the adopted development plan. However, the Council cannot demonstrate a five year housing land supply and the site is in a sustainable location. The contribution the development would make to the delivery of housing in Shropshire should carry significant weight in decision making. Furthermore, the development proposes to deliver 20% affordable housing, 5% more than the minimum requirement set out in adopted policy terms and this too should carry significant weight.

7.2 Whilst the proposed access arrangement does not meet community expectation, an acceptable alternative arrangement could come forward that would not result in harm to highway safety, subject to the use of planning conditions to control the final details and an obligation to recover costs associated with a traffic regulation order for Beamish Lane. This and all other material considerations raised can be made acceptable with the use of the recommended planning conditions and the planning obligations suggested.

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7.3 Therefore, the weight in the overall planning balance lies significantly in favour of supporting the scheme.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy:

CS1 Strategic Approach

CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

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 Albrighton

SPD on the Type and Affordability of Housing

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Albrighton Neighbourhood Plan

RELEVANT PLANNING HISTORY:

PREAPP/20/00169 Residential development of around 150 dwellings and associated public open space PREUDV 19th May 2021

PREAPP/23/00113 Outline application for the erection of up to 150 dwellings and means of access (all matters reserved except for access) PREUDV 23rd March 2023

PREAPM/24/00017 Outline application for the erection of up to 150 dwellings and means of access (subject to PPA00046) PREAMD 16th May 2024

24/01860/SCR Request for EIA Screening Opinion: Town and Country Planning (Environmental Impact Assessment) Regulations 2017. EAN 30th May 2024

24/02662/OUT Outline application for the erection of up to 150 dwellings with associated infrastructure and the principal means of vehicular access from Kingswood Road only (all other matters reserved) PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SGH0XQTDIZO00>

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

[24/02662/OUT | Outline application for the erection of up to 150 dwellings with associated infrastructure and the principal means of vehicular access from Kingswood Road only \(all other matters reserved\) | Proposed Residential Development Land To The North Of Kingswood Road Albrighton Shropshire](#)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Nigel Lumby

Appendices

APPENDIX 1 - Conditions

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APPENDIX 1

Conditions

1. Approval of the details of the appearance, landscaping, layout, scale and means of access thereto (other than the access point into the site from Kingswood Road) 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 point direct from Kingswood Road to the south. (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 Kingswood Road only. A vehicular, pedestrian and cycle connection from the site must be afforded to land ALB002 (as defined in the SAMDev Plan) & ALB021 (as defined in the draft development plan) directly up to the development boundary of the site but contained within the red edge defined on approved Site Location Plan drawing ref: 9323-L-01 Rev D. A minimum of two additional pedestrian and cycle accesses must be provided up to the boundary of the site, but contained within the red edge defined on approved Site Location Plan drawing ref: 9323-L-01 Rev D, adjacent to the Millfields development (also defined as ALB002 in the SAMDev Plan).

Reason: To ensure that the development should not prejudice the free flow of traffic and promote sustainable travel, in accordance with Policy CS6 of the adopted Core Strategy.

6. Upon or prior to the submission of reserved matters, a report demonstrating that the proposed housing mix will respond to local housing need must be submitted to and approved in

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writing by the Local Planning Authority. The report must include information regarding the existing housing stock of Albrighton and demonstrate how the proposed housing mix will balance the size, type and tenure of the local housing stock. The report must specify the amount of MD4(2) and MD4(3) dwellings (as defined by Building Regulations) proposed within the development and the number of NDSS compliant dwellings. The report must also identify the amount of any specialist housing proposed. The scheme must only proceed in accordance with the agreed report.

Reason: To ensure the proposed housing mix is appropriate to meet the needs of the community in accordance with policy CS11 of the Adopted Core Strategy (2011) and policy ALB1 of the Albrighton Neighbourhood Plan 'Light' (2013).

7. Upon or prior to the submission of reserved matters, a parking strategy must be submitted to and approved in writing with the Local Planning Authority. The strategy must include the number of on plot car parking spaces to be provided per size of dwelling as well as the quantum of visitor parking to be provided. The strategy must demonstrate what measures will be put in place to reduce reliance on private cars as well as detail the proposed arrangements for any secure parking for bikes and mobility scooters.

Reason: To ensure car parking provision is appropriate in accordance with policy CS6 of the Adopted Core Strategy (2011) and ensure that the infrastructure provided with the development is fit for purpose without impacting on accessibility.

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.

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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.

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.

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 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 reserved matters application shall include 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.

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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.

14. The plans and particulars submitted in support of the 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. 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.

16. The 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.

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CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

17. At not later than the submission of the first reserved matters application a full plan of the proposed ghost island junction and site access onto Kingswood Road and access road for the first 100 metres north of the junction with Kingswood Road shall be submitted for the approval in writing of the Local Planning Authority. The submitted details shall include:

- o Topographical survey of the site access onto Kingswood Road
- o Full Engineering details of proposed ghost island junction on Kingswood Road
- o Engineering details of proposed access road, to include carriageway widths, and forward visibility splays for the first 100 metres north of the junction with Kingswood Road.
- o Swept path analysis and Stage 1/2 Road Safety Audit for all engineering details.
- o Details of any tree removal or protection works.

Reason: In the interests of highway safety in accordance with policy CS6 of the adopted Core Strategy.

18. Prior to the commencement of development hereby permitted full engineering details of the proposed improvements and traffic calming measures on Kingswood Road as shown on Drawing no. VN232896 D106 Rev A. shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the 1st dwelling.

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

19. At not later than the submission of the first reserved matters application a full plan of the proposed scheme to deter vehicular access to Beamish Lane shall be submitted for the approval in writing of the Local Planning Authority. The submitted details shall include details of any signing and lining associated with the deterred access of Beamish Lane at the junction with the A41.

Reason: In the interests of highway safety in accordance with policy CS6 of the adopted Core Strategy.

20. At least six months prior to the commencement of development, a badger mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include an updated survey undertaken by an appropriately qualified and experienced ecologist and shall set out the appropriate actions to be taken during the works. These measures must be implemented as approved.

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

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

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;

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- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (including for badgers, bats and great crested newts);
- 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) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12 and CS17 of the adopted development plan.

22. 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:

- a) A construction programme including phasing of works;
- b) 24 hour emergency contact number;
- c) Hours of operation;
- d) Measures to control noise and dust impact;
- e) Expected number and type of vehicles accessing the site;
- f) Deliveries, waste, cranes, equipment, plant, works, visitors;
- g) Size of construction vehicles;
- h) The use of a consolidation operation or scheme for the delivery of materials and goods
- i) 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):
- j) Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads
- k) Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- l) Locations for storage of plant/waste/construction materials;
- m) Arrangements to receive abnormal loads or unusually large vehicles;
- n) Any necessary temporary traffic management measures;
- o) Method of preventing mud being carried onto the highway;
- p) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;

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The agreed 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.

23. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance 'Land Contamination: Risk Management (LCRM)'. The Report is to be submitted to and approved in writing by the Local Planning Authority before development commences.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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

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

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scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

25. 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 prior to the commencement of development.

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.

26. 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.

27. 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.

28. 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.

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29. The construction of any new estate street shall not be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy CS6 of the adopted Core Strategy.

30. 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.

31. The construction of any new estate street shall not be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy CS6.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

32. Notwithstanding the submitted Framework Travel Plan, before the first residential dwelling is occupied details of a new Travel Plan for the development including an implementation timetable shall be approved in writing by the Local Planning Authority in consultation with the Local Authority Travel Plan Co-ordinator. This is in accordance with the legal agreement accompanying this permission. The Travel Plan shall set out proposals, including a timetable and bus strategy, to promote travel by sustainable modes which are acceptable to the Local Planning Authority and proposed annual traffic counts at the vehicular site access onto Kingswood Road. The Travel Plan shall be implemented in accordance with the approved details and timetable unless the Local Planning Authority has previously provided

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written approval for proposed changes to the plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to Local Planning Authority for approval for a period of ten years from the first occupation of the development. Reason: To promote sustainable modes of transport in line with both local and national objectives and to accord with Policy CS6 of the adopted Core Strategy.

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 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.

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.

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.

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Reason: To protect the adjacent railway from unauthorised access and public safety in accordance with policy CS6 of the Core Strategy.

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

- A minimum of 20 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 40 artificial nests, of either integrated brick design or external box design, suitable for a range of species, including swifts (swift bricks), sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups), small birds (28mm and 32mm hole, standard design), wrens (wren-specific), and robins (open-fronted).
- 10 invertebrate boxes.
- 4 hedgehog boxes.

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 MD12 and CS17 of the adopted development plan.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

37. 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.

38. 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.

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Informatives

1. Wildlife boxes informative

Where appropriate, boxes shall be sited in appropriate locations at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. Bat boxes should be erected on southerly aspects (south-west, south or south-east) and bird boxes should be erected on northerly or shaded east/west aspects.

Swift bricks should be positioned: 1) Out of direct sunlight; 2) At the highest possible position in the building's wall; 3) In clusters of at least three; 4) 50 to 100cm apart; 5) Not directly above windows; 6) With a clear flightpath to the entrance; and 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20installation%20&%20suppliers-small.pdf>).

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

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

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

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

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

2. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for a Biodiversity Gain Plan.

3. The applicant is advised to obtain the written approval of the local highway authority for the details required under condition X, prior to the submission of such details to the local planning authority in seeking to discharge the said condition. Such details, as may be submitted to the local highway authority, could be subject to technical and

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safety assessments / audits, which may result in changes to the layouts and alignments, as shown on any indicative layout(s), approved by virtue of the planning permission. The applicant is advised that the local planning authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the local highway authority