

DECISION NOTICE

Boningale Homes Ltd
c/o Enzygo Ltd
Mr Murray Graham
Ducie House
Ducie Street
Manchester
M1 2JW

Date: 28th October 2024

Our Ref: 23/02095/OUT
Your Ref: Millfields Phase IV

Dear Boningale Homes Ltd c/o Enzygo Ltd

DETERMINATION OF APPLICATION FOR OUTLINE PLANNING PERMISSION

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Location:	Proposed Residential Development Land East Of, Shaw Lane, Albrighton, Shropshire
Proposed Development:	Outline planning permission for up to 90 dwellings, to include access only. (Revised description)
Application No.	23/02095/OUT
Date Received:	17th May 2023
Applicant:	Boningale Homes Ltd

Shropshire Council hereby **GRANT OUTLINE PERMISSION** subject to the conditions listed below.

STANDARD CONDITIONS

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 Kingswood Road 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.

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
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.

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 11 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.

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.

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.

CONDITIONS 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.

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 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;
- 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.

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.

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.

CONDITIONS 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.

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.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Detail Drawing	SK101	23.04.2024
Location Plan	SH5012_PL01	17.05.2023

INFORMATIVES

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:
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

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.

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 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.

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 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.

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.

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.

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.

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.

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).

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.

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-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

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 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.

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.

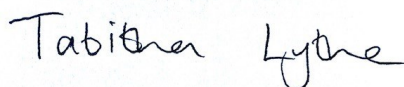
IMPORTANT NOTE: This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website <https://www.shropshire.gov.uk/building-control/> for pre-application advice and a competitive fee.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:
<http://www.shropshirefire.gov.uk/planning-applications>

If your project relates to a **Listed Building** please be aware that if, during the process of obtaining Building Regulation Approval or undertaking Fire Safety works amendments to the scheme as approved under the Listed Building Consent are requested, it is very likely that you will need to amend your approved drawings regardless of how minor the alteration may be. If this is the case, please contact the Case Officer and they will determine what action is required. Work should not be proceed until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

23/02095/OUT



Tabitha Lythe

Planning and Development Services Manager

Case officer: Sara Jones, Senior Planning Officer, 01743 258781
Southern Team, planning.southern@shropshire.gov.uk - 01743 258920

Date of Decision: 28th October 2024

NOTES

Conditions

You will see that your decision notice includes a number of conditions:

- You must comply with all of the conditions. If you are unclear about any of them, please contact the Planning Officer who dealt with the application.
- Some of the conditions may require you to submit further information to the Council for approval. Most conditions will need to be complied with before you start work on site.
- If you think any of the conditions are unreasonable you may appeal to the First Secretary of State, through the [Planning Inspectorate](#).
- Please also ensure that you comply with the requirements of any Legal Agreement that may accompany the planning permission.

Informatives

Your decision notice includes a number of informatives. This gives you some extra guidance and advice which will help the development process. Please note your Decision Notice gives permission only under the Town and Country Planning Acts. You may need other approvals, for example under the Building Regulations, or Party Wall Act, or permission from your neighbour to go onto his/her land.

Amendments

If you need to alter your approved drawings please send full details to us regardless of how small the alteration is. Your case officer will determine whether this can be agreed through a simplified exchange of correspondence or whether a revised application needs to be submitted. Further guidance can be found at www.shropshire.gov.uk/planning . You should not commence work until the amendment has been approved in writing by the Council. This is **particularly important** if the project involves a **Listed Building** and work should not be proceeded until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then the applicant can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

An appeal must be made within six months of the date of this notice, or 12-weeks if the scheme is for that of "household" development, or minor commercial application, or within 8 weeks in the case of advertisement appeals. The appeal must be made on a form which can be obtained from the Planning Inspectorate at Customs Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online through the Planning Portal website at www.planningportal.gov.uk/pcs

Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is 28 days of the date on the decision notice or the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA has to determine the application, the

period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (appeals@shropshire.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring the Council to purchase the interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).