

Development Management Report

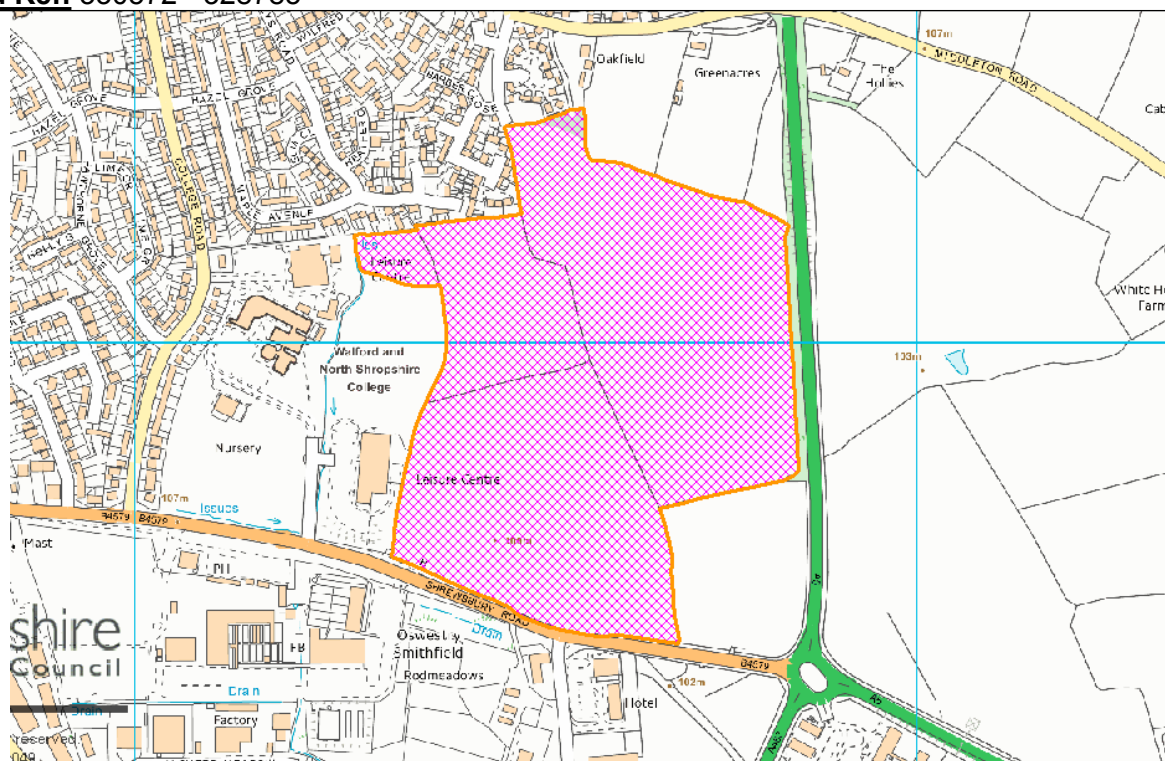
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Summary of Application

<u>Application Number:</u> 16/02594/OUT	<u>Parish:</u>	Oswestry Town
<u>Proposal:</u> Outline application for residential development of up to 600 units with associated infrastructure including areas of public open space with all matters reserved except access		
<u>Site Address:</u> Land to the north of Shrewsbury Road Oswestry Shropshire		
<u>Applicant:</u> C/o Agent		
<u>Case Officer:</u> Philip Mullineux	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 330572 - 328785



Recommendation:- Grant Permission subject a s106 legal agreement in relation to affordable housing provision and open space provision and management and the conditions as set out in Appendix 1 and any amendments considered necessary to these conditions by the Planning Services Manager.

REPORT

1.0 THE PROPOSAL

- 1.1 Application is made in 'outline' for residential development of up to 600 dwellings with associated infrastructure including areas of public open space with all matters reserved except for access on land to the north of Shrewsbury Road, Oswestry, on a larger section of land known as the Eastern Gateway Sustainable Urban Extension. (SUE).
- 1.2 The application is accompanied by a site location plan, indicative master plan, detail in relationship to a proposed roundabout, design and access statement, planning statement, flood risk assessment, flood and drainage assessment, geophysical assessment, noise impact assessment, statement of community involvement, transport assessment, tree survey, land contamination assessment and draft outline of a Section 106 agreement. During the application processing further information was received in relationship to existing hedgerows and trees within the site, whilst extensive dialogue also took place with regards to highway issues, an internal spine road and further information received in relation to a development phasing plan.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site which covers an area of 24.4 hectares is located on the south-eastern edge of Oswestry, some 0.9 miles from the Town Centre. The site is bounded to the south by Shrewsbury Road, (B4579), and to the east by the A483 (T), to the south of the site is the Maesbury Road, Industrial area. To the east of the site, and opposite to the application site on the other side of the adjoining A483(T), is the land at Mile End East which is an adopted allocation site for employment development within the SAMDev (ref: ELR072). Middleton Road is the main roadway to the north of the site and provides access to a large area of existing residential development and this is separated alongside the western boundary of the site by the Oswestry Leisure Centre, and the campus of the North Shropshire College.
- 2.2 The site itself rises gently from south to north and is grade 3 agricultural classified farmland consisting of five fields surrounded by native hedgerows. On the eastern boundary of the site is a number of established trees, as well as vegetation which shields parts of the site from the adjacent A483.

- 2.3 The application is for a maximum of 600 dwellings and also includes a proposal for areas of open space, landscaping and associated infrastructure and forms the larger part of an allocated site known as the 'eastern gateway sustainable urban extension' (SUE), for housing in accordance with the Council's Core Strategy, (Policy CS3: The market towns and other key centres), and the Council's Site Allocations and Management of Development Plan (SAMDev) Policy S14: Oswestry Area (OSW24 – Urban Extension)
- 2.4 Information in support of the application as part of the indicative masterplan indicates the broad location of residential development on the site, covering a developable area of 20.40 hectares which equates to a development density of 29 dwellings per hectare based on 600 houses. The plan also shows the remaining 3.96ha area to be dedicated as Public Open Space (POS).
- 2.5 A screening opinion dated 6th August 2015 carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 (in relationship to urban development projects), established that the proposed development did not need to be accompanied by an Environmental Statement, as in accordance with the Environmental Impact Assessment Regulations and relevant thresholds, it is considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Since this date the 2011 regulations have been replaced with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and it is considered that the development in accordance with Schedule 2 – urban development projects, that the proposed development does not need to be accompanied by an Environmental Statement.
- 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**
- 3.1 It is considered that owing to the scale of the proposal that in this instance Committee consideration is appropriate in relationship to the proposal.
- 4.0 **Community Representations**
- 4.1 **Oswestry Town Council** have responded to the application indicating:
- The Town Council, in principle, support this development but in terms of sustainability Members request:
- Confirmation from Planners that Middleton Road is not suitable for access as this site has already been flagged up as a site of community concern and therefore it is asked that in the design process, any further impact on Middleton Road is resisted.

- Assurances are sought over the capacity of the existing infrastructure and its capability to accommodate such a large development together with the potential economic growth as planned for this area of Oswestry.
- Assurance is sought on the provision of a sustainable transport network for this area and its linkages to Oswestry in terms of cycle and public transport.
- Confirmation is sought on the balance of affordable housing to be provided that should include adequate provision for elderly and disabled residents.
- Assurances are sought that the density of population will meet national planning policy guidance.
- The Town Council request the highest standards in design, quality, and build.
- It is requested that there will be adequate provision of open space and play facilities and an early understanding of the criteria to be used is sought.
- It is requested that the development is supported by proper infrastructure that is set in advance of the development commencing and that a piecemeal approach should not be permitted that has historically created problems in other areas of the town.
- Information is sought on the community facilities to be provided.

4.2

Oswestry Rural Parish Council have responded indicating:

'The Council is concerned the development will have an adverse impact on infrastructure especially Doctors' Surgeries including car parking facilities and school places. The possible moving of the A&E Dept to Telford should also be taken into account. The Council considers the proposed site layout has the potential to become a rat run to avoid busy routes. The Council noted the lack of comments so far from residents, community interest groups and Oswestry Town Council. The Council would respectfully ask Shropshire Council to confirm the consultation process has been carried correctly.'

An earlier response indicated:

'At the meeting of Oswestry Rural Parish Council held on 28 June 2016 concerns were raised regarding the impact a development of this size would have on local infrastructure and services and also highways (safety and traffic management). The Parish Council will monitor the progress of the application and will consider making further representations at a later stage.'

4.3

Consultee Comments

4.4

SC Public Rights of Way Manager has responded indicating:

‘As acknowledged in the application, the public right of way Oswestry Urban Footpath 68 passes through the middle of the development site and will be directly affected by the proposals. Therefore, an application to legally divert the footpath under the provisions of the TCPA 1990 will be required (fees apply). It is requested that the developers contact the Mapping & Enforcement Team to discuss the matter further.’

4.5 **SC Waste Management** raises no objections offering advice in order to assist the developers by highlighting Shropshire Council’s current management of refuse and recycling collections and what provisions will be expected when proposals for new dwellings come forward in the future.

4.6 **SC Drainage Manager** raises no objections indicating:

The proposed drainage details, plan and calculations should be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

1 The surface water drainage strategy in the Flood Risk and Foul Drainage Assessment is acceptable in principle.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

The development site lies within a groundwater Source Protection Zone 3. Surface water run-off should be treated through a filtration unit prior to entering the soakaways and also pass through a silt trap or catch pit prior to entering the soakaways to reduce sediment build up within the soakaways. Should the use of soakaways prove to be not viable, the use of large diameter pipes and crate storage together with a large number of chambers are likely to prove to be an expensive solution in terms of both construction and maintenance. The sites topography lends itself well to the use of true SuDS. Opportunities for permeable paving, swales, filter strips, rain gardens, basins and ponds for the house and highway drainage within the development site which could be explored to make the drainage system more sustainable.

Challenges to the viability of SuDS at development sites may include land take/space limitations, land contamination legacy, soil infiltration properties and groundwater conditions. Key to their viability, however, is their early consideration. It could not be accepted, for example, that true SuDS are unviable simply because they do not fit in with a proposed site layout which has been designed prior to the consideration of SuDS.

The Management Train Approach should be central to the surface water drainage strategy of the proposed site. The main objective is treatment and control of runoff as near to the source as possible protecting downstream habitats and further enhancing the amenity value of the site aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individuals plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land.

The proposed surface water drainage system should be designed to cater for all storm events up to and including the 1 in 100 plus 35% allowance for climate change storm event.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. Information on the proposed maintenance regime for any sustainable drainage system proposed should be provided, including details of who will take responsibility.

Reason: To ensure that the drainage system remains in good working order throughout its lifetime.

3. Edge swale/ filter strips should be considered to receive the highway surface water runoff. Should highway gullies be the only practical option for the disposal of the surface water runoff for the highway, please note that highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period. Confirmation is required that the gullies will be able to convey the 100 year plus 35% storm to the proposed surface water drainage system. Soakaways and attenuation drainage structures should not be located under the highway. Alternatively, a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Councils Surface Water

Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. Exceedance flow path should be provided to ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

4. Urban creep is the conversion of permeable surfaces to impermeable over time

e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage: Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extension of impermeable surfaces.

4.7

SC Learning and Skills Manager raises no objections indicating:

‘Shropshire Council Learning and Skills reports that large scale developments within the Oswestry area are forecast to cause future school capacity issues. As plans come forward forecasts will be made using the latest data to identify specific capacity issues and to calculate any contributions required towards the consequential cost of additional places/facilities considered necessary at those schools, by way of a Section 106 agreement or CIL tariff.’

4.8

SC Planning Ecologist raises no objections offering the following advice and recommending conditions and informatives’ are attached to any approval notice issued:

An Ecological Assessment was carried out on this site in October 2015 by Churton Ecology.

Habitats

Habitats on the site consist of arable land, improved grassland, hedgerows, tall ruderal vegetation, mature trees, plantation and scrub. A small stream runs along the north-west boundary.

The report records 11 hedgerows on the site, mostly moderately species-rich but none of them meeting the criteria of ‘Important’ under the Hedgerows Regulations 1997.

The mature trees should be retained in the final design and protected from development by a buffer of additional shrub planting.

Hedgerows should be retained as far as possible. Retained hedgerows should also be protected by buffer planting, which 'could be encouraged to grow high and provide better foraging opportunities for wildlife. Such buffer zones could be used as public spaces with some mown grassland areas between shrub areas.'

The landscaping scheme should include native tree, shrub and hedgerow planning (using species of local provenance), wildflower grassland areas and ornamental species which are known to be particularly valuable to pollinators.

Bats

The Scot's pine in the north of the site, within the small patch of plantation, and the northernmost oak tree in the north-east of the site (labelled TN6 and TN7 respectively on the Phase 1 map), contain potential bat roosting features.

Should any works to these trees be required at any stage (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 hedgerows and trees provide potential foraging and commuting resources for bats. 'However, many are compromised by being trimmed and/or by having poor links to other hedgerows or to extensive areas of good habitat. The most suitable hedgerow flanks the east boundary – it is extensive, high and links to a recreational area in the north, which supports some better (although modern) habitat.' 'It is notable that the site, although large, is isolated by two busy well lit roads to the south and east and extensive urban areas to the north and west.'

'Daytime working hours will be adopted for any construction works in proximity to the east hedgerow, in-field Oak and Scot's Pine, to avoid disturbance to bats and other nocturnal wildlife (through noise and lighting).'

Illumination of the hedgerows and trees must be avoided to ensure that bat commuting routes, feeding areas and potential roosts are not disturbed. The Bat Conservation Trust's guidance should be followed.

A number of bat boxes should be integrated into or erected on to the new buildings to enhance the roosting opportunities for bats post-development. For a development of this size, I would expect somewhere in the region of 20 boxes, suitable for a range of species and different types of roosting, although this can be determined at Reserved Matters stage.

Great crested newts

There are two mapped ponds and two unmapped ponds within 500m of the site.

The two unmapped ponds lie approximately 250m to the south-east of the site. 'The larger pool (a dirty lagoon) has no wetland plants and is in many other ways completely unsuitable for breeding purposes; a very small adjacent pool has some suitability with wetland plants present and dragonflies noted. Both pools are located within poor terrestrial habitat.' These ponds are separated from the site by a main road which is considered to be a significant barrier to dispersal.

There is a pond approximately 210m to the east of the site. This pond contains a record of great crested newt from 2014. This pond is also separated from the site by a main road which is a significant barrier to dispersal.

There is a pond approximately 275m from the site at its nearest point (the northern tip). This pond contains a record of great crested newt from 2006. Churton Ecology carried out a Habitat Suitability Index (HSI) assessment of this pond in October 2015. The HSI assessment calculated the pond as having 'Good' potential to support great crested newts. However, the pond 'does not represent optimum breeding habitat (as it is isolated in the landscape and overgrown, with only a small area of open water) and does not provide the conditions suitable to support a larger population'. 'The site, and the intervening land between the site and north pool, offers largely poor terrestrial habitat, with the exception of the hedgerows and a small plantation.'

'The potential for site range dispersal or trans-site migration is further reduced by the presence of a road to the north, which partially isolates the pool from the site, and a lack of suitable breeding or significant terrestrial habitat to the south, east and west of the site, which might otherwise trigger longer range migrations.'

Using Natural England's rapid risk assessment tool, an offence is highly unlikely to be committed and therefore no further consideration of great crested newts is considered necessary.

To remove any residual risk, site materials should be stored off the ground, i.e. on pallets or in skips, to prevent them being used as refuges by newts and other wildlife.

Trenches should be closed overnight or should contain a ramp so that any animals which become trapped have a means of escape.

If a great crested newt is discovered at any stage, works must cease and a licensed ecologist and Natural England contacted for advice. The Local Planning Authority should also be informed.

Birds

The hedgerows, trees and scrub provide potential nesting opportunities for birds. As much of this vegetation as possible should be retained in the final design.

Where vegetation removal is required, this should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check for active nests must be carried out. If any active nests are present then works in that area cannot commence until the young birds have fledged. If any birds begin nesting in any of the buildings during construction, works must cease until the young birds have fledged.

New planting of hedgerows, trees and shrubs will replace lost nesting opportunities and enhance the site for birds.

A number of bird boxes, suitable for a range of species, should be integrated into or erected on to the new buildings to further enhance the nesting opportunities for birds. For a development of this size, I would expect somewhere in the region of 50 boxes, although this can be determined at Reserved Matters stage.

Other species

The stream is not considered suitable to support otters or water voles.

The site peripheries may be used by Polecat and Hedgehog, which are UK priority species and have been recorded in the surrounds.' 'A probable polecat scat was noted under one in-field Oak tree, in association with a little used rabbit warren and this species may use these for breeding.'

Retaining existing vegetation, creation of buffers around hedgerows and mature trees (and avoiding illumination of these features), storing site materials off the ground and closing trenches overnight will all help protect these mammals from harm.

Refugia and hibernacula should be created around the site boundaries using rocks, logs, grass cuttings etc., to create places of shelter for wildlife.

Hedgehog boxes and insect boxes could also be included in the landscaping scheme.

Gaps should be left under garden fences to allow the movement of hedgehogs.

Conditions and informatives

The following conditions and informatives are recommended for inclusion on the decision notice:

1. Landscaping plan

The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- d) Native species used are to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

2. Erection of artificial nesting/roosting boxes

The first submission of reserved matters shall include a scheme for the provision of roosting and nesting opportunities for bats and birds. The types and locations of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

3. Lighting plan

Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.

Reason: To minimise disturbance to bats, European Protected Species.

Informative: Ecology – Nesting wild birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to September 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 experienced ecologist should be called in to carry out the check. No clearance works can take place within 5m of an active nest.

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

Informative: Ecology – Bats and trees

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

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.

During all works on mature trees there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working on mature trees, particularly where cracks and crevices or thick ivy covering are present. Any cracks and crevices should be visually inspected prior to the commencement of works on the tree and if any cracks or crevices cannot easily be seen to be empty of bats then an experienced, licensed bat ecologist should be called to make a visual inspection using an endoscope and to provide advice on tree felling.

Works on trees with high bat roosting potential (aged or veteran trees with complex crevices and areas of dead wood) should not be undertaken without having first sought a bat survey by an experienced, licensed ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (2nd edition). Felling and tree surgery work should only be undertaken in line with guidance from a licensed ecologist and under a European Protected Species Mitigation Licence

where necessary.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0845 601 4523) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Informative: Ecology – Great crested newts

Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

Although great crested newts usually utilise high quality terrestrial habitats associated with ponds, they do occasionally travel significant distances and can be found in unexpected locations. Contractors should be aware of the small residual risk of finding a great crested newt and should be vigilant when carrying out works.

If a great crested newt is discovered then all work must halt and a licensed ecologist and Natural England (0845 601 4523) should be contacted for advice. The Local Planning Authority should also be informed.

Informative: Ecology – Storage of materials

The storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

Informative: Ecology – Trenches and pipework

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 closefitting 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.

4.9

SC Tree Manager raises no objections indicating:

I have reviewed the plans and particulars submitted with this application and note

that there are a small number of trees on and adjacent to this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 29 individual trees which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate. There are also a number of stretches of hedgerow on the site, no detailed information has been provided about these in the AIA and it is requested that these features be assessed in accordance with the system set out in the Hedgerow Regulations 1997 and the guidance in BS5837 to establish their current quality and value.

The application is for outline planning permission and the AIA indicates that the site can be accessed and developed to provide up to 600 residential units with associated facilities, infrastructure and amenities without significant impact to trees that are important in the amenity of the area.

Landscape planting of trees forms an important element of a development of this type, particularly where existing trees are scarce. The Masterplan indicates areas of open space within the development and it is expected that a landscape planting scheme, that makes provision for the sustainable planting of tree species capable of becoming large canopy specimens at maturity, will form part of the application.

No objection is raised to the application at this stage. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees and significant new planting within the site design. The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. The application should also be supported by a landscape proposal including trees planting prepared in accordance with BS8545: 2014.

The following condition is recommended:

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until a Reserved Matters application is submitted.

a) No existing 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 surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

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.

4.10

SC Conservation Archaeology Manager raises no objections indicating:

We have now undertaken a GIS based map registration process using the revised site masterplan.

We can therefore confirm that the extended area of public open space towards the south-western corner of the proposed development site will now encompass the whole of the single ditched sub rectangular cropmark enclosure (HER PRN 02286). It will therefore achieve the intended objective of preservation in situ for these remains. We can now therefore advise that appropriate conditions are applied that ensure that any development is carried out in complete accordance with these plans. As previously advised, and with reference to Paragraph 141 of the Framework and Policy MD13 of the Local Plan, a phased programme of archaeological should also be made a condition of any outline planning consent. This should comprise an initial archaeological field evaluation consisting of trial trenching, including trenches targeted at the anomalies identified in the geophysical survey, followed by further mitigation as appropriate. An appropriate condition of any such consent would be: -

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

An earlier response indicated:

The proposed development comprises a development of up to 600 units on a 24.4ha site on the south-eastern edge of Oswestry. The principal archaeological interest on the site is a single ditched sub rectangular cropmark enclosure (HER PRN 02286), which is likely to represent the remains of a farmstead enclosure of broadly Iron Age to Roman date. The former site of a possible prehistoric standing stone (HER PRN 00896) is located a short distance to the west, whilst to the south of the enclosure prehistoric flints and a Roman coin were discovered during gravel extraction in 1853 (HER PRN 02984). A recent geophysical survey has also identified a number of potential archaeological anomalies elsewhere on the proposed development site, including a potential ring ditch (HER PRN 32517) of Early Bronze Age date. For these reasons the proposed development site is

considered to have high archaeological potential.

RECOMMENDATION:

With regard to Paragraph 128 of the NPPF and Policy MD13 of the Local Plan, a Desk Based Assessment was previously prepared for this site in 2005 by Clwyd-Powys Archaeological Trust. In addition, the results of an archaeological geophysical survey by Archaeology Wales have been submitted with the application. Both documents indicate that the proposed development site holds archaeological interest. The applicant is proposing to preserve the cropmark enclosure in situ within an area of public open space towards the south-western corner of the proposed development site. Landscape planting has been kept to a minimum to achieve this aim. We confirm that we very much welcome this approach to conserving the principal archaeological interest of the proposed development site. However, and having undertaken an GIS based map registration process, we would note that at present the proposed access road on the northern and north-western edge of this area encroaches onto the site of the enclosure. As such preservation in situ would not be fully achieved. We would therefore advise that the site masterplan is amended so that preservation in situ can be fully achieved, and that the application is not determined until this information has been submitted. We would, however, be willing to provide further advice to the applicants so that preservation in situ can be achieved.

Subject to a satisfactory amendment of the masterplan being submitted, and with reference to Paragraph 141 of the Framework and Policy MD13 of the Local Plan, we would be minded to recommend that a phased programme of archaeological investigation is made a condition of any outline planning consent. This should comprise an initial archaeological field evaluation consisting of trial trenching, including trenches targeted at the anomalies identified in the geophysical survey, followed by further mitigation as appropriate. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

4.11

SC Affordable Housing Manager raises no objections indicating:

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with

the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 10% this would mean a provision of 60 Affordable houses on site. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type, tenure and location of the affordable housing needs to be agreed in writing with the Housing Enabling team before any further application is submitted.

4.12 SC Regulatory Services (Public Protection), Manager raises no objections stating:

Having considered the air quality report submitted by the applicant as part of this application I can confirm that having reviewed the assessment I do not expect any significant impact from the development on existing receptors and from existing sources on proposed receptors. As a result I have no objection or conditions to recommend in respect of air quality.

In respect of contaminated land the desk top assessment has highlighted the need to carry out intrusive investigations. As a result I would recommend the following condition:

Contaminated land

- 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 DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- 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.

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

<http://shropshire.gov.uk/committeeservices/>

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

Having considered the noise assessment carried out by WMG reference A086231 it is concluded that mitigation is required to ensure that internal and external amenity in respect of noise is considered acceptable for proposed dwellings. As no detailed layout has been proposed it is not possible for detailed mitigation to be specified at this time however it is likely to require; boundary treatment with acoustic fencing to a specified location, height and density, glazing requirements for properties closest to boundary roads and alternative ventilation in some properties in specified rooms to ensure windows can be kept closed in order to protect the internal environmental from unacceptable noise. As a result this information will be required at reserved matters stage and will be appropriately conditioned at that time. When considering external areas and noise mitigation I would point out that the noise assessment is looking for a target level of 55dB however public protection require 50dB where attainable in line with World Health Organisation guidelines. As a result it is likely that more extensive boundary treatment will be required and it is expected that this may require acoustic fencing to the length of the southern boundary of the site and other areas as necessary.

4.13

SC Conservation Manager, (Built Environment), raises no objections indicating:

The proposal for the development of up to 600 residential units with associated infrastructure including areas of public open space with all matters reserved except access on land to the south east of the historic market town of Oswestry is within the SAMDEV plan as a Sustainable Urban Extension, which the council supports. It should be noted that for the purposes of this response on historic environment

matters, this application is in outline only and deals with access, with all other matters reserved. Taking into account the HER search results carried out internally, and in the context of policy MD13 in the SAMDEV plan, the developer should provide a heritage impact assessment to inform and guide the layout and design of the resulting development of this significant site, taking account of the requirements in Section 12 of the NPPF and guidance documents GPA 2 and 3 as published by Historic England. In this regard, these comments accord with the advice provided by colleagues in the council's archaeology team.

Assuming that this is a matter to be reserved, we would welcome early discussions with our design and conservation officers on the findings of the above assessment, to identify ways in which the layout, scale, and design of the resulting development can respond to and incorporate site specific design elements such as local character and distinctiveness, vernacular building style and materials, and protection of key view corridors between designated and non-designated heritage sites on site, and in the immediate and wider setting. Specific heritage assets identified within this initial scoping would include, but not be limited to, the on-site known archaeology, The Lye historic farmhouse and outbuildings which is a nearby Grade II listed building to the north west of the site, the grouping of listed farm buildings forming the historic settlement of Middleton to the east, and heritage assets within a 1.5km radius of the site of which the site forms an element of their setting. This methodology should be checked and agreed in writing with conservation officers during the formal design process, and an appropriate condition for this work to be carried out immediately upon the grant of permission will be recommended to the case officer.

4.14 **SC Parks and Recreation Manager** makes the following comments:

Under Shropshire Councils SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation.

This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.

On very large sites, it may be appropriate to divide the recreational open space into more than one area in order to provide accessible provision across the development. In such instances it is important that each recreational area is of a sufficient size to be functional. The types of open space provided need to be relevant to the development and its locality and should take guidance from the Place Plans. The ongoing needs for access to manage open space must be provided for and arrangements must be in place to ensure that the open space will be maintained in perpetuity.

This application forms part of the Oswestry Sustainable Urban Extension and has been part of a 'master planning' process. The master plan proposes two parks within the development and a buffer zone along the A5. These open spaces should be linked with green corridors and cycleway so that there is access from the north of the development providing a link to existing cycle and pedestrian routes from Eaton Fields, Broadlands Way and Eastern Oswestry, to the Leisure Centre, College and beyond.

The outline design at this stage does not indicate the actual amount of bedrooms to be provided, so no clear minimum public open space area can be determined. This detail must be provided so that the open space calculation can be made to ensure the policy requirement is met. The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

4.15 **SC Highways Manager** has responded to the application offering the following advice:

I refer to the above planning application and to the ongoing conversations and discussions which have been held since the application was first submitted. This of course included initial strategic highway network issues with Highways England having regard to the impact of the development on the Strategic Highway Network. Those issue have now finally been resolved.

Insofar as Shropshire Council is concerned, as the local highway authority responsible for the highway network under its control and responsibility, I would offer the following advice and recommendations:-

At the outset, the submitted application forms the basis of delivering the major part of the Oswestry SUE within the adopted SAMDev. The principle of development of the site has been established and therefore this application and subsequent applications are essentially to deal with the detail of how the site is to be developed. The overall Oswestry SUE allocates 3 principle land owners and/or land interests, of which this application site area proposes to deliver some 600+ houses, promoted by JRoss Developments. As part of the current application being considered, the build out of this site area also delivers the strategic local link road between Middleton Road and Shrewsbury Road. In essence therefore the application, now under consideration, meets part of the aspirations for developing the major land area contained within the Oswestry Sue and potentially facilitating the other 2 land areas coming forward. On this note, the land ownership forming part of the northern area within the SUE is the subject of a separate application currently being reviewed.

The current application is supported by a Transport Assessment (TA) that has been reviewed by both Shropshire Council (SC) and Highways England (HE), together

with the later and specific requirements of the HE now being approved. The TA is considered robust and is acceptable to SC and the HE. In short, there are no substantive highway issues that should prevent this application being approved as it delivers the aspirations of the Oswestry SUE as part of the Council's housing delivery objectives.

As access is being considered at this outline stage, the details submitted confirm that a satisfactory roundabout arrangement can be accommodated at the current Shrewsbury Road/Maes-Y-Clawdd priority junction. The final details of the roundabout arrangement would need to go through the standard design checks and safety audits as part of the Section 278 Agreement, however there are not considered to be any substantive issues to the delivery of the new roundabout. It is considered however that the roundabout should be fully constructed before any development of the site is undertaken and should therefore a pre-commencement condition requirement of the construction of housing and internal infrastructure.

It is understood that the delivery of the internal strategic link road between Shrewsbury Road and Middleton Road will be considered via reserved matters applications coming forward, which will include the phasing of the housing delivery across the site. These will therefore include the detail of the design and layout of the spine road as the housing stock develops out. Planning conditions are required at this outline stage to set out the reserved matters requirements for phasing of the link road in order to provide the opening of the link as soon as is viable and practicable.

In conclusion therefore the application submission essentially meets the aspirations in delivering the Oswestry SUE allocation as approved by the Council in its adoption of the SAMDev. The highway authority consider also that the delivery of the link road between Middleton Road and Shrewsbury Road forms an important link within the local highway network, which will benefit Oswestry residents. Subject therefore to the inclusion of highway conditions as previously discussed, the highway authority support the application.

4.16

Highways England initially requested several withholding objections until further information/clarification had been provided by the applicants. On receipt of satisfactory information Highways England responded on 15th January 2018 recommending that conditions should be attached to any planning permission that may be granted.

The final response indicated:

Highways England has previously reviewed this planning application. This application has been subjected to several holding recommendations due to outstanding issues related to the information submitted in support of the application. In October 2017, the current holding response was put into place due to issues with the submitted Walking, Cycling, Horse Assessment and Review (WCHAR) and awaiting a Stage 1 Road Safety Audit.

By November 2017, the above outstanding issues were resolved as it was determined that the WCHAR does not impact on the results of the Stage 1 Road Safety Audit and that both have been undertaken in compliance with DMRB Standard HD 42/17 and HD 19/15. It was recommended that the current holding recommendation could be lifted and a recommended conditions response be prepared. It is worth noting that the developer would be able to submit a Section 73 application for the removal or variation of these planning conditions once planning permission has been granted.

Based on the comments stated above, Highways England recommends that the following conditions be attached to any planning permission that may be granted.

- No development pursuant to this application shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the local planning authority, in consultation with the Highways Authority for the A5 and A483 and it shall incorporate, as a minimum the following elements:
 - Details of phasing of the development,
 - Expected daily and peak hour construction traffic,
 - Means of construction access,
 - A programme for monitoring and review.

The CTMP approved under this condition shall be adhered to throughout the construction period.

- No development pursuant to this application shall be occupied until the site access works shown on Corun drawing No. 13-00294-PL01 Revision A have been completed to the written satisfaction of the local planning authority, in consultation with the Highways Authority for the A5 and A483.
- No development hereby approved, with the exception of enabling works shall commence until a scheme for the proposed phasing of subsequent reserved matters applications for specific residential areas have been submitted to and approved in writing by the Local Planning Authority.
- Reason (Conditions 1-3): To ensure the safe and free flow of traffic on the A5 and A483 and to ensure that the A5 and A483 continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980.

4.17

Place Partnerships on behalf of West Mercia Police have responded to the application indicating as a summary justification for Police Section 106 contributions:

Whilst national and local funding will continue to cover salary and maintenance

costs, there is insufficient funding to provide the infrastructure required to support new development. Warwickshire Police, (WP), and West Mercia Police, (WMP), consider that the associated infrastructure costs arise directly as a result of the development proposed and that funding for the police under Section 106 is therefore both necessary and justified.

The National Planning Policy Framework (NPPF) provides policy justification for infrastructure of this nature, and implores decision makers to plan for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Part of that necessarily involves securing appropriate police infrastructure by way of developer contributions where it could not otherwise be provided.

WP/WMP's Crime and Incident Model predicts an additional 65 crimes, 39 anti-social behaviour incidents and 93 public safety/welfare incidents per year that will require a police response arising from the proposed development. The predictions are based on crime and incident figures for Shropshire from 2015/16 reported by the Office of National Statistics, the public crime portal Police.uk and the National Standard for Incident Recording.

There have been a large number of Appeal Cases, including recent Secretary of State determinations, where contributions have been sought towards all the types of infrastructure requested and have been found to be CIL compliant.

The legal basis for S106 contributions to police infrastructure is therefore clear and established, particularly in relation to the three tests contained in CIL Regulation 122.

We have put forward here a detailed case for infrastructure funding, based on sound evidence, which aims to address the predicted increase in police work as a direct result of the application development.

Although this request for contributions relates only to infrastructure that can be funded under the provisions of CIL Regulations 122 and 123, it needs to be remembered that there are many other police services that will be available to the residents of the application development in the event of crimes or other incidents for which no contributions are sought. Contributions are not sought towards these because there is existing capacity in those services, and so any contribution could not be justified.

4.18 **Public Comments**

4.19 At the time of writing this report letters of objection/comment have been received from two members of the public. Key planning issues raised can be summarised as follows:

- Concerns with regards to vehicle movements to the north of the site in

relationship to the surrounding primary residential area and impacts on surrounding road networks and in particular in relationship to Middleton Road.

4.20

Oswestry and District Civic Society have made the following comments:

1. The Society considers this proposal to be an important addition to Oswestry, and notes it has a crucial part in satisfying the housing land supply requirements for Shropshire. The Society does however have concerns which would be met by appropriate planning conditions.

2. It is noted that the application seeks outline permission, with all matters reserved except the means of access. There are no concerns over access from the site to the surrounding road network, and if permission is limited to that, no issue arises. However, if access is taken to include approval of the road network and typical land uses set out in the DAS and master plan, then such approval would be premature, since it may unacceptably constrain the outcome of the Travel Plan which the applicant proposes should be secured by condition (para 3.3.2 of the submitted TA).

3. In addition, the Master Plan is considered to be defective because it makes no provision for segregated access between the development and the proposed future commercial/industrial development to the east of the A5 - for example a foot/cycle bridge, or full vehicular access between the two sites.

4. The Society has two principal concerns. They are not at this stage objections, but matters which it is considered should be specified at this stage as needing further consideration. They are:

- a. The lack of adequate proposals for public transport penetration of the site;
- b. A need for there to be a stated design philosophy aimed at satisfying Section 7 of the NPPF.

Public Transport Penetration

5. The applicant refers to the guidance in Section 4 of the NPPF, and the IHT (now CIHT) guidance that public transport should be available within a distance of less than 400m.

6. Given the longterm failure of the transport sector as a whole to reduce CO2 emissions and pollutants, the fostering of modal shift towards public transport is more important than ever. The policy requirements of the NPPF to provide sustainable transport opportunities have to be applied, and guidance such as that quoted above carefully met.

7. The Society considers that, so far, the applicant appears to have studiously excluded public transport from the site. Surprisingly, the DAS is silent on the matter. This approach could result in the guidance not being met, and a lower level

of public transport service in this development than in the adjacent developments. Given that the whole development lies outside recommended walking distances quoted by the applicant for access to services, then some greater thought is needed if the development is to be sustainable in the terms of section 4 of the NPPF.

8. The applicant recognises the need for a further TA to be required by condition. The Society endorses that. It would be expected that the TA would properly address the whole issue of sustainable access, as set out in para 35 of the NPPF.

9. The Society also recognises that there may be financial implications for the initial operation of public transport services. The Planning Authority is invited to consider whether these should be the subject of appropriate planning obligations, which would be required before the grant of planning approval.

Design philosophy

10. In general, the Society considers that the DAS adequately addresses the requirements of the NPPF "for the achievement of high quality and inclusive design for all development" as set out in para 35 of the NPPF, so far as layout of public and private space is concerned. Although the DAS surveys local buildings as an attempt to identify character, there is no actual approach to design of buildings set out.

11. For many years Government has recognised the degree of public disquiet with the generally poor levels of design achieved by volume builders. The policies of the NPPF emphasising that good design is a key aspect of sustainable development; and that there should be robust and comprehensive policies that set out the quality of development that will be expected are indications of the seriousness of the matter.

12. It is common knowledge that this Society makes annual buildings awards. It makes them at three levels - commendation, high commendation and full award. It assesses all developments completed in the year, and it is no secret that, whilst it makes awards to volume builders, there are numerous developments taking place which come nowhere near to the level required even for commendation.

13. The essence of the Society's awards system is the application of the criteria set by Government in paragraph 58 of the NPPF. Therefore, every development ought to achieve at least a commendation. The Society looks forward to making such an award or better to this development, but considers this will only be achieved if there is some pre-stated design philosophy, approved by the local planning authority.

14. A condition requiring the DAS to be extended to cover design approaches to individual buildings would satisfy this issue.

Earlier responses indicated:

The Civic Society did not make comment on the application within the consultation period, and as an outline application, the Society do not have an objection.

The Society have been represented at meetings held under the auspices of the Shrewsbury Civic Society at which Mr. Kilby has urged the Civic Societies to engage with the promoters of significant developments in their areas. We endeavoured to make contact with this developer, but messages left with the promoter's secretary were not returned.

We were not informed of, nor did we pick up from the press, any intimation of the public consultation, and were therefore unable to engage in it. It does not surprise us that only 50 people viewed the exhibition, but since that is now in the past I have endeavoured to familiarise myself with the Statement of Community involvement – but amongst the documents on the web I can find only the appendices. Perhaps you could help with this.

This is an outline application. From the documents and the master plan submitted the Society are of the view that there is insufficient appreciation that to be truly sustainable there needs to be a proper recognition of the fact that no community facilities are proposed here; that the centre of the site is at least 700 metres from the nearest shop (Aldi), and 1500 metres from the centre of Oswestry. Inevitably, unless there are extraordinary efforts made within the development as regards public transport provision, this will simply become yet another car based development. In the increasing urgency to achieve a low carbon economy the Society would expect to see better. There is no indication in the documents that the developer proposes to do any more than the bare minimum in this regard.

We note that a master plan was agreed with the council officers. Whilst we have no objection in principle, we would expect to see far more in the way of design philosophy approved before development commences. As I'm sure you are aware the Society has an awards system in which it makes awards for good building design. This extends to all developments, and we have in the past made awards to estate developers. But the overall impression we get is that developers pay far too little attention to good design. As we see it, the Government gives considerable encouragement to planning authorities to improve the quality of development (NPPF 7), and this rightly gets the support of Inspectors. Therefore, if this proposal is to be approved, we consider that the planning authority should reserve a total approach to design, rather than simple approval of layouts, individual house types etc. At that stage we would expect further public consultation.

5.0 THE MAIN ISSUES

- Principle of development.
- Siting, scale design and landscape impact.

- Biodiversity.
- Drainage.
- Highway access and transportation.
- Section 106/Community Infrastructure Levy - (In particular in relationship to Police).

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.1.2 The National Planning Policy Framework, (NPPF), has at its heart a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Paragraph 52 of the NPPF indicates that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

6.1.3 In respect of the three dimensions to sustainable development in the NPPF, the delivery of housing is a contributor to economic growth. The proposals will fulfil a social role by delivering a mix of affordable and open market housing to meet current and future needs with a range of tenures. There are environmental issues that are affected by the proposals, however, which weigh against the sustainability credentials of the scheme, although some mitigation is proposed that will redress the balance.

6.1.4 The Economic Role

The proposed development would be likely to deliver some economic benefits. These include:

- new homes bonus
- council tax receipts
- local expenditure by new residents
- construction jobs and supplies
- maintenance jobs for the public open space (POS).

While these are not especially significant in themselves and are to be expected with any major development, they have to be taken into account when considering whether the development represents sustainable development as defined in the NPPF.

6.1.5 The Social Role

Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities.

The development will deliver the following social benefits:

- social housing
- recreational areas and equipped play areas that provide opportunities for new residents to interact with one another
- a network of footpaths and cycle ways that link the development to the riverside and town
- contributions towards upgrading local schools
- highway improvements

The phase of the Oswestry SUE under discussion will provide 600 dwellings of which 60 would be affordable representing provision of 10%. Policy CS11 of the adopted Core Strategy seeks a contribution of 10% in this location, and this would be consistent with it. These contributions will be secured through a S106 agreement.

6.1.6 The provision of public open space is required by policy. The Oswestry Sustainable Urban Extension has been part of a 'master planning' process. The master plan proposes two parks within the development and a buffer zone along the A5. These open spaces should be linked with green corridors and cycleway so that there is access from the north of the development providing a link to existing cycle and pedestrian routes from Eaton Fields, Broadlands Way and Eastern Oswestry, to the Leisure Centre, College and beyond.

6.1.7 The outline design at this stage obviously does not indicate the actual amount of bedrooms to be provided, so no clear minimum public open space area can be determined. This detail will need to be provided so that the open space calculation can be made to ensure the policy requirement is met. The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

6.1.8 The Planning Statement in support of the application indicates the provision of 3.96ha of public open space on site. The proposed development would not only provide an area of interest for future residents but also existing residents. The Indicative Masterplan illustrates how the amenity/play space could be provided on the site. The Plan shows two pockets of amenity space; these areas are integrated to the wider development and surrounding areas through green linkages.

6.1.9 A phasing plan indicates the building zones and open space provision. This will be delivered in stages to reflect the different phases of the overall development. The

open space will also have to be managed and maintained and this will either be through a specialised management company or through the Local Parish Council. Precisely how this will be delivered will be secured through a S106 obligation.

6.1.10

The Council's Learning and Skills have reported that a development of this scale will have an impact upon the availability of local schools to absorb the potential number of school-age children resident on the development. This impact will be captured through the Community Infrastructure Levy. (CIL).

6.1.11

The social benefits likely to flow from the development carry a degree of weight, mainly in relation to the increased level of affordable housing which is in accordance with the minimum requirement set out in the development plan and the contributions towards local educational establishments. The public open space is more limited in value by virtue of how it is to be provided and its layout.

6.1.12

The Environmental Role

The proposed development concerns a substantial open site within the countryside. Therefore, the physical intrusion/encroachment of the development into the open countryside and its effects upon local visual amenity are particularly important considerations in respect of the environmental role of sustainable development. However, the proposal is an allocated site in the adopted Local Plan and the development plan therefore anticipates and supports a significant incursion into the countryside on the edge of Oswestry. Notwithstanding this, it is appropriate to consider whether this is an acceptable incursion. Having regard to the environmental role of sustainable development, consideration is given here to the development's: (i) design, layout and scale and (ii) impact on landscape. The report covers ecological and habitat issues in more detail later on.

6.1.13

The site is within the recognised urban development boundary of Oswestry and forms part of an allocated site for the provision of 900 dwellings within SAMDev Policy S14 which states the following in relationship to the site:

'Development to deliver comprehensively planned, integrated and phased development of the SUE, Having regard to the SUE land use plan (figure S14.1.1), and an adopted SUE master plan. Development to include: a mix of new housing; land for community facilities and public open space; a network of open space and green infrastructure; a new link road between Shrewsbury Road and Middleton Road; facilitation through provision of land, if required, of improvement to the A5/A483 trunk road junction and sustainable transport improvements associated with the site; and on site pedestrian/cycle provision to facilitate linkages to the town centre and proposed employment land at Mile End East. Drainage/flood alleviation measures requiring a specific flood risk assessment to investigate flood risk across the site to accommodate the proposed development within the developable area of the site.'

6.1.14

The site does not form part of any landscape designation and whilst it is acknowledged that the site does contain some archaeology interest as referred to

by the Conservation Manager, (Archaeology), in paragraph 4.9 of this report, it is considered that these issues can be adequately addressed via the attachment of a condition to any approval notice issued. The site does not have any significant historic built environment interest, and neither will development of the site, as proposed, have any significant detrimental impact on the surrounding historic environment.

- 6.1.15 As such the principle of development on site is recognised and accepted and detail and material considerations in relationship to the application is discussed in more detail below.

6.2 **Siting, scale, design and landscape impact.**

- 6.2.1 Paragraph 58 of the NPPF on good design advocates optimising the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The NPPF seeks to improve and enhance places where people live. This national policy is reinforced and expressed locally in Core Strategy Policy CS6 and SAMDev Policy MD2.
- 6.2.2 The application is made in 'outline' with all matters other than access reserved for future consideration. Accompanying the application is an indicative site layout plan which indicates how the site could be laid out with consideration to residential units as well as open space. It is considered that siting scale and design can be achieved to a satisfactory level making use of a wide variety of housing types and scale, with consideration to the site and its location within the surrounding local environment as well as that of the wider landscape in which the site is situated within.
- 6.2.3 (ii) Landscape
The application site is an allocated site for residential development in the countryside on the edge of Oswestry., whilst the development proposal will result in the loss of agricultural land, this matter is considered acceptable and would have been subject to consideration when the site was allocated for development in accordance with the procedures in relation to formal adoption of the local plan. .
- 6.2.4 The site which consists of grade 3 agricultural land is relatively flat, bordered by hedges and has been subject to arable production. The eastern boundary adjoins the A483, whilst other boundaries are mostly associated with the fringes of the built up area of Oswestry and development as outlined in paragraph 2.2 of this report.
- 6.2.5 Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of CS6 requires new development to protect, restore, conserve and enhance the natural, built and historic environment. It should also be

appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies.

- 6.2.6 Policy MD2 requires all development to provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.
- 6.2.7 The master plan proposes two parks within the development and a buffer zone along the A5. These open spaces must be linked with green corridors and cycleway so that there is access from the north of the development providing a link to existing cycle and pedestrian routes. The proposals submitted with this application provide 3.96ha of public open space on site. The Planning Statement and Indicative Masterplan submitted with this application illustrates how the amenity/play space could be provided on the site. The Plan shows two pockets of amenity space; these areas are integrated to the wider development and surrounding areas through green linkages. A buffer area is also indicated alongside the A5 highway.
- 6.2.8 It is considered that development on site will represent a natural extension to the town and that whilst development as a whole will have a landscape and visual impact, with consideration to the landscape and surrounding land topography, impacts with consideration to landscape mitigation and enhancement as proposed, will be to an acceptable level and that any future Reserve Matters applications will be able to successfully consider the matters reserved for future consideration.
- 6.2.9 As such in relation to scale, design and landscape and visual impact, development on site in principle is considered acceptable and in accordance with key Policies CS1, CS3, CS5, CS6, CS9, CS11 and CS17 of the Shropshire Core Strategy, Policies MD1, MD2, M3, MD7a, M12, MD13 and S14 of the SAMDev and the overall aims and objectives of the NPPF.
- 6.3 **Biodiversity**
- 6.3.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately

conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.

- 6.3.2 The site consists of agricultural grade 3 land with native trees and hedgerows surrounding the site. An arboriculture report in support of the application indicates the site is an area of pasture and arable land situated on the east flank of Oswestry and bordered on its eastern and southern boundaries by the A5 trunk road. It is reasonably level and freely draining and is divided into six fields by well-maintained hedges mostly comprised of hawthorn. The absence of other species from the internal hedge rows is significant since this demonstrates that they are likely to have originated from recent plantings. Older hedgerows are more species rich and consequently have greater ecological value. Along the north and west boundaries of the site, the hedgerows show greater diversity and evidence of earlier coppicing. On these boundaries, blackthorn and hazel also occur with hawthorn. On the south and east boundaries, the hedgerows and trees originate from roadside plantings completed in the early 1990's when the Oswestry bypass was built.
- 6.3.3 The development as proposed requires the removal of the sections of hedgerow, the majority of these hedgerows form boundaries within the site. External boundary hedges will be breached to provide access to the site. The application proposes planting native trees and shrubs on some of these open areas which it is considered will mitigate the loss of the hedgerows proposed for removal. Hedgerows provide linear habitats within the landscape and therefore make a significant contribution to its ecology. On this site, with consideration to the existing internal hedgerows and their species proposed for removal, mitigation measures as proposed with more species rich replacements, it is considered will result in greater biodiversity provision than that currently provided by the existing hedgerows.
- 6.3.4 The application site also contains trees on site, and these mainly consist of 29 trees standing within the boundary of the site to the north and west of the A5 trunk road. The tree survey submitted in support of the application indicates the removal of a *Crataegus monogyna* and some young oak trees near to the east boundary.
- 6.3.5 With consideration to mitigation as offered and referred to on the masterplan in support of the application, tree removal and mitigation is considered acceptable and it is noted that the Council's Tree Officer raises no objections on this matter indicating that the final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees and significant new planting within the site design. The final site layout will be subject to Reserved Matters, and this must be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. Any application will also need to be supported by a landscape proposal including trees planting prepared in accordance with BS8545: 2014. The Tree Manager recommends a condition with regards to existing trees on site in order to ensure their protection during and after development

6.3.6 The application has been accompanied by a detailed ecological assessment, which includes consideration to a range of species including reference to European protected species and potential habitats. This has been reviewed by the Council's ecologist. She has advised that there is no objection to the application subject to the imposition of conditions to mitigate impact as outlined in paragraph 4.7 of this report. Conditions recommended refer to landscaping plan, artificial nesting and roosting boxes and lighting plan. Whilst ecological mitigation and enhancement are considered necessary and welcome, given the nature of the outline application and the matter for which approval is being sought, and the likely phasing of development on site, conditions relating to the provision of artificial nests, bat boxes and external lighting are not considered necessary at this stage, as these issues are more appropriate for consideration at Reserve Matters Stage. It is recommended that an informative note is attached to any approval notice issued in order to remind the applicants of this requirement.

6.3.7 On biodiversity issues the proposed development with landscape mitigation as discussed above is considered acceptable and in accordance with key policies CS5 and CS17 of the Shropshire Core Strategy, MD12 of the SAMDev and the overall aims and objectives of the NPPF in relation to biodiversity and ecological issues.

6.4 **Drainage**

6.4.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. A flood risk and foul drainage assessment has been submitted with the application. This confirms that the proposed development falls within flood zone 1, in accordance with the EA statutory flood risk data maps, (low probability) The objective of the sequential test in the NPPF and the associated Technical Guidance is to direct new development to the least flood-prone areas: This scheme meets this objective and passes the sequential test.

6.4.2 The application site is at low risk of flooding from fluvial flooding and also at low risk of flooding from pluvial, canal overflow and groundwater sources or from reservoir failure. The surface water drainage proposals comply with the general requirements of Planning Policy CS18. The general surface water strategy to be adopted will be to drain the main northern and central parts of the site by gravity to a central infiltration basin which will be located within the public open space area, with the southern area being drained to a similar feature located at the main site entrance adjacent to Shrewsbury Road. Information as contained in the applicants flood risk assessment indicates that the infiltration basins will be depressions approximately 1.5m deep with side slopes of 1 in 3 or less which can either be grassed or planted with water tolerant planting as the basins will fill up with water during heavy rainfall and drain down over a 24 hour period. Any future reserved matters application will need to provide a detailed inspection and maintenance schedule of the proposed SUDS features and infiltration basins.

6.4.3 It is noted that the Council's Land Drainage Manager raises no objections in relation to the proposal, recommending conditions to be attached to any approval notice subsequently issued. It is recommended that a condition is attached to any approval notice in order to ensure a sustainable drainage system is installed in relation to the development and that this matter is considered at the Reserve Matters stage as advised by the Land Drainage Manager.

6.4.4 With consideration to the above-mentioned drainage matters are considered satisfactory and in accordance with policies CS6 and CS18 of the Shropshire Core Strategy and the NPPF.

6.5 **Highway access and transportation.**

6.5.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

6.5.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.

6.5.3 Policy S14.1a of the Council's SAMDev refers to the Eastern Gateway Sustainable Urban Extension indicating that development will deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE land use plan and an adopted SUE Masterplan and this includes provision of a new link road between Shrewsbury Road and Middleton Road, as well as improvement to the A5/A483 trunk road junction and sustainable transport improvements associated with the site, and on site pedestrian/cycle provision to facilitate linkages to the town centre and employment land at Mile End East.

6.5.4 The applicants have submitted in support of their application a transport assessment and this proposes vehicular access to the site primarily made via a new roundabout, which will replace the current priority T-junction arrangement at Shrewsbury Road/Maes-Y-Clawdd. A secondary access point to the site will be provided to the north via a continuation of Middleton Road, and this route will be suitably traffic-calmed to prevent 'rat running'. (The sustainability of Middleton Road a matter raised by the Town Council in response to the application). The internal site layout will be designed according to Manual for Streets principles and it is proposed that this will include 2 metre pedestrian footways on both sides of the carriageway. Detail indicates that the development will link with existing footway and cycle provision to the north and south. It is proposed that the footways along the site frontage (i.e. the northern side of Shrewsbury Road) are widened to 2.0

metres where feasible. This will help encourage pedestrian trips along key desire lines. Dropped kerb and tactile paving crossing opportunities are included in the proposed access roundabout design. In addition, a controlled crossing will be provided on Shrewsbury Road. This crossing will likely take the form of a 'Toucan' (due to the traffic free cycle routes on the southern side of Shrewsbury Road) at a location to be agreed with the Local Highway Authority.

- 6.5.5 The traffic assessment indicates that a comprehensive travel plan will be produced and can be secured by a planning condition and that the developer is willing to contribute towards public transport improvements in the form of two new bus stops.
- 6.5.6 The transport assessment has considered the sustainable viability of the site, in terms of its accessibility to walking, cycling and public transport and concluded that the site complied with transport planning policy at local and national level.
- 6.5.7 Highways England considered information on transportation issues insufficient and during the application processing period issued several holding objections, as a consequence further information during the application processing period was submitted, mainly in relation to a walking, cycling, and horse assessment and review and a stage 1 road safety audit, in order to further consider impacts on the adjacent trunk road. Highways England eventually lifted their objection recommending conditions with regards to a construction traffic management plan, site access works, and phasing works, be attached to any approval notice issued.
- 6.5.8 SC Highways Manager has responded to the application with no objections indicating the current application is supported by a Transport Assessment (TA) that has been reviewed by both Shropshire Council (SC) and Highways England (HE), together with the later and specific requirements of the HE now being approved. The TA is considered robust and is acceptable to SC and the HE. The S.C. Highways response confirms that there are no substantive highway issues that could prevent this application being approved as it delivers the aspirations of the Oswestry SUE as part of the Council's housing delivery objectives.
- 6.5.9 As access is being considered at this outline stage, the details submitted confirm that a satisfactory roundabout arrangement can be accommodated at the current Shrewsbury Road/Maes-Y-Clawdd priority junction. The final details of the roundabout arrangement would need to go through the standard design checks and safety audits as part of the Section 278 Agreement, however there are not considered to be any substantive issues to the delivery of the new roundabout. It is considered however that the roundabout should be fully constructed before any development of the site is undertaken, as such it is recommended that a condition is attached to any approval notice issued in order to adequately address this issue.
- 6.5.10 The S.C Highways response indicates that the delivery of the internal strategic link road between Shrewsbury Road and Middleton Road will be considered via reserved matters applications coming forward, which will include the phasing of the housing delivery across the site. These will therefore include the detail of the

design and layout of the spine road as the housing stock develops out. The Highways response indicates that planning conditions are required at this outline stage to set out the reserved matters requirements for phasing of the link road, in order to provide the opening of the link as soon as is viable and practicable.

- 6.5.11 In conclusion, the application submission essentially meets the aspirations in delivering the Oswestry SUE allocation as approved by the Council in its adoption of the SAMDev. The highway authority considers that the delivery of the link road between Middleton Road and Shrewsbury Road forms an important link within the local highway network, which will benefit Oswestry residents. Subject therefore to the inclusion of highway conditions the highway authority supports the application.
- 6.5.12 On transportation and highway matters the application is considered acceptable and based on information provided, it is considered that development as proposed can be considered a significant part of the aims in relation to a sustainable urban extension in accordance with relevant policy and the master plan in relation to this site. As such the development on transportation issues considered to be in accordance with local plan policies CS1, CS3, CS6, CS8, MD2, MD3 and S14 and the overall aims and objectives of the NPPF in relation to sustainable transportation.
- 6.6 **Section 106/Community Infrastructure Levy - (In particular in relationship to Police).**
- 6.6.1 Policy CS9 and CS11 of the Core Strategy seeks to secure provision of affordable housing either on the development site or, where appropriate, as an off-site financial contribution. The applicant has agreed to the provision of 10% affordable housing on site which equates to 60 dwellings. The nature of tenure split and management will be determined at the reserved matters stage and will meet the Housing Officer's requirements. This will be delivered through a Section 106 planning obligation.
- 6.6.2 Shropshire Council has been involved in discussions with the applicant and other parties about the appropriate delivery and funding of infrastructure associated with this development. This will be funded by the development's CIL contributions and will be supplemented by on site delivery directly by the developer(s). It is not possible to calculate the level of CIL contributions from the scheme precisely given the outline nature of the proposal. However, it is estimated that there is likely to be approximately £1.8m of CIL funding which the Council will need to ring fence for the following infrastructure associated with the site: Primary and secondary school provision; play facilities; additional highway infrastructure associated with the Strategic Road Network. In addition the Council has recently received in principle approval from Homes England for a grant of £9.3m from the national Housing Infrastructure Fund (HIF) specifically to support the upgrade of Mile End and Whittington Road Roundabouts, as well as a footbridge over the A483 public highway, linking the site to the site allocated for the 'Innovation Park'. As such, no further mitigation funding is required through additional Section 106 contributions from the development

- 6.6.3 It is considered that the above contributions are in line with the provisions of policies CS9 and CS11
- 6.6.4 Paragraph 4.16 above refers to a request from Place Partnerships on behalf of West Mercia Police for a financial contribution towards police infrastructure costs to be secured through a Section 106 Agreement. Reference is made to the requirements of the NPPF in order to ensure safe environments. Reference is made to various paragraph, including paragraph 69 of the NPPF which refers to 'Promoting Healthy Communities, and safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. On this aspect, it is considered that when planning and designing housing schemes, Planners need to take into consideration good design and layout that encourages social cohesion and avoid bad planning with regards social interaction. Policy MD2 of the SAMDev refers to the requirement to plan positively to local design aspirations both in terms of visual appearance and how a place functions. Policy CS9 of the Shropshire Core Strategy refers to 'Infrastructure Contributions', and accompanying this policy is an explanation, in which no reference is made to the requirement for contributions towards policing infrastructure, either as part of a Section 106 or as part of CIL. The supporting documents provided by Place Partnerships show that the majority of the successful appeals on this issue are in the Leicestershire area: This would appear to be because the adopted Leicestershire County Council and the District Local Authority SPDs for developer contributions make specific reference to contributions to the police and this is accompanied by evidence of area specific requirements. The High Court Judgement submitted by the Constabulary relates to a scheme for 4,500 homes, which is of a completely different scale to the 600 dwellings proposed in this 'outline' application.
- 6.6.5 In this particular instance, it is considered there is insufficient justification to demonstrate that the planning obligations sought are required to mitigate impacts arising directly from the proposed development. There is no evidence to conclude that the requested contributions directly relate to the Oswestry area and the proposed development or are fairly and reasonably related in scale to the development. It is considered that such obligations are not necessary to make this particular development acceptable in planning terms. Information and justification in relation to the request appears to be more generalised covering the wider police area that the force covers and is not specific, being more generalised forecasting what they consider may be predicted implications as a result of the development, as proposed. Accordingly the required contributions fail both the legal and policy tests for planning contributions in this instance."
- 6.6.6 This site has been a proposed housing site throughout the whole process of creating the SAMDev Plan. At no point during that process has any party sought to show a need for this site to make a specific contribution to police infrastructure. There is no information in the SAMDev and neither was there in the schedule of main modifications, in the development guidelines for housing allocation to indicate such a requirement. The key issue is whether, without the contribution requested,

the development would be sufficiently unsustainable to warrant a refusal. Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

6.6.7 It is not considered that the financial contribution sought is necessary to make the application acceptable in planning terms. The extrapolation of figures relating to Shropshire, and the creation of a sum per dwelling formula, does not establish that there would be a direct need related to the characteristics of this particular development. The reference in Core Strategy policies CS6 seeking to secure safe developments is considered to refer to scale and design of any development in order to deter crime, and this is not considered a sufficient basis to justify seeking additional funding for the police to supplement that which the occupiers of the dwellings would pay through Council tax. Under Core Strategy policy CS9 (Infrastructure Contributions) it is not considered that the police request would constitute essential infrastructure without which the development would not be able to take place. This type of funding has not been identified as priority of key infrastructure in the Shropshire LDP Implementation Plan.

7.0 CONCLUSIONS

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

7.2 The relevant local plan policies are set out below and the proposed scheme has been assessed against them. Other material planning considerations have also been considered in the assessment of the merits of the case. The proposed development forms part of the adopted master plan Oswestry Eastern Approach Sustainable Urban Extension site as set out in S14.1a of the SAMDev.

7.3 It is considered that development as proposed offers in principle a range of dwellings and public open space along with public highway and transportation that complies with the adopted master plan.

7.4 Issues in relation to drainage with the attachment of a condition to any approval notice issued are considered satisfactory as are matters in relation to ecology and residential amenity.

7.5 Landscape and visual impact is considered to be adequately addressed, with mitigation as proposed and this matter also subject to condition in order to ensure

satisfactory consideration to landscape mitigation and integration into the surrounding environment. Historic matters have also been considered as part of the application processing.

7.6

Public highway access and impacts on surrounding trunk road highway infrastructure created a considerable delay in the processing of this application, as it was clear further negotiation on this matter was required by the parties concerned. Highways England on the eventual receipt of satisfactory information raises no objections in relation to the proposal subject to conditions being attached to any approval notice issued. Consideration to the suggested conditions has been given and are attached in appendix one to this report. Impacts on the local highway network also considered acceptable with the attachment of highway conditions as attached to the appendix.

7.7

It is noted that both Oswestry Town and Rural Council make comments in relation to impacts in relation to local infrastructure, these issues have been considered and the CIL contributions will cover the key issues and requirements in relation to this matter. A section 106 agreement ensure delivery of affordable housing in accordance with the relevant policy requirements. The Section 106 agreement also ensuring delivery and maintenance of the public open spaces the site provides for.

7.8

The requests by Place Partnerships on behalf of the Police for contributions towards police infrastructure have also been given consideration and it has been concluded that this request does not comply with adopted policy on this matter and further still does not sufficiently refer to local police infrastructure in the Oswestry area, as the evidence presented by Place Partnerships appears to be based upon county wide ratios. There does not appear to be any evidence of a direct impact from this development taking into account other relevant local policing issues in the local area. As such it is considered there is no justification for a locally specific police contribution from the scheme, as it would not be possible to demonstrate the infrastructure is necessary to make the scheme acceptable in planning terms and as such would not be directly related to the development.

7.9

It is considered that the proposal accords with the overall aims and provisions of the NPPF and the relevant Shropshire LDF policies CS1, CS3, CS6, CS8, CS9, CS11, CS17, CS18, MD1, MD2, MD3, MD8, MD12, MD13 and S14. As such the recommendation is one of approval subject to a s106 legal agreement in relation to affordable housing provision and open space provision and management and the conditions as set out in Appendix 1 and any amendments considered necessary to these conditions by the Planning Services Manager.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS3 - The Market Towns and Other Key Centres
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS8 – Facilities, Services and Infrastructure Provision
 CS9 - Infrastructure Contributions
 CS10 - Managed Release of housing Land
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD8 - Infrastructure Provision
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S14 - Oswestry
 National Planning Policy Framework
 SPD Developer Contributions

RELEVANT PLANNING HISTORY:

15/03266/SCR Environmental Impact Assessment (EIA) screening request - Oswestry Eastern Gateway EAN 6th August 2015

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Joyce Barrow
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (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 Article 4 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 for all phases of the development shall be made to the Local Planning Authority before the expiration of five 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. Prior to the submission of any Reserved Matters, a phasing scheme shall be submitted and approved in writing by the Local Planning Authority. The approval of the details of the Reserved Matters shall be obtained from the Local Planning Authority in writing in relation to each phase before development of each phase commences. The development shall thereafter be carried out in accordance with the approved details.

The phasing scheme shall indicate the order and approximate timescales of development phases and the submission of reserved matters in relation to them, the provision of the spine road, highway and drainage infrastructure; strategic utility infrastructure; strategic landscaping, open space and recreation facilities and pedestrian and cycle route connections.

Reason: To adequately manage the delivery of the site against supporting infrastructure and to ensure a satisfactory long term sustainable development of the site and the necessary CIL charging in relation to development of the site

5. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. The first submission of reserved matters for each phase shall include a scheme of landscaping with reference made to the whole site and long term landscaping plans and these works shall be carried out as approved. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- d) Native species used are to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables
- g) Detail of open space provision, layout and design
- h) Future management and maintenance plan.

Any species that fail in the first five years after planting shall be replaced with species of similar species and type.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

7. The layout submitted as part of any reserved matters application for a particular phase shall include details for the provision of pedestrian and cycle routes through the site, linking to the surrounding boundaries of the phase as well as the site as a whole. The scheme shall be implemented in accordance with the approved details, and shall be constructed prior to the occupation of the first dwelling in that particular phase of the site.

Reason: In order to ensure adequate sustainable integration with the surrounding area and to comply with the overall aims and objections of the Oswestry Sustainable Urban Extension masterplan and policy S14 1a of the Shropshire Council's Site and Allocations and Management of Development Plan. (SAMDev)

8. The layout submitted as part of any reserved matters application for a particular phase shall include details of vehicular routes and the spine road construction to be provided to the boundaries with the adjacent phased sites in the Oswestry Sustainable Urban Extension as indicated on the masterplan and approved phasing plan in relation to the site, as well as the spine link road links out of the site as a whole, onto adjoining roads and access points. The scheme shall be implemented in accordance with the approved details and the spine road shall be constructed prior to the construction of the 325th dwelling on the site .

Reason: In order to ensure adequate sustainable integration with the surrounding area and to comply with the overall aims and objections of the Oswestry Sustainable Urban Extension masterplan and policy S14 1a of the Shropshire Council's Site and Allocations and Management of Development Plan. (SAMDev).

9. No development on site within any phase of the development shall take place until a scheme of sustainable foul and surface water drainage including the approach to its delivery for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented for each phase in accordance with the approved details before the development in that phase is brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site in order to avoid flooding.

10. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until a Reserved Matters application is submitted.

a) No existing 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. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

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.

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

12. 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 DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.

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.

13. No development pursuant to this application shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the local planning authority, in consultation with the Highways Authority for the A5 and A483 and it shall incorporate, as a minimum the following elements:

- o Details of phasing of the development,
- o Expected daily and peak hour construction traffic,
- o Means of construction access,
- o A programme for monitoring and review.
- o The parking of vehicles of site operatives and visitors
- o Loading and unloading of plant and materials
- o Storage of plant and materials used in constructing the development
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o Wheel washing facilities
- o Measures to control the emission of dust and dirt during construction
- o A scheme for recycling/disposing of waste resulting from demolition and construction works
- o A traffic management and HGV routing plan

The CTMP approved under this condition shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area and to ensure the safe and free flow of traffic on the A5 and A483 and to ensure that the A5 and A483 continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980.

14. No development pursuant to this application shall be occupied until the site access works shown on Corun drawing No. 13-00294-PL01 Revision A have been completed to the written satisfaction of the local planning authority, in consultation with the Highways Authority for the A5 and A483.

Reason: To ensure the safe and free flow of traffic on the A5 and A483 and to ensure that the A5 and A483 continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980.

15. No development in any Phase shall take place until details of a scheme to provide for electric car charging for that Phase have been submitted to and approved in writing by the local planning authority. The development of each Phase shall be implemented in accordance with the approved scheme.

Reason: In the interests of promoting sustainable development

16. Prior to the first occupation of any part of the development of any phase, a detailed Travel Plan shall be submitted to, and approved in writing by, the local Planning Authority. The Travel Plan shall include support and incentives for bus, cycle use, walking and car-sharing alongside measures and targets. The Travel Plan shall relate to the entirety of the residential development and reflect the phasing of occupation as appropriate. Monitoring reports setting out the progress towards meeting the targets within approved Travel Plan shall be submitted for the approval of the local Planning Authority annually for a minimum of five years.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport

17. Development shall not begin in relation to the provision of road and highway drainage infrastructure for each phase until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied until the road and highway drain serving the dwelling has been completed.

Reason: To ensure an adequate and acceptable means of access is available before any dwelling is occupied.

18. As part of the first submission of any Reserved Matters details of the layout, design and construction of the road improvements on Shrewsbury Road and construction of the roundabout and access road into the site, any new roads, footways and accesses together with details of the disposal of highway surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented in accordance with the approved plans, prior to any construction of dwellings on site.

Reason: To ensure a satisfactory means of access to the site.

19. Prior to the commencement of development the roundabout junction onto Shrewsbury Road, as shown indicatively on Drawing Number 13-00294 PLO1 Rev A, shall be fully constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide adequate construction and residential access to the development off Shrewsbury Road.

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

20. Construction works on site (excluding construction works in relation to the roundabout on Shrewsbury Road), shall not take place outside the following times:

- Monday to Friday 0730hrs to 18.00hrs
- Saturday 08.00hrs to 13.00hrs
- Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

Informatives

1. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to September 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 experienced ecologist should be called in to carry out the check. No clearance works can take place within 5m of an active nest.

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

2. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

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.

During all works on mature trees there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working on mature trees, particularly where cracks and crevices or thick ivy covering are present. Any cracks and crevices should be visually inspected prior to the commencement of works on the tree and if any cracks or crevices cannot easily be seen to be empty of bats then an experienced, licensed bat ecologist should be called to make a visual inspection using an endoscope and to provide advice on tree felling.

Works on trees with high bat roosting potential (aged or veteran trees with complex crevices and areas of dead wood) should not be undertaken without having first sought a bat survey by an experienced, licensed ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (2nd edition). Felling and tree surgery work should only be undertaken in

line with guidance from a licensed ecologist and under a European Protected Species Mitigation Licence where necessary.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0845 601 4523) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

3. Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

Although great crested newts usually utilise high quality terrestrial habitats associated with ponds, they do occasionally travel significant distances and can be found in unexpected locations. Contractors should be aware of the small residual risk of finding a great crested newt and should be vigilant when carrying out works.

If a great crested newt is discovered then all work must halt and a licensed ecologist and Natural England (0845 601 4523) should be contacted for advice. The Local Planning Authority should also be informed.

4. The storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

5. 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 closefitting 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.

6. 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.

7. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.

8. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

9. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

10. 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. The fee required is £116 per request, and £34 for existing residential properties.

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.

11. The applicants or successors in title are reminded that any future reserve matters applications require consideration to biodiversity enhancement, relating to the provision of artificial nests, bat boxes and external lighting in relation to bat movements.

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