



Shropshire Council  
Legal and Democratic Services  
Guildhall,  
Frankwell Quay,  
Shrewsbury  
SY3 8HQ

Date: Monday, 9 June 2025

**Committee:**  
**Northern Planning Committee**

**Date:** Tuesday, 17 June 2025

**Time:** 2.00 pm

**Venue:** The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

You are requested to attend the above meeting. The Agenda is attached

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for Planning Committees including the arrangements for public speaking can be found by clicking on this link: <https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard  
Assistant Director – Legal and Governance

**Members of the Committee**

Julian Dean (Chairman)  
Mark Owen (Vice Chairman)  
Jamie Daniels  
Rosemary Dartnall  
Greg Ebbs  
Brian Evans  
Adam Fejfer  
Gary Groves  
Ed Potter  
Rosie Radford  
Carl Rowley

**Substitute Members of the Committee**

Caroline Bagnall  
Thomas Clayton  
Andy Davis  
Craig Emery  
Rhys Gratton  
Nick Hignett  
Alan Holford  
Brendan Mallon  
Vicky Moore  
Wendy Owen

Your Committee Officer is:

**Emily Marshall** Committee Officer

Tel: 01743 257717

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## **1 Apologies for Absence**

To receive apologies for absence.

## **2 Minutes (Pages 1 - 6)**

To confirm the Minutes of the meetings of the Northern Planning Committee held on 22 April 2025 and 22 May 2025, attached.

Contact: Emily Marshall on 01743 257717;

## **3 Public Question Time**

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 12 noon on Wednesday 11 June 2025

## **4 Disclosable Pecuniary Interests**

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

## **5 Proposed Residential Development Land NW Of Mile End Roundabout Shrewsbury Road Oswestry Shropshire (24/00719/OUT) (Pages 7 - 28)**

Outline application for residential development on land off Shrewsbury Road, adjacent to Mile End Roundabout to include means of access and remediation.

## **6 Proposed Commercial Development Land to the south of Hazledine Way Shrewsbury Shropshire (24/04742/VAR) (Pages 29 - 48)**

Variation of conditions attached to planning permission ref no. 22/03877/FUL to permit (i) an alternative Care Home Development in lieu of the previously approved Care Home Development and (ii) an amended single-storey Retail/Leisure building in lieu of the previously approved two-storey Retail/Leisure building

## **7 Field Adjoining Langley Sodyllt Bank Ellesmere Shropshire (25/00248/FUL) (Pages 49 - 74)**

Change of Use of agricultural land to residential caravan site for 1 no. traveller family to include access and drainage.

**8 Land North Mytton Oak Road Shrewsbury Shropshire (24/02808/OUT) (Pages 75 - 110)**

Hybrid planning application for a residential development of up to 400 dwellings and 80 bed care home (Use Class C2), access, footpath/cycleways, public open space, landscaping and associated drainage and development infrastructure: comprising a FULL application for 102 dwellings, 80 bed care home, access from Mytton Oak Road, footpath/cycleways, public open space, landscaping and associated development infrastructure and OUTLINE application (all matters reserved) for up to 298 dwellings, access, footpath/cycleways, public open space, landscaping and associated development infrastructure.

**9 Appeals and Appeal Decisions (Pages 111 - 158)**

**10 Date of the Next Meeting**

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 15 July 2025 at The Guildhall, Frankwell Quay Shrewsbury



## Committee and Date

Northern Planning Committee

INSERT NEXT MEETING DATE

## **NORTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 22 April 2025**

**In the The Shrewsbury Room, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8H  
2.00 - 3.10 pm**

**Responsible Officer:** Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

### **Present**

Councillor Paul Wynn (Chairman)

Councillors Garry Burchett, Geoff Elner, Julian Dean, Roger Evans, Pamela Moseley, Nat Green, Alex Wagner, Vince Hunt (Vice Chairman) and Nick Hignett (Substitute)  
(substitute for Joyce Barrow)

### **80 Apologies for Absence**

Apologies for absence were received from Councillor Joyce Barrow.

Councillor Nick Hignett substituted for Councillor Barrow

### **81 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Northern Planning Committee held on 18 March 2025 be approved as a correct record and signed by the Chairman.

### **82 Public Question Time**

There were no public questions received.

### **83 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With respect to agenda items 5 and 6 Councillor Nat Green stated that he was the local member and would make a short statement and would then leave the table and take no part in the debate and vote.

### **84 Raven Meadows, Multi Storey Car Park, Raven Meadows, Shrewsbury, Shropshire (25/00649/FUL)**

The Planning Officer introduced the application for the Installation of 2.434m high perimeter fencing at levels 8-13 inclusive. She advised that the application was before the committee as the council was the applicant.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Nat Green, local ward councillor made a statement, and then left the table and took no part in the debate and voting

During the ensuing debate, Members comment that the installation of the fence was necessary to prevent further incident.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the proposals

### **RESOLVED:**

That in accordance with the officer recommendation planning permission be granted subject to the conditions set out in appendix 1 of the report

#### **85 Riverside Shopping Centre Pride Hill Shrewsbury Shropshire (24/04476/EIA)**

The Principal Planning Officer introduced the application for Outline planning permission (to include access) for the comprehensive mixed use redevelopment of the site comprising: Construction of a podium with undercroft car and cycle parking and ancillary uses, Creation of three plots on top of the podium - Plot 3 for office (Class E(g(i)), hotel (Class C1) or residential (Class C3) and medical practice (Class E(e)) with associated ground (podium) level food and beverage retail (Class E(a)(b)(c)), Plot 5 for office, hotel or residential with associated ground (podium) level food and beverage retail, Plot 6 for residential, construction of a new road between Smithfield Road and Raven Meadows 'the Avenue', meanwhile uses, creation of new public realm and landscaping at ground and podium level, plant, servicing and other associated enabling and ancillary works.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Nat Green, local ward councillor made a statement and then left the table and took no part in the debate and voting.

During the debate members made the following comments: -

- Concern was expressed regarding the piecemeal nature of the application which meant that the effect of the overall scheme could not be assessed
- Concern was expressed regarding the fact that there was not enough detail with regards to matters such as active travel and egress during flooding events. The Principal Planning Officer stated that further details would be considered alongside the reserved matters applications and that there would be conditions which would ensure that this happened.

Following further debate, it was **RESOLVED**:

That in accordance with the officer recommendation outline planning permission be granted and delegated authority be given to the Interim/Planning and Development Services Manager to impose planning conditions, and the completion of a legal agreement to secure a contribution towards affordable housing and flood warning systems

**86 Appeals and Appeal Decisions**

**RESOLVED:**

That the appeals and appeal decisions for the northern area be noted.

**87 Date of the Next Meeting**

It was noted that the next meeting of the Northern Planning Committee will be held at 2.00 pm on Tuesday 27th May 2025 in the Council Chamber, The Guildhall, Shrewsbury

Signed ..... (Chairman)

Date: .....

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### Committee and Date

Northern Planning Committee

INSERT NEXT MEETING DATE

## **NORTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 22 May 2025**

**In the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ  
11.00 - 11.10 am**

**Responsible Officer:** Emily Marshall

Email: emily.marshall@shropshire.gov.uk

Tel: 01743 257717

### **Present**

Councillors Jamie Daniels, Rosemary Dartnall, Julian Dean, Greg Ebbs, Adam Fejfer, Gary Groves, Harry Hancock-Davies, Mark Owen, Ed Potter, Rosie Radford and Carl Rowley

### **1 Election of Chairman**

It was proposed, seconded and duly **RESOLVED:**

That Councillor Julian Dean be elected Chairman of the Northern Planning Committee for the forthcoming municipal year

### **2 Apologies for Absence**

There were no apologies for absence

### **3 Appointment of Vice-Chairman**

It was proposed, seconded and duly **RESOLVED:**

That Councillor Mark Owen be appointed Vice-Chairman of the Northern Planning Committee for the forthcoming municipal year

### **4 Date of Next Meeting**

Members were advised that the next scheduled meeting of the Northern Planning Committee would be held on 17 June 2025 at 2.00pm

Signed ..... (Chairman)

Date: .....

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## AGENDA ITEM



Committee and date

**Northern Planning Committee**

**17<sup>th</sup> June 2025**

### Development Management Report

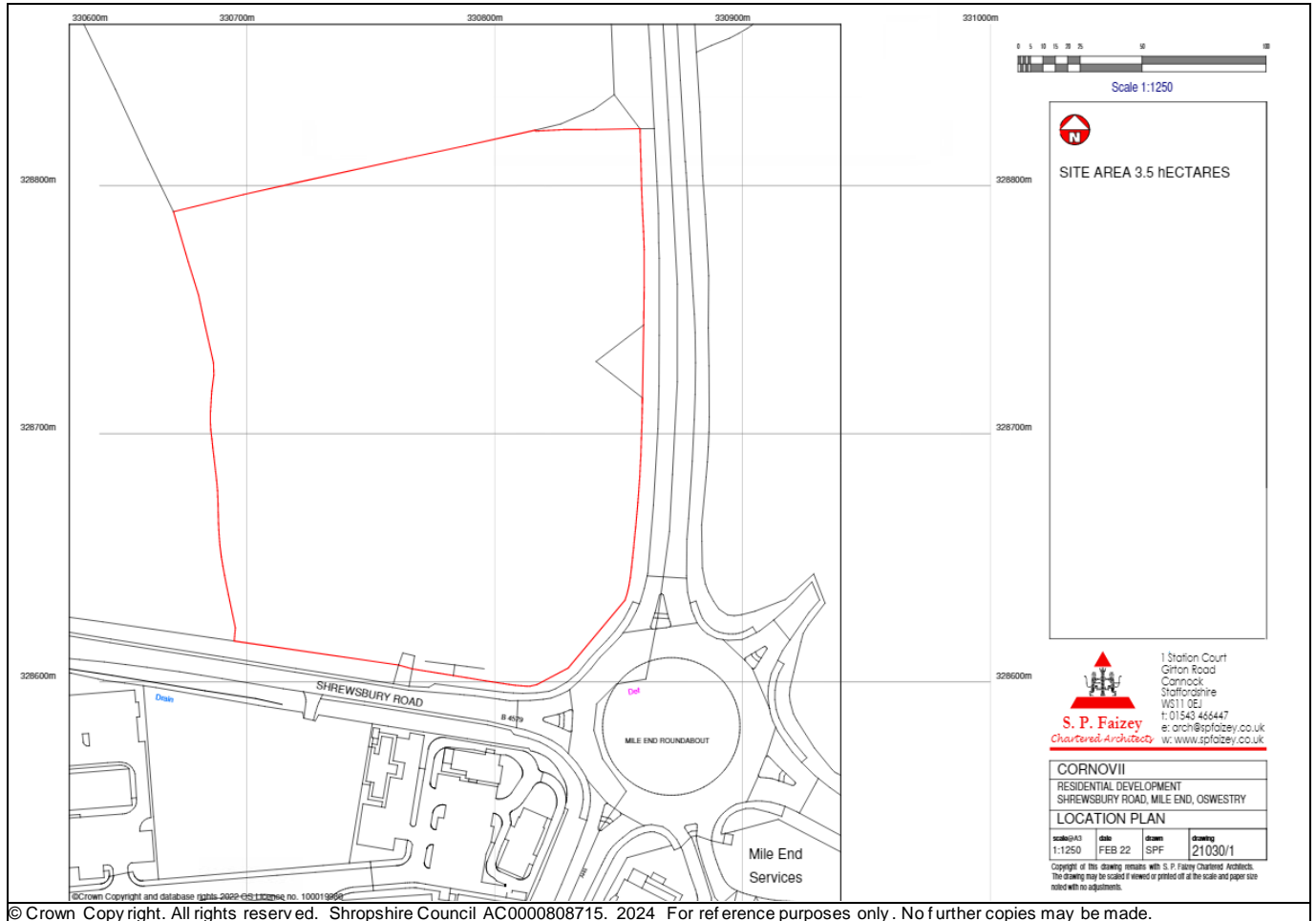
Responsible Officer: Tim Collard, Service Director Legal and Governance

#### Summary of Application

<b><u>Application Number:</u></b> 24/00719/OUT	<b><u>Parish:</u></b>	Oswestry Town
<b><u>Proposal:</u></b> Outline application for residential development on land off Shrewsbury Road, adjacent to Mile End Roundabout to include means of access and remediation.		
<b><u>Site Address:</u></b> Proposed Residential Development Land NW Of Mile End Roundabout Shrewsbury Road Oswestry Shropshire		
<b><u>Applicant:</u></b> Cornovii Development Ltd		
<b><u>Case Officer:</u></b> Ollie Thomas	<b><u>email:</u></b> <a href="mailto:ollie.thomas@shropshire.gov.uk">ollie.thomas@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 330774 - 328710		

# AGENDA ITEM

## Proposed Residential Development Land NW Of Mile End Roundabout



**Recommendation:- GRANT planning permission with delegated authority to the (Interim) Planning and Development Services Manager to impose planning conditions and in consultation with the Head of Legal and Democratic Services, to negotiate the terms of a Section 106 Agreement to completion and to secure an affordable housing contribution and Biodiversity Net Gains.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is seeking outline planning permission, to include matters of access only, for residential development on land at the above address. All other matters (layout, scale, design and landscaping) are reserved for later approval, instead this application seeks to establish the principle of development and to confirm that the proposed access points are satisfactory in-line with the proposed use of the site.

- 1.2 The application site forms part of the larger Eastern Gateway Sustainable Urban Extension - an allocated mixed-use development to deliver a comprehensive and integrated urban extension, to include a mix of new housing (around 900 new dwellings), community facilities and public open space. Within the SAMDev Plan is a land use plan to indicate the broad arrangement of uses proposed, with the application site indicated in blue and shown as housing land:

*Figure S14.1.1: Oswestry SUE Land Use Plan*



- 1.3 Whilst the application proposal (above) does not specify a number of new dwellings being proposed, an indicative Site Plan has been submitted to show the site capable for 89 dwellings provided through a mix of house types (detached, semi-detached, terraces and apartments). Officers have concern with the proposed layout and the granting of this outline consent will not purport to approve either the indicative layout or the suggested number of dwellings. The layout and scale of the development, along with total numbers of new dwellings will be dealt with at reserved matters stage. Nonetheless, this application has adequately demonstrated that the site is capable of delivering residential development, along with associated open space and other on-site provisions and access

arrangements, in-line with the site allocation requirements.

- 1.4 The proposed development has been subject to a pre-application enquiry, made by the applicant, which concluded that with the site forming part of the site allocation for the Eastern Gateway, the principle of residential development was acceptable. However, within the response concerns were raised in that as the name suggests, this site holds a gateway location into Oswestry town and as such should be designed to such a quality befitting of its prominent location. Nonetheless, these are matters of detailed design which are not up for consideration as part of this Outline application, instead will be dealt with at reserved matters stage, whereby it would be expected that the applicant would engage with the LPA through a further pre-application enquiry.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site lies to the south-west of Oswestry and is on the eastern approach into the town centre, leading from Mile End roundabout along Shrewsbury Road. The application site is currently undeveloped agricultural land, however the surrounding land parcels have begun construction for residential development, as part of the wider Eastern Gateway development. The Oswestry Innovation Park lies on the opposing side of the A5 to the east, with a recently constructed footbridge installed adjacent to the sites eastern boundary.

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

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted Scheme of Delegation, given the application has been submitted by Shropshire Council (Cornovii Developments) to itself which also acts as the Local Planning Authority. The application is therefore presented to Planning Committee for determination.

## **4.0 Community Representations**

### **4.1 Consultee Comment**

#### **4.1.1 SC Highways – No objection subject to conditions**

The access drawings demonstrate a suitable ghost right hand turn arrangement for vehicle movements. However, the drawings do not demonstrate an acceptable arrangement for walking and cycling.

The internal layout is a reserved matter, although wider connectivity by all modes must be addressed by any reserved matters application.

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Proposed Residential  
Development Land NW Of Mile  
End Roundabout

## 4.1.2 National Highways – No objection subject to conditions

The site shares a boundary with the Strategic Road Network (SRN), whereby concerns are made in relation to the site boundaries. However, aware that this can be dealt with through reserved matters.

Having reviewed the submitted documentation NH takes the view that a ghost right turn is the appropriate junction option for this access.

## 4.1.3 SC Archaeology – No objection subject to conditions

The submitted Archaeological Assessment concludes that archaeological remains of the Prisoner of War camp are likely to survive extensively throughout the site, and Officers concur with this finding. It is therefore required that a phased programme of archaeological work is made a condition of any planning permission, to comprise a metal detector survey of the entire site and strip, map and sample exercise of the areas that will be disturbed by the proposed development.

## 4.1.4 SC Public Protection – Request for additional information

### Noise

An effective acoustic design may have an impact on the site layout and therefore it is recommended that the acoustic design is considered at the outline stage. The indicative layout does not clearly show that it would be possible to ensure that habitable rooms are not on facades exposed to excessive noise.

However, if the case officer is minded to accept the proposal without a detailed mitigation scheme then it is recommended that a scheme be provided with the reserved matters stage.

### Contaminated land

The site and surrounding areas have been identified as potentially contaminated land – the site formed part of a Prisoner of War camp during the Second World War and was in use until 1948 after which it was subsequently demolished and returned to agricultural use by the 1980s.

## 4.1.5 SC Ecology – No objections subject to conditions

The submitted Ecology survey determined the site to have no bat roosting potential, but the hedgerows do provide potential foraging and commuting habitats. These habitats also provide potential nesting habitats for breeding birds.

The impact to great crested newts is anticipated to be negligible. No further survey works required.

The Biodiversity Net Gain Assessment illustrates a net gain of 20.33% in habitat units and 33.56% in hedgerow units. These will be secured with a habitat monitoring and management plan and via a S106 agreement.

#### 4.1.6 **SC Rights of Way – No objections**

The proposed development does not affect Public Rights of Way as shown on the Definitive Map. It is noted and welcomed that the proposal will provide connectivity through the development to the new bridge which in time will link into the existing Rights of Way network.

#### 4.1.7 **SC Trees – No objection subject to conditions**

There are a number of trees on this site and an Arboricultural Impact Assessment (AIA) 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 41 individual trees and 5 hedgerows.

This outline application and indicative site layout indicates that the site can be accessed and developed in a meaningful way to provide residential housing without significant impact to trees that are important in the amenity of the area.

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.

#### 4.1.8 **SC Drainage and SuDS – No objection subject to conditions**

The Flood Risk Assessment and Drainage Strategy are acceptable in principle, however, a number of items require addressing at reserved matters stage, to be secured by condition.

#### 4.1.9 **SC Affordable Housing – No objections subject to legal agreement**

The scheme is required to contribute towards affordable housing in accordance with local policy. 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 any reserved matters application.

#### 4.1.10 **SC Learning and Skills – No objections**

The development along with future housing in the areas is highly likely to create a requirement for additional school places to support the educational needs of children in the area. It is projected that 85 houses will result in:

- 7 new early years places
- 23 new primary places
- 11 new secondary places
- 4 new post-16 places
- 1 child who will require an Educational Health Care Plan.

## 4.2 Public Comments

### 4.2.1 Oswestry Town Council – Neutral, neither objecting or supporting

The Town Council welcome the progress being made on the development, recognising its importance in meeting housing needs. Members however had two significant concerns which would need to be addressed prior to a full planning application [reserved matters application]:

1. Highways/Access – concerns regarding access to and from the site given the proximity to the roundabout and volume of traffic along Shrewsbury Road, whereby it is highlighted the fact that it is very difficult to exit the industrial estate on Shrewsbury Road, similarly from the Leisure Centre.
2. Noise pollution – the comments from SC Public Protection highlight their concerns about the impact of noise on residents and members noted the levels of and asked that a comprehensive sound mitigation plan be presented. Councillors also commented that the location of the affordable homes needed to be carefully considered.

4.2.2 The application was publicised by way of site notice, posted on the 9<sup>th</sup> April 2024. At the time of writing this report, no representations from members of the public have been received.

## 5.0 THE MAIN ISSUES

Whether the proposed residential development constitutes sustainable development and is acceptable in principle, and that the proposed access points will not result in any adverse highway safety conditions.

## 6.0 OFFICER APPRAISAL

### 6.1 Adopted Local Plan

6.1.1 As mentioned, the parcel of land to which this application relates is part of a wider urban extension to the east of Oswestry and is allocated within the adopted SAMDev Plan under allocation reference OSW024 for the provision of 900 dwellings and supporting infrastructure. This parcel of land is that last to come forward within the allocation, with the following permissions consenting the wider allocation:

- 16/02594/OUT – 600 dwellings to the west and north of the site.
- 17/06025/OUT – 150 dwellings to the far north of the allocation.

A total of 750 dwellings have already been consented on the site. The proposed development is of a scale and size commensurate to the wider site allocation, albeit housing numbers are not being proposed as part of this application.

## 6.2 Other Material Considerations

6.2.1 The Council have recently publicised their intention to withdraw its Draft Local Plan from examination following the examination Inspectors raising significant concerns in regard to not meeting the development of needs of Shropshire or addressing the unmet needs of neighbouring authorities. The Inspectorate recommended that the Plan be withdrawn as a result of the amount of work required to remedy their concerns. At the meeting of Cabinet on the 12th February 2025, it was agreed that the evidence base supporting the draft Local Plan is a material consideration in decision-making on relevant planning applications.

6.2.2 As a result of the draft Local Plan being soon-to-be withdrawn, the primary policy documents remain the adopted Core Strategy and the SAMDev Plan, to which the application site remains an allocated site.

6.2.3 Furthermore, following the publication of the revised NPPF in December 2024 the new standard method for calculating housing need was released, with the intention of significantly boosting housing delivery across England. The new standard method for Shropshire has resulted in an increased requirement of 1,994 dwellings per annum, whereas the adopted Local Plan sets out a requirement for 1,375 dwellings per annum (above the former standard method of 1,070 dwellings).

6.2.4 The Councils latest 'Five Year Housing Land Supply Statement' (published March 2024) assessed deliverable housing sites against the adopted housing land supply requirement, this concluded in a demonstration of sufficient deliverable dwellings for 5.91 years supply. However, in light of the recent changes to the standard methodology and the uplift in local housing need for Shropshire, the Council considers that on balance, it is unable to demonstrate a five years supply of deliverable dwellings and the adopted Local Plan policies concerning the delivery of housing development are currently out-of-date. The effect of this is that the tilted balance, as set out in paragraph 11 d) of the NPPF, is engaged which directs development to sustainable locations and making effective use of land.

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Proposed Residential  
Development Land NW Of Mile  
End Roundabout

## 6.3 Principle of Development

6.3.1 As the site is allocated, albeit part of a much larger strategic sustainable extension, the allocation policy provides clarity in regard to the nature and scale of the development – i.e. 900 houses and supporting infrastructure. The principle of development has therefore been somewhat established by virtue of the plan-making stage, this site has undergone previous site assessment to confirm that the proposed development of the allocation is viable and deliverable in achieving sustainable development.

## 6.2 Highway and Access matters

6.2.1 With the application in outline, seeking access, this permission is to determine the suitability of the access points onto the adjacent highway network to determine whether these are acceptable and will not result in any adverse highway safety conditions.

6.2.2 With the site lying just off the Mile End roundabout junction, which connects the A5 and A483, the proposed developments impact on the strategic road network is a major consideration. The wider allocation and its vehicular movements also need to be considered, as when combined with the proposed development this has potential to impact on the safety and usability of the highway network.

6.2.3 National Highways, in their latest response, have maintained concerns about the location of the access, close to the roundabout junction and with inadequate forward visibility for both side road and mainline traffic for the current 60mph speed limit. The result of this has the potential for traffic to queue back from Mile End, worsening the visibility conditions and having a detrimental effect on the flow of traffic.

6.2.4 In response to this, the applicants are proposing a ghost-right turn junction to be installed on Shrewsbury Road and serving vehicles entering right into the site from Mile End. National Highways consider this to be an acceptable arrangement.

6.2.5 In regard to the adjacent planning permission for 600 dwellings on the wider site allocation, its access arrangements are achieved through installing a new roundabout further up Shrewsbury Road, at the junction with Maes-y-Clawdd. The indicative Masterplan to this application (16/02594/OUT) then shows an internal road network which serves the current application, via one of the arms off the roundabout. Shropshire Council Highways are of the view that this access arrangement is the preferred option, as it limits the amount of new access junctions on the highway and will assist in easing traffic and creating the safest highway network.

6.2.6 Whilst the roundabout access might be the preferred arrangement, at this moment in time, there is no certainty over internal connections due to third party developers. Nonetheless, it is advised that the applicant engage with the developers of adjoining parcels during the detailed design stage.

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Proposed Residential  
Development Land NW Of Mile  
End Roundabout

- 6.2.7 Pedestrian access into the site will be gained via the proposed highway access, whilst also providing additional connectivity to the wider SUE and nearby Oswestry Innovation Park through a connection on the eastern boundary to the recently constructed footbridge over the A5.

### 6.3 Other matters

- 6.3.1 The application is in outline only, matters of design, scale, layout and landscaping are reserved for subsequent approval. There is a requirement to determine the sites suitability for the proposed development by virtue of other environmental conditions as outlined below

#### 6.3.2 Drainage and Flood Risk

With the site measuring over 1 hectare and for residential development, the application is supported by a Flood Risk Assessment (FRA). The FRA confirms that the site is entirely within Flood Zone 1, with a low risk from fluvial flooding, and whilst there are other watercourses nearby the site is at very low risk from surface water and overland flow. As a result of this, the proposed development is considered compatible in regard to the flood risk whereby any surface water risk can be adequately mitigated through the installation of sustainable drainage features, dealt with at reserved matter stage.

Foul water will be drained by a separate gravity network into existing mains sewers.

#### 6.3.3 Ecology and Biodiversity

The application is accompanied by an Ecological Impact Assessment (EclA) and supporting species surveys for great crested newts, which confirmed that whilst protected species were present, the proposed development is anticipated to have negligible impact. A precautionary method statement will be required through planning condition.

The application site has no roosting potential for bats, but the hedgerows do provide potential foraging and commuting habitats. The hedgerows also provide potential nesting habitat for breeding birds – an informative will be included on the decision notice advising of the protection afforded to nesting birds.

The Biodiversity Net Gain Assessment illustrated a net gain of 20.33% in habitat units and 33.56% in hedgerow units. This gain will be secured via legal agreement, mentioned below.

#### 6.3.4 Ground Contamination

The site formed part of a former Prisoner of War camp during the Second World War and was in use until 1948, after which it was subsequently demolished and returned to

agricultural use by the 1980's. The application is accompanied by a GeoEnvironmental Assessment and management and remediation method statement, which following extensive ground investigations have returned results which amount to unacceptable risks to human health, primarily from asbestos containing materials in the ground.

In order to protect human health from any residual contamination, the applicant has proposed that a 100mm minimum stone, no dig, layer is placed as the base in all rear, front and soft landscaped areas, over which 600mm of clean soil/subsoil will be placed in rear gardens and 300mm of clean soil/subsoil in front gardens and soft landscape areas.

This remediation work is considered acceptable and will be secured via planning condition.

## 6.3.5 Noise

The application is accompanied by a Noise Impact Assessment which indicates that a majority of the properties will exceed the recommended external noise levels for residential standards during the day and night.

As a result, mitigation is required to ensure acceptable noise levels are achieved whilst maintaining the quality of life of future occupants. The Assessment proposes inadequate mitigation measures that would not be supported, however as this application is in outline, with detailed design reserved, noise can be suitably mitigated through an effective design and strategy. A condition is therefore imposed to require effective acoustic mitigation is designed into the scheme at the earliest opportunity.

## 6.4 **Developer Contributions and Obligations**

- 6.4.1 Affordable Housing – the housing mix will require 10% of the total housing numbers to be provided as affordable housing. Although the exact number of units is not being secured through this application, the applicant is required to enter into a legal agreement to secure the provision of affordable housing at reserved matters stage, based on the prevailing rate in force at the time.

Biodiversity Net Gain – the BNG Assessment illustrates a net gain of 20.33% in habitat units and 33.56% in hedgerow units. This gain and the habitats concerned is considered significant such that it requires securing through a legal agreement.

## 7.0 **The Planning Balance**

- 7.1 As a result of the Council being unable to demonstrate a housing supply of at least 5-years, the tilted balance at paragraph 11 of the NPPF is engaged, whereby the starting point in the determination of this application is one of a presumption in favour, as opposed to the ordinary neutral position. Therefore, planning permission should only be refused where any adverse impacts would significantly and demonstrably outweigh the

benefits. Paragraph 11 d)ii) provides that particular regard must be had to:

- *Sustainable location* – the site lies on the eastern edge of Oswestry and is part of a wider sustainable urban extension, that has been allocated been subjected to previous site assessments, the conclusion of which were that the site is sustainable.
- *Making effective use of land* – the site is allocated for residential development, which is considered the most sustainable form of development of this site. Whilst the exact number of units is not being provided, the indicative masterplan demonstrates that the site can be fully developed to make most effective use of land at reserved matters stage.
- *Securing well-designed places* – matters that constitute well-designed places are reserved for subsequent approval.
- *Providing affordable homes* – the application, as made, is contributing to affordable housing at the prevailing rate for Oswestry. Whilst this is policy compliant and therefore not attributed significant weight, it is nonetheless still a material benefit to the scheme.

7.2 With the proposal constituting a policy-compliant scheme and in accordance with the site allocation requirements as set out in the SAMDev Plan. The balancing exercise is weighted heavily in favour of approval, and there are no other material considerations which, when weighed in the planning balance, outweigh the presumption in favour of sustainable development on an allocated site.

## 8.0 CONCLUSION

8.1 The application is made in outline with sufficient detail, and an appropriate level of surveys/reporting to allow an assessment as to the suitability of the application site for residential development and associated works. The proposal will see the remaining parcel of the wider sustainable urban extension be developed, and is supported in principle by the adopted Development Plan. The application has exposed certain environmental conditions (contamination, protected species and noise) which will require mitigating through the detailed design stage, whereby the use of planning conditions is considered appropriate in dealing with these matters and can mitigate any harm caused.

8.2 The proposed access point on to the serving highway is considered acceptable, such that it will not result in any adverse highway safety concerns or result in any severe residual cumulative impacts on the road network.

8.3 It is therefore recommended that permission be GRANTED, subject to the applicant signing a Section 106 Agreement to secure the above-mentioned developer contributions.

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Proposed Residential  
Development Land NW Of Mile  
End Roundabout

## **9.0 Risk Assessment and Opportunities Appraisal**

### **9.1 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.

### **9.2 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.

### **9.3 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.

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## 10.0 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.

## 11. Background

### Relevant Planning Policies

#### **National Planning Policy Framework**

#### **Core Strategy and SAMDev Policies:**

CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
CS11 - Type and Affordability of housing  
MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD12 - Natural Environment  
Settlement: S14 - Oswestry

### RELEVANT PLANNING HISTORY:

PREAPP/22/00099 A residential development of 89 residential dwellings: comprising a mix of one and two bedroom apartments; one and two bedroom bungalows; two, three and four bedroom houses; and including a 10% provision of affordable homes, vehicular access from Shrewsbury Road, internal roads, footpaths/cycleways, public open space, landscaping and associated infrastructure. AMENDMENTS REQUIRED 5th April 2022

23/00838/OUT Outline application for residential development on land off Shrewsbury Road, adjacent to Mile End Roundabout to include means of access and remediation WITHDRAWN 14th March 2023

PREAPP/23/00396 Residential development on land off Shrewsbury Road, adjacent to Mile End Roundabout to include means of access and remediation AMENDMENTS REQUIRED 21st August 2023

## AGENDA ITEM

-	Proposed Residential Development Land NW Of Mile End Roundabout
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### 12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S96581TDFVD00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor David Walker
Local Member - Cllr Mark Owen
Appendices - APPENDIX 1 - Conditions

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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, 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 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

4. This outline planning permission does not purport to grant consent for the number, scale or layout of dwellings and/or buildings on the submitted illustrative plan, as these details are reserved for later approval.

Reason: To enable the Local Planning Authority to consider the reserved matters having regard to the additional information that is required to be submitted alongside the details of layout, scale, appearance and landscaping at the reserved matters stage.

5. With each reserved matters an updated Arboricultural Impact Assessment shall be submitted and make provision to accommodate all retained trees and significant new planting within the site design. The updated AIA must assess any impacts that arise and demonstrate that any retained trees can be protected to the minimum standards recommended in BS5837: 2012.

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Reason: To protect existing trees and ensure sufficient new tree planting for the benefit of the environment and health and wellbeing.

6. With each reserved matters for residential development a detailed noise mitigation scheme shall be submitted. The mitigation scheme shall include detailed specification for the acoustic glazing and ventilation required and include a plan which highlights the facade noise level (at the relevant receptor height) and specification of insulation and ventilation required for each facade. The scheme should comply with the following:

a) all habitable rooms which exceed the desirable internal noise standards with windows open (30db in bedrooms at night, 35db in bedrooms/living rooms in the day) as defined in BS8233:2014, shall be fitted with suitable acoustic glazing and ventilation system.

b) no habitable rooms shall be located on facades which exceed 53dBLAeq,t averaged over 8 hours (between 11pm and 7am) and/or 68dv LAFmax more than 10 times a night (between 11pm and 7am).

c) External areas linked to dwellings shall be no more than 50db LA(eq).

The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

Reason: To protect residential amenity, health and wellbeing.

7. With the first reserved matters application a walking and cycling strategy, to include mitigations to enhance wider connectivity including access onto the B4579, shall be submitted. The approved strategy shall be implemented in full prior to first occupation of the dwellings.

Reason: To promote sustainable and active travel.

8. The first submission of reserved matters shall include details for the provision of wildlife boxes.

The following boxes shall be erected on the site:

- A minimum of 30 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 30 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design),

house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

- A minimum of 30 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 10 invertebrate bricks/houses (integrated or external design) suitable for pollinators.
- A minimum of 5 hedgehog domes (standard design) to provide refuge for hedgehogs.
- A minimum of 1 hibernaculum, designed to provide suitable refuge for herptiles.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the building's wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

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

12. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is sooner).

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

13. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing. The submitted details shall include post-fieldwork reporting and appropriate publication.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report provided to the local planning authority prior to first use or occupancy of the development. The report shall include post fieldwork

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assessments and analyses that have been completed in accordance with the approved written scheme of investigation. This shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

Reason: The site is known to hold archaeological interest.

14. Prior to the commencement of above ground works the details of the standards to which the roads serving the development are to be constructed shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the roads have been constructed to a condition that is to be agreed by the Local Planning Authority.

Reason: In the interest of highway safety and accessibility.

15. Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A5 and A483 trunk road). The plan shall include as a minimum:

- a) Construction phasing
- b) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, signage, accesses and construction delivery times (to avoid peak hours)
- c) Details of any special or abnormal deliveries or vehicular movements.
- d) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- e) Mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes.
- f) A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- g) Waste management.
- h) Wheel washing measures.
- i) Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A5 and A483 trunk road and to satisfy the reasonable requirements of road safety

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16. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include as a minimum:

- Access arrangements for construction vehicles and personnel
- The parking of vehicles of site operatives and visitors
- Loading and unloading areas of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Delivery, demolition and construction working hours.

The approved CMS shall be adhered to throughout the construction period for the development.

Reason: In the interests of amenity and highway safety

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

11. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Great Crested Newts Reasonable Avoidance Measures Method Statement (RAMMS), on the outbuilding present at the site as set out in Sections 2 and 3 of the Great Crested Newt Survey report.

Reason: To demonstrate compliance with the great crested newt RAMMS to ensure the protection of bats, which are which are European Protected Species.

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

9. Prior to the erection of any external lighting on the site that has the potential to impact on wildlife, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

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The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

10. a) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the accepted Remediation Strategy within the georisk Management; Remediation Method Statement and Validation Plan, Shrewsbury Road, Oswestry; for Cornovii Developments Ltd; Report No. 21075/2, dated March 2022.

b) 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 current Environment Agency guidance 'Land Contamination: Risk Management (LCRM)' and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which 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. The remediation proposal is subject to the approval in writing by the Local Planning Authority.

c) 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.

### **Informatives**

1. 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

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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.

2. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for an Overall Biodiversity Gain Plan, along with Phase BGP's for each phase of development

### 3. Nesting birds

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

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

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advice-against-netting-on-hedges-and-trees/>.

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

## AGENDA ITEM



Committee and date

## Northern Planning Committee

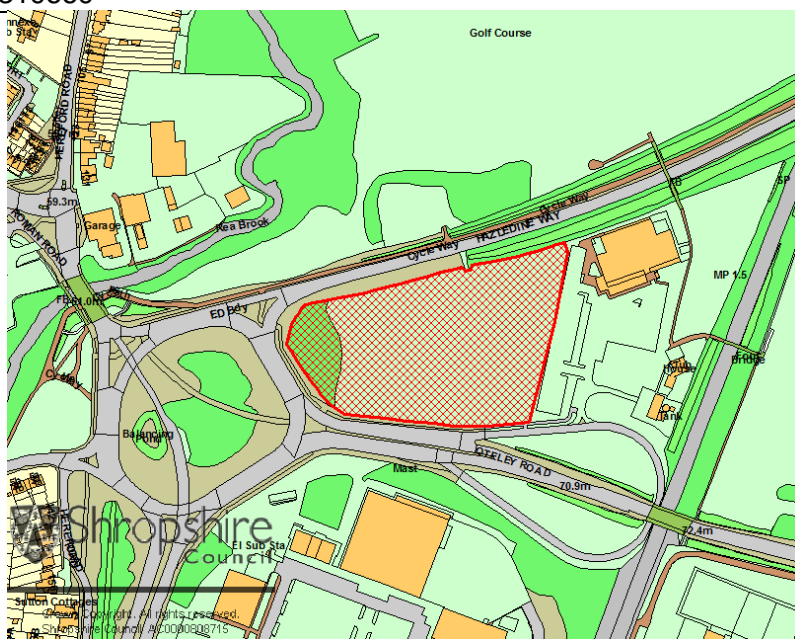
# Development Management Report

Responsible Officer: Tim Collard – Service director Legal and Governance

## Summary of Application

<b><u>Application Number:</u></b> 24/04742/VAR	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Variation of conditions attached to planning permission ref no. 22/03877/FUL to permit (i) an alternative Care Home Development in lieu of the previously approved Care Home Development and (ii) an amended single-storey Retail/Leisure building in lieu of the previously approved two-storey Retail/Leisure building		
<b><u>Site Address:</u></b> Proposed Commercial Development Land to the south of Hazledine Way Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Alistair Wood		
<b><u>Case Officer:</u></b> Kelvin Hall	<b><u>email:</u></b> kelvin.hall@shropshire.gov.uk	

Grid Ref: 349286 - 310660



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## REPORT

**Recommendation: That delegated authority is given to the Planning Services Manager to grant planning permission subject to the conditions listed in Appendix 1 and to any modifications to those conditions considered necessary.**

### 1.0 THE PROPOSAL

1.1 Planning permission for a mixed-use development including retail units, gym, drive-through coffee shop, drive-through restaurant, tanning and beauty salon, and residential care home together with access, parking, landscaping and associated infrastructure was granted in August 2023 (ref. 22/03877/FUL). The permission has not yet been implemented. The current application seeks to amend the approved plans. The approved scheme provides for the retail elements on the western side of the site, and the care home on the eastern side. This overall layout is not proposed to be changed. The main elements of the proposed changes are as follows:

#### 1.2 Mixed retail and leisure development:

- Omission of the first floor of the two-storey mixed retail and leisure building, so that it is single storey only;
- Alterations to the elevations and roof, and reconfiguration of the ground floor plan;
- Re-design of pedestrian and cycle access to the west;
- Minor alterations to the car park layout.

#### 1.3 Care home development

- Re-design of the care home, reducing its footprint by approximately 31%, and the number of bedrooms from 80 to 66.

1.4 Other proposed modifications to the approved plans include additional and revised landscaping.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located on a parcel of land between Hazledine Way and Oteley Road in the Meole Brace area of Shrewsbury. Those two roads form the northern, western and southern boundaries of the site. To the east is the Bannantynes Health Club and Spa. Further afield to the north and east is the Meole Brace Golf Course; to the south is the Meole Brace Retail Park; and to the west is a roundabout beyond which the land is in residential use. The site currently comprises an area of grassland with hedgerow around its boundaries, extending to an area of approximately 1.6 hectares. The site was previously used as a "pitch and putt" course associated with the adjacent Golf Club. That use ceased in 2019.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposal is on land which is owned by Shropshire Council and relates to development which is not in line with the Council's statutory functions. Under the Council's scheme of delegation such applications are required to be determined by Planning Committee.

## 4.0 Community Representations

### 4.1 -Consultee Comments

- 4.1.1 **Shrewsbury Town Council** No response.

- 4.1.2 **SC Regulatory Services** No objection.

*Having reviewed all available documentation, including risk assessments and mine gas monitoring carried out on the western phase of this development (directly adjacent to the proposed care home), Environmental Protection can now recommend condition 4, relating to Mine Gas Risk in the EASTERN phase of the site (care home), can be removed.*

*Recommendations with regard to basic radon protection, whilst not conditioned, should be followed to protect future site users. In addition, whilst Environmental Protection agrees no remediation is required, the preparatory works recommendations should be followed.*

- 4.1.3 **SC Ecology** No objection.

- 4.1.4 **SC Trees** No objection.

- 4.1.5 **SC Highways** No objection.

*The applicant has submitted two Highway technical notes that have sought to demonstrate the overall impact on the surrounding highway network will not be significantly different from the permitted development. In consideration that the application seeks to reduce the overall number of beds and changes to the retail building, it may reduce in an overall reduction in trips associated with the development. On this basis, Shropshire Council as Local Highway Authority raises no objection to the granting of consent in relation to the proposed variation application, on the assumption that all previously recommended highway planning conditions are attached to the proposed variation.*

*In terms of parking within the proposed care home, the number of car parking spaces per bed has been reduced. Whilst the preference from a highway perspective would be to maintain the ratio of parking spaces per bed, it is not considered that this is a reason for objecting to the application. Swept path analysis has been submitted in*

*relation to the internal layout, it is considered that the interval layout is capable of accommodating large vehicles, however does not provide opportunities for two way flow. It is therefore recommended that the exit out of the site on to Hazeldine Way is constructed at the earliest opportunity.*

## 4.1.6 **SC Drainage** No objections.

*The proposals are unlikely to significantly increase flood risk and therefore are acceptable. The submitted email regarding drainage details, drainage strategy and drainage strategy with supporting documents are acknowledged. The LLFA acknowledges and appreciates the efforts made to pursue a successful soakaway strategy for this site.*

## 4.1.7 **Sport England** No specific comments.

*The proposed development does not fall within either our statutory remit or non-statutory remit and therefore no detailed response is made.*

## 4.1.8 **Shropshire Playing Fields Association** No comments made.

## 4.2. **-Public Comments**

4.2.1 The application has been advertised by site notice, and also in the local press, as a variation to a major development. No public representations have been received.

## 5.0 **THE MAIN ISSUES**

- 5.1
  - Principle of development; planning policy
  - Design, scale and character
  - Residential and local amenity considerations
  - Highways and access considerations
  - Ecology issues
  - Water resources and pollution issues
  - Planning balance

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Principle of development; planning policy**

6.1.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The National Planning Policy Framework (NPPF) and national planning practice guidance are material planning considerations.

6.1.2 As noted above, planning permission for the commercial development and care home has already been granted. This has established the principle of the development of this site for those uses. The current application seeks to vary the design and layout of the approved development, and therefore matters of principle are not significant

considerations. Nevertheless, relevant considerations are discussed below.

6.1.3 Care home - capacity: Core Strategy policy CS11 supports the provision of specialist housing, including residential and extra care facilities, in appropriate locations where there is an identified need. The NPPF includes policy to significantly boost the supply of homes and recognises the importance of meeting the specific housing needs of certain groups including the elderly. National planning practice guidance on Housing for older and disabled people states that “the need to provide housing for older people is critical”. The proposed modifications to the care home would result in fewer bedrooms and therefore a smaller supply of units. The revised proposals would nevertheless provide a significant number of specialist care units and include both general purpose residential care and more specialist dementia care. Officers do not consider that the reduction in the number of units is a significant issue.

6.1.4 Redevelopment of former pitch and putt site: The application site was formerly in use as a ‘pitch and putt’ golfing site in connection with the adjacent 12-hole golf course. In relation to the application that was submitted for the construction of the mixed-use, it was accepted that the pitch and putt site was surplus to requirements. On this basis, the loss of this open space was justified in relation to national planning policy, specifically para. 104. The committee report also noted that the Council had committed to investing in improvement works to the adjacent golf course as part of the disposal of the pitch and putt asset. In addition, the current proposal would continue to provide a gym as part of the commercial element. It is not considered that further mitigation is required as part of the current application.

## 6.2 Design, scale and character

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed.

6.2.2 Care home: The revised care home design would retain the three storey scale, but it would cover a smaller footprint, reflecting the reduction in the number of bedrooms. The external materials would include a mix of cream and red brick. The design, similar to that approved, includes stepped facades to help to break up the elevations. The proposed flat roofs would minimise the overall massing and facilitate the provision of solar pv panels. The bedrooms would be a minimum of 14.6m<sup>2</sup> with en-suite facilities; understood to be in excess of standards which require 12m<sup>2</sup>.

## Northern Planning Committee -

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6.2.3 A visual representation of the approved design and the proposed revised design is below:

6.2.4 Currently approved care home design:



6.2.5 Proposed revised care home design:



6.2.6 Overall, officers are of the view that the revised design is appropriate in scale and design taking account of the building's purpose and its local context.

6.2.7 Retail and gym; drive-through units: The currently approved scheme includes a two storey building with retail units on the ground floor and a gym on the first floor. It is now proposed to provide the retail and gym units within a single storey building. As a

consequence of this there would be changes to the elevations and layout of the building. Clearly the proposed modifications would reduce the massing of the building, and its appearance. However officers have no concerns over the changes proposed. There would be other, relatively minor changes to the overall layout, including a re-design of the pedestrian and cyclist entrance to improve accessibility. It is not considered that these raise any significant issues.

- 6.2.8 Trees: A tree protection plan and landscaping scheme was agreed as part of the existing planning permission. The applicant has advised that revisions to these plans are proposed in order to provide easements for both drainage and electricity to the site. It is apparent that some tree removal has already been undertaken at the site. The applicant has submitted revised plans to show where additional planting is proposed to be undertaken, to enhance the area in the longer term. This includes both tree planting and hedgerow planting. In principle officers consider that this would provide an appropriate level of mitigation, and detailed specifications can be agreed as part of a revised planning condition.
- 6.2.9 Open space: In relation to open space provision, SAMDev Plan policy MD2 seeks the provision of adequate open space of at least 30m<sup>2</sup> per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi-natural landscape features. It states that for developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space.
- 6.2.10 The revised care home design includes a variety of outdoor spaces for residents and staff, linked by paths. These would allow opportunities for walking, sitting, outdoor eating, events and gardening, and include landscaped areas. In total this would significantly exceed the levels indicated by policy MD2. The overall layout is as shown below.



6.2.11 It is considered that the open space proposed is satisfactory in terms of quality and quantity as sought under this policy.

6.2.12 Sustainability considerations: The submitted Sustainability Statement and Strategy documents include the following which are to be incorporated in the design and layout:

- The sustainable location of the site, in an area well-served by public transport and pedestrian and cycle routes;
- Use of infiltration drainage for surface water to avoid piped discharge; foul drainage to connect to the public sewer system
- Landscaping scheme and ecological enhancements for biodiversity benefit;
- Use of renewable on-site energy sources with roof-mounted solar pv panels on the care home to generate 80-90% of the its electrical energy requirements
- Ground source heat pump system to provide all of the care home's heating and hot water, and use of low energy lighting and occupancy sensors
- Provision of electric vehicle charging points and cycle stands and shelters.

In relation to the commercial units the Sustainability Strategy states that the retail proposal at this stage is being provided as "shell only" and therefore renewable options may be taken forward by individual tenants. Overall, the proposal would be of an acceptable quality in terms of sustainable design principles.

## 6.3 Residential and local amenity considerations

6.3.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity. The proposed amendments to the approved scheme would not result in

greater impacts on residential amenity than the permitted scheme, and the proposal is therefore considered to be acceptable in relation to these matters.

## 6.4 Highways and access considerations

6.4.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The proposed reduction in the number of bedspaces in the care home, and the reduction in the scale of the retail elements, is likely to result in fewer vehicle movements to the site compared the approved scheme. The number of car parking spaces at the care home has been reduced in proportion to its reduced size. No changes are proposed to the previously-approved access and egress arrangements. These would continue to allow in/out movements to/from Oteley Road and left-turn exit movements onto Hazledine Way. For the care home there would be 25 car parking spaces, including two disabled spaces and six spaces with electric vehicle charging. There would be a cycle shelter providing storage for 8 cycles, an increase over that provided in the approved scheme. No objections are raised by the Council's Highways Officer and it is concluded that there are no significant highways issues with the application. The highways-related conditions on the existing planning permission can be re-imposed on any new permission where relevant.

6.4.2 Pedestrian and cycle access: The revised layout plans continue to provide for dedicated pedestrian and cycle access to the commercial units from the western side of the site. This would connect the site to the existing pedestrian and cycle routes in the area. The current application raises no significant issues in this respect in relation to pedestrian and cycle access.

6.4.3 Travel Plan: The existing planning permission requires that the Travel Plan for the care home is adhered to, and that a Travel Plan for the commercial element of the development is submitted for approval. These requirements can be applied to any permission granted for the modified proposal.

6.4.4 Access for Town Council maintenance vehicles: The dedicated access track to the rear of the care home for the use of the Town Council's maintenance vehicles has been retained as part of the revised designs.

## 6.5 Ecology issues

6.5.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets.

6.5.2 The proposed modifications to the approved plans would not result in any significant issues in respect of ecology matters, and the planning conditions that were included

on the existing permission for ecological protection can be added to any new planning permission.

## **6.6 Water resource and pollution issues**

6.6.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water. Following investigations into the drainage system in the area, the Council's drainage team have confirmed that the proposed drainage strategy for the development is acceptable.

## **7.0 Conclusion**

The proposed modifications to the approved layout and design of the mixed use development which includes retail units, a gym, and a care home would include a reduction in the size of the care home and the provision of a single-storey retail unit instead of a two-storey one; along with other site layout alterations. The proposals do not raise any significant additional planning issues, and officers consider that the proposed changes to the approved plans are acceptable in relation to Development Plan and national planning policy. The conditions on the original planning permission which control how the development is constructed and operated can be included on the new planning permission. It is recommended that planning permission for a variation to the approved plans is granted, subject to the conditions in Appendix 1.

## **8. Risk Assessment and Opportunities Appraisal**

### **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 - written representations, a hearing or inquiry.
- The decision is 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 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.

## 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.

## 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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

### Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD12 - Natural Environment

### Relevant Planning History:

22/03877/FUL Mixed use development including retail, gym, drive-thru coffee shop and drive-thru restaurant (use class E), tanning and beauty salon (sui generis), and residential care home

**Northern Planning Committee -**

Proposed Commercial  
Development Land To The  
South Of

(use class C2) together with access, parking, landscaping and associated infrastructure

GRANT 17th August 2023

24/01615/DIS Discharge of Conditions 3 (Drainage), 4 (Coal Mining Assessment), 6a (Access Details), 8 (CEM Plan), 9 (Landscaping) and 11 (Air Ventilation and Extraction) of planning permission 22/03877/FUL DISPAR 12th February 2025

24/04694/DIS Discharge of condition 5 (External Materials) 7 (CMS) attached to planning permission 22/03877/FUL Mixed use development including retail, gym, drive-thru coffee shop and drive-thru restaurant (use class E), tanning and beauty salon (sui generis), and residential care home (use class C2) together with access, parking, landscaping and associated infrastructure DISAPP 12th February 2025

25/01208/DIS Discharge of Condition 3 (Drainage) of planning permission 22/03877/FUL DISAPP 15th April 2025

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SOLP7HTDMBV00>

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

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member  
Cllr Vicky Moore

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 1 - Conditions

### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission reference 22/03877/FUL i.e. prior to 17 August 2026.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

3. (1) No development within Phase 1 of the development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan for this phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing Wildlife/Habitat Protection Zones where construction activities are restricted, where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for: i) Compliance with legal consents relating to nature conservation; ii) Compliance with planning conditions relating to nature conservation; iii) Installation of physical protection measures during construction; iv) Implementation of sensitive working practices during construction; v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and vi) Provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan for Phase 1 of the development.

(2) All construction activities on Phase 2 of the development shall be implemented strictly in accordance with the Construction Environmental Management Plan approved under 24/01615/DIS.

All construction activities shall be implemented strictly in accordance with the approved plan for Phase 2 of the development.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

4. a) Prior to the commencement of development of Phase 1 (Care Home), full engineering details of the Oteley Road slip road access and egress shall be submitted to and approved in writing by the Local Planning Authority. The Care Home shall not be occupied until the approved Oteley Road access and egress for the Care Home has been constructed fully in accordance with the approved scheme.

b) Phase 2 of the development shall be carried out in accordance with the engineering details of the egress onto Hazledine Way, and the Oteley Road slip road access and the pedestrian and cycle access at the western side of the site as shown on approved drawing Block Plan As Proposed no. BR-02 rev C. Phase 2 of the development shall not be brought into use until these approved accesses and egress have been fully constructed.

Reason: To provide adequate means of access and egress from the site and in the interest of highway safety

5. a) Prior to commencement of the development of Phase 1, a Construction Method Statement, including details of construction traffic management and the phasing of road construction shall be submitted to and approved in writing by the Local Planning Authority.

b) Prior to commencement of the development of Phase 2, a Construction Method Statement, including details of construction traffic management and the phasing of road construction shall be submitted to and approved in writing by the Local Planning Authority.

The Construction Method Statements and approved Phasing Plan shall be implemented fully in accordance with the approved details.

Reason: To ensure the coordinated construction of the development and to mitigate the impact of the construction of the development site in the interests of highway and pedestrian safety.

6. (a) Phase 1 of the development shall be carried out in accordance with the approved detailed landscaping plans hereby approved.

(b) No development shall take place within Phase 2 (including demolition, ground works and vegetation clearance) until a landscaping plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

i) Planting plans, creation of wildlife habitats and features and ecological enhancements e.g. hibernacula, hedgehog-friendly gravel boards and amphibian-friendly gully pots, bat and bird boxes; ii) Written specifications for establishment of planting and habitat creation; iii) Schedules

of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; iv) Implementation timetables

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved for each phase.

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

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

7. Prior to the above ground works commencing on each phase, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls of all buildings on that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details for each phase.

Reason: To ensure that the external appearance of the development is satisfactory.

8. Prior to the commencement of each phase the development a suitably qualified tree specialist shall be appointed to undertake supervision and monitoring of the tree protection fencing and ground protection measures at pre-commencement stage and throughout the construction period for that phase as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures in that phase.

Reason: To safeguard the amenities of the local area by protecting trees.

9. a) No above ground development shall take place on Phase 1 of the development until a scheme for the air ventilation and extraction system together with details of treatment and dispersal of fumes and odours for that phase has been submitted to and approved in writing by the Local Planning Authority.

(b) Phase 2 of the development shall be carried out in accordance with the air ventilation and extraction system as approved under Application ref. 24/01615/DIS.

c) The approved schemes shall be implemented in full, prior to the use commencing on each phase and shall thereafter be maintained.

Reason: To protect the amenities of occupiers of adjacent land from potential smell nuisance. The information is required prior to the commencement of the development to ensure that any extraction equipment required is provided within the development from the commencement for the reasons given above.

10. Prior to the first use of the retail, leisure and drive-through facilities within Phase 2 of the development, details of proposed pedestrian and cycle paths at the site shall be submitted to

and approved in writing by the local planning authority, and the approved details shall have been completed.

Reason: To ensure satisfactory connectivity and safe routes to and from and within the site for pedestrians and cyclists.

11. Prior to the first use of each phase of the development hereby permitted details of the location, specification and appearance of all fencing and gates to be erected at the site shall be submitted to and approved in writing by the local planning authority. The fencing and gates shall be erected in accordance with the approved plans for each phase.

Reason: To control the appearance of the development in the interests of maintaining the visual character of the area.

12. Prior to the erection of any external lighting within each phase on the site, a lighting plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

13. Prior to first occupation / use of the building[s] within each phase, the makes, models and locations of bat and bird boxes for that phase shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 20 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design). The boxes shall be sited in suitable locations, with a clear flight path where appropriate and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

For swift boxes: Boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred. (See <https://www.swiftconservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12 and CS17.

14. Prior to the retail, leisure and drive-through facilities being first brought into use/open to trading, a Travel Plan shall be submitted to and approved in writing by the Local Planning

Authority. The approved Travel Plan shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development.  
Reason: To promote sustainable travel to the site and in the interests of reducing car borne traffic.

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

15. Other than trees T21, T22, T23 and T24 as shown on the ArbTech drawing no. AIA 01 which was approved under planning permission ref. 22/03877/FUL, no trees shall be cut down or removed from the site. All trees which are to be retained shall be protected in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site for each phase, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development for each phase and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

16. Phase 1 of the development shall be carried out in accordance with the foul and surface water drainage scheme hereby approved. Phase 2 of the development shall be carried out in accordance with the foul and surface water drainage scheme approved under application ref. 25/01208/DIS.

The approved scheme for each phase shall be fully implemented before the associated phase of the development is occupied/brought into use (whichever is the sooner).

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

17. Prior to each phase of the development hereby permitted being first brought into use/open to trading, the car parking areas and internal road layout infrastructure for that phase shall be surfaced and laid out fully in accordance with the approved drawings.

Reason: To ensure the coordinated delivery of the internal infrastructure to serve the development.

18. a) Phase 1 of the development shall be carried out in accordance with the Mine Gas Risk Assessment hereby approved.

b) Phase 2 of the development shall be carried out in accordance with the Mine Gas Risk Assessment, ref. AJM/31863 dated 20/6/23 approved under application reference 24/01615/DIS.

c) The development shall be undertaken in accordance with the preparatory works specified in section 16.2.1 of the approved Geoenvironmental Appraisal no. 5044/1 dated July 2024.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

19. The approved care home development shall be operated in accordance with measures set out in the Travel Plan dated May 2022 approved under planning permission ref. 22/03877/FUL, and these measures shall remain in force for the lifetime of the development. Reason: To promote sustainable travel to the site and in the interests of reducing car borne traffic.

20. The development shall be carried out in accordance with the Phasing Plan hereby approved, Drawing No. MBS-AHR-S1-XX-DR-A-08200-PO4-S2. Reason: To ensure a satisfactory phasing of development.

21. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing. Reason: To safeguard the amenities of the local area by protecting trees.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats and birds as provided in Section 4.2 of the PEA and PRA (Arbtech, January 2022). Reason: To ensure the protection of and enhancements for bats, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. The building identified as 'care home' on the approved plan no. MBS-AHR-S1-XX-DR-A-08200-PO4-S2 shall be used only as a residential care home under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose. Reason: In order to restrict the use of the building in the interest of the amenities of the area.

24. The use of the units within the building identified as 'retail and leisure building' on approved plan no. MBS-AHR-S1-XX-DR-A-08200-PO4-S2 shall be restricted to: (i) those within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, or (ii) a tanning and beauty salon. Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

25. The use of one of the units within the building identified as 'retail and leisure' building on approved plan no. 25004-BR-02 B submitted to the LPA 17.04.25 shall be restricted to those uses within Use Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

26. The use of the buildings identified as 'KFC' and 'Starbucks' on approved plan no. 25004-BR-02 B shall be restricted to: (i) those within Use Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, and/or (ii) drive-through food takeaway.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

27. The premises identified as 'KFC' and 'Starbucks' on approved plan no. 25004-BR-02 B and the units within the building identified as 'retail and leisure building' on approved plan no. 25004-BR-02 B shall not be open for customers outside the following hours: - 0600 to 2200 Monday to Sunday, including Bank Holidays. No customers shall remain in the premises outside of the above times. This is except for the 1 No. unit in use within Use Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the amenities of the area from potential nuisance.

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## AGENDA ITEM



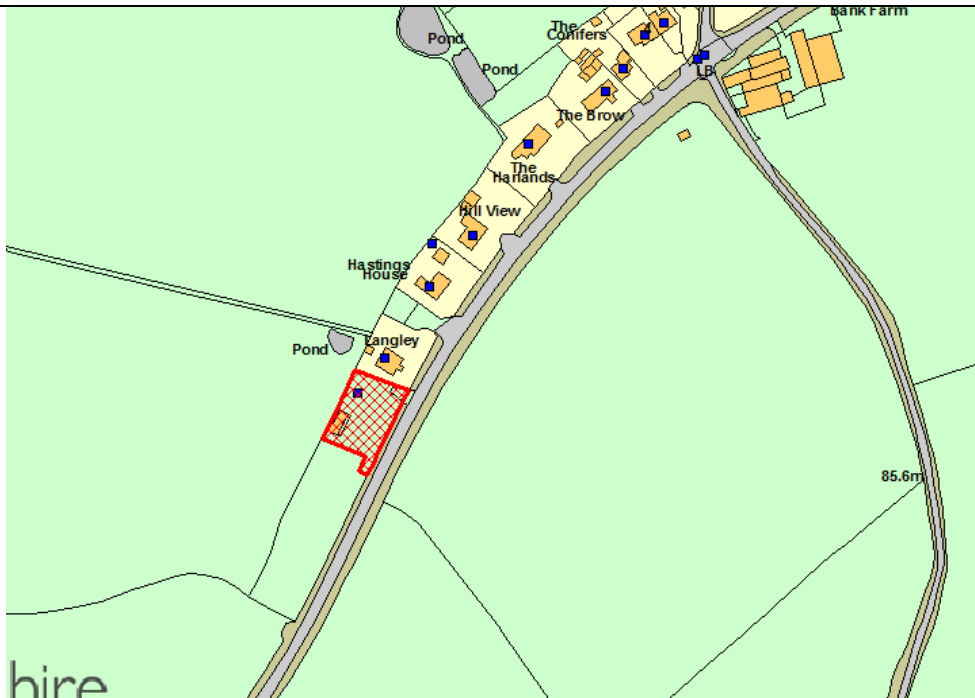
Committee and date

### Development Management Report

Responsible Officer: Tim Collard, Service Director – Legal and Governance

#### Summary of Application

<b><u>Application Number:</u></b> 25/00248/FUL	<b><u>Parish:</u></b>	Ellesmere Rural
<b><u>Proposal:</u></b> Change of Use of agricultural land to residential caravan site for 1 no. traveller family to include access and drainage.		
<b><u>Site Address:</u></b> Field Adjoining Langley Sodyllt Bank Ellesmere Shropshire		
<b><u>Applicant:</u></b> Mr and Mrs Nathan and Emily Roberts		
<b><u>Case Officer:</u></b> Mark Perry	<b><u>email:</u></b> <a href="mailto:mark.perry@shropshire.gov.uk">mark.perry@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 334312 - 339706		



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks planning permission for the change of use of land for use as a residential caravan site for one gypsy family. The applicant is proposing that the site would accommodate one static caravan, together with the laying of hardstanding and the erection of an amenity building and improvements to the existing access. The proposed amenity building will provide an open plan kitchen, dayroom with a bathroom and washroom. The building will measure 9m wide by 6m deep with an eaves height of 2.3 metres and ridge height of 3.4 metres. The building will be constructed from brick with a grey roof tile. The existing access will be used with improvements made to its width and provision of visibility with the highway.

#### Amendments

1.2 During the course of considering the application the applicant provided an amended site layout plan in order to address the comments that were initially

made by the Council's Highways Officer. The revised plan showed improvements to the width of the access the location of the gateway and also the provision of greater highway visibility.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The proposed site is located at the southern end of the largely linear hamlet of Sodyllt Bank. The application site is the northern portion of a small field owned by the applicant. The field is enclosed by mature hedgerows on all sides with an existing gated access at its northern end. This access fronts onto the B5069 which is subject to a 60mph speed limit in this location.
- 2.2 The field currently has a stable block located on it which is used by the applicant to store equipment in association with his job as a qualified tree surgeon. The applicant is proposing to relocate the stable block to elsewhere in the field and its existing location will be used to accommodate the proposed amenity building. Whilst the submitted plans do show the position of the relocated stable block this falls outside of the current application and will therefore need a separate planning application to be submitted.
- 2.3 The application site adjoins the curtilage of an existing two storey dwelling. Sodyllt Bank consists of a linear arrangement of individual dwellings of various designs. All are set back behind roadside hedgerows. To the rear of the site and on the opposite side of the B5069 are open agricultural fields.
- 2.4 Sodyllt Bank is a compact settlement containing around 17 dwellings. The settlement is not defined as either a hub or a cluster in the adopted SAMDev plan and for planning purposes it is an open countryside location. The nearest community cluster settlements are Street Dinas and Dudleston which are both around 2km away. The centre of St Martins is 3.5km to the south which is a Community Hub and contains a mix of services and facilities including a supermarket, public house, school and community facilities

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

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Service Manager in consultation with the Committee Chair and Vice agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

## 4.0 COMMUNITY REPRESENTATIONS

### 4.1 Consultee Comments

- 4.1.1 Parish Council- objects to the proposals outlined in this application for change of use of agricultural land to residential caravan site for 1 no. traveller family to include access and drainage on the B5069 at Sodyllt Bank.

*“The Parish Council is fully supportive of a young family wishing to get onto the property ladder and to have their own home, however, this is not an application for an affordable dwelling for local need or to house an agricultural, forestry or other essential countryside worker on this site.*

*Sodyllt Bank has not been identified as an area for development within the SAMDev plan. It is not a community hub, nor does it fall within a community cluster for development within Ellesmere Rural Parish, being c 1 mile from Dudleston and c 2 miles from St Martins. As stated in the Design and Access Statement the caravan would adjoin an existing cluster of residential dwellings in the hamlet of Sodyllt Bank. There are no other caravans in this location and would as such be at out of keeping with the surrounding environs and will out of context with the character of the area. The site falls outside any development boundary and is classed as an area of open countryside.*

*The Councillors noted that the Design and Access Statement states that: 'It is acknowledged that the county highway along the site road frontage is subject to Site Location 4 the national speed limit, however actual 85%tile traffic speeds are thought to be closer to 50mph. Visibility splays in accordance with CD109 for a desirable minimum of 50mph (85kph) are 160m and this can be achieved in both a north-easterly and south-westerly direction. The full extent of visibility is 2.4m x 202.5m in a north-easterly direction and 2.4m x 189.4m in a south-westerly direction. It shall be noted that the proposals represent a significant improvement over and above the existing arrangement, where the access is used daily by the applicant.'*

*As the road in question, the B5069, is a 60mph road, the Parish Council is of the opinion that any sight lines/visibility splays should be measured in accordance with that speed, not a reduced speed of 50mph. The previous application for this site, 24/02022/FUL, was refused in part due to concerns over safe access to the site. The Councillors do not believe that this will change because it is a caravan rather*

*than a house which is now being applied for.*

*The Councillors feel that the Ecology report lacks detail. It is stated that: 'Although there are three ponds within 250m of the site, these appeared to be dried up at the time of survey and there appears to be no suitable ponds within 100m of the site nor records of Great Crested Newts within 250m of the site. It has been concluded that the proposals are unlikely to have any impact upon GCN and no further survey work is required.'*

*No supporting evidence is provided in the report i.e. photographic evidence. The Parish Council would like to see more in depth detail to support the report.*

*'The site and land within the applicants' control is currently an agricultural field which has a stable block used for storing the applicant's tools and machinery for his job.' The Parish Council notes that that the applicant currently stores tools on this site. However, the Parish Council cannot see that this provides a 'need' for the applicant to live in this location in order to work/carry out his business as a tree surgeon. Whilst the applicants have demonstrated strong local connections to the area of St Martins, there does not appear to be evidence of a strong local connection to Ellesmere Rural"*

4.1.2 **Highways** - No objection to the amended plans subject to planning conditions.

4.1.3 **Drainage**- Informatives suggested.

4.1.4 **Ecology** –No objection. The information and plans submitted in association with the application are acceptable. and I am happy with the survey work carried out. Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17. The biodiversity net gain assessment proposes a net gain on site of 0.0653 (11.77%) habitat units and 0.0718 (11.73) hedgerow units.

4.1.5 **Gypsy Liaison Officer**- Confirm the applicant is from the travelling community with a strong local connection to Oswestry and Shropshire.

## 4.2 **Public Comments**

4.2.1 21 representations have been received. 8 objections and 13 in support of the application commenting on the following:

## Objections

- Not sustainable development
- Impact on local infrastructure
- Limited public transport locally
- Drainage concerns
- Concerns about surface water drainage
- Impact on ecology, protected species and protected sites
- Previous applications for houses have been refused here
- Allocated site should be provided for gypsies
- Highway safety
- Impact upon the character and appearance of the area/ landscape
- Pollution
- Loss of agricultural land
- Site is in countryside away from settlements
- Site is outside of any development boundary
- Site is 2 miles from nearest schools
- 

## Support

- Applicant and family has grown up in the area with strong local ties
- Applicant has existing employment connections locally
- Minimal environmental impact
- Applicant meet the criteria
- Previous application for a permanent dwelling have been refused.
- There is a lack of affordable alternatives
- Site has a low risk of flooding
- Family is already based in St Martins
- Short commute to nearby villages
- Applicants are in need of accommodation

## 5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Layout, Scale and Impact on Landscape
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Policy Background

- 6.1.1 The site is located on the end of a linear pattern of development which forms the small hamlet of Sodyllt Bank. As noted above the site is located in an area of open countryside for planning purposes. The nearest sizeable settlements that are identified in the adopted SAMDev Plan are St Martins and Dudleston Heath. Both of these settlements are Community Hubs as identified by MD1 of the SAMDev Plan. These settlements already provide a range of services and facilities including retail, school, public transport and community/ social/ recreational facilities.
- 6.1.2 Slightly further afield are the market towns of Ellesmere and Oswestry which are around 10.5km and 8.8 km respectively from the application site. Both settlements have an extensive range of services and facilities and are identified within Policy CS3 of the Core Strategy as a Key Centres.
- 6.1.3 The adopted Local Plan represents the starting point for any decision on planning applications. The adopted Local Plan for Shropshire consists of the Core Strategy; Site Allocations and Management of Development (SAMDev) Plan; and where relevant adopted Neighbourhood Plans. Shropshire Council considers that the adopted Local Plan is up-to date and generally consistent with both the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS).
- 6.1.4 The adopted Local Plan identifies housing guidelines and where appropriate sites are allocated within Market Towns, Key Centres and Community Clusters although the plan does not include any allocations for gypsy and traveller sites within these settlements. The adopted Local Plan does however include policies that establish a positive approach to meeting arising accommodation needs of the gypsy and traveller community.
- 6.1.5 For this proposal, Core Strategy Policies CS5 and CS12; SAMDev Plan Policies MD7a; together with other applicable Core Strategy and SAMDev Plan policies (for example those relating to the natural and historic environment (including CS17 Environmental Networks; MD12 Natural Environment; MD13 Historic Environment) and general development management matters (including CS6 Sustainable Design and Development Principles) provide the local policy context.

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6.1.6 The adopted Local Plan is supplemented by the Type and Affordability of Housing Supplementary Planning Document (SPD) adopted in September 2012. The SPD reflects the Gypsy and Traveller evidence and national policy in place at that time. It provides some useful guidance on the interpretation of the criteria in Policy CS12.

6.1.7 The National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS) together provide the national policy basis for addressing the accommodation needs of the travelling community and should be taken into account when determining planning applications.

6.1.8 The PPTS 2024 details the Government’s overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

6.1.9 Gypsy and Travellers have a recognisable culture, protected by law. Annex 1 of the PPTS also defined, for the purposes of planning policy, the definition of gypsies and travellers:

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*

6.1.10 The PPTS requires that sites are sustainable and it highlights a range of relevant matters, in addition to general development management considerations, that should be taken into account in considering applications for traveller sites. In particular, Policy H sets out specific matters that are relevant and must be taken into account when considering planning applications for traveller sites including need, local provision and availability of alternative sites, together with the personal circumstances of applicants. Policy D relates specifically to considerations in relation to rural exception sites.

## 6.2 Adopted Local Plan

6.2.1 Core Strategy Policies CS5 and CS12 and SAMDev Plan Policy MD7a together with the NPPF 2024 and PPTS 2024, continue to provide the main policy criteria against which proposals for Gypsy and Traveller sites in countryside must be

considered, having regard to sustainable development and other material considerations.

- 6.2.2 It was anticipated when the Core Strategy was adopted that there would be the provision of new gypsy and traveller sites through allocations in the SAMDev Plan. However, as a result of the conclusions drawn from subsequent evidence, the SAMDev Plan adopted in December 2015 did not include any site allocations.
- 6.2.3 Core Strategy Policy CS5 and SAMDev Plan Policy MD7a control development in the 'countryside' in line with the NPPF. Core Strategy Policy CS5 specifically cross references the provisions of Policy CS12 when identifying forms of development that may be appropriate in the countryside.
- 6.2.4 Policy CS12 provides appropriate criteria for the consideration of situations where there is no identified need requiring site allocation and planning applications for Gypsy and Traveller to come forward. Policy CS12 sets out a positive approach to meeting arising accommodation needs of the gypsy and traveller community as they arise.
- 6.2.5 At paragraph 25(e) of the PPTS it requires that Local Planning Authorities should determine applications from any travellers not just those with local connections, with Policy CS12 making provision for this. Policy CS12 includes detailed criteria applying to general proposals for sites (bullet point 2) and for the consideration of rural exception sites (bullet point 3).
- 6.2.6 Policy CS12 is supportive of suitable Gypsy and Traveller development proposals close to Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters and makes provision for small exception sites (under 5 pitches) in other locations. This approach to development is in line with the requirement in Paragraph 26 of the PPTS, that Local Planning Authorities should very strictly limit new sites in open countryside away from settlements or outside areas allocated in the development plan.
- 6.2.7 Assistance in interpreting CS12 is an appeal decision issued in December 2022 for a site at Five Oak Stables, Coton, near Whitchurch. This appeal decision identified that it is appropriate to consider a Gypsy and Traveller site with reasonable accessibility to services as being close to a settlement. At the time the Inspector considered that this could include the ability to access day to day services and facilities and bus and railway links to towns further afield within a

short drive time.

6.2.8 Additionally, CS12 (bullet point 5) expects:

*‘.....that all sites are reasonably accessible to services and facilities, incorporate suitable design and screening, have suitable access and areas for manoeuvring caravans and parking for all essential uses, make provision for essential business uses and recreational facilities as appropriate. All sites must comply with the requirements of policy CS6 and critical infrastructure provision of policy CS9 where appropriate.’*

## 6.3 Legal Context

6.3.1 In addition to the planning policy considerations, there is a range of legislation and case law which identify relevant matters to be taken into account in the consideration of planning applications for a Gypsy and Traveller sites. This includes the Equality Act 2010 which sets out public sector equality duty; the ‘best interests of the child’; and Human Rights Article 8 considerations. The submitted supporting information indicates that the applicants do have a young child.

## 6.4 Planning History

6.4.1 The applicant has submitted three separate planning applications on the site since 2014. These sought planning permission for the erection of a detached dwelling (application no’s 14/04204/OUT, 15/03574/OUT, 24/02022/FUL). The first of these applications was withdrawn and the latter two refused. The last and most recent of these was refused because of its location being in the open countryside, lack of details provided regarding the access and lack of ecology information.

6.4.2 The applicants are now seeking planning permission for pitch provision on the site rather than a permanent bricks and mortar dwelling; as they have done previously. It is accepted that Gypsies and travellers may move between caravan-based accommodation and bricks and mortar dwellings, for example to reflect health, mobility or other requirements.

6.4.3 The applicant has this time chosen to apply for pitch provision to meet their requirements. Notwithstanding the nature of the previous applications this application must be considered on its own merits, under the remit of Core Strategy CS12. It must be noted that any case made to support a rural traveller exception site on this site would not in itself justify another type of exception dwelling. Any other types of exception dwelling would also need to be considered on its individual merit against the relevant policy criteria at that time.

## **6.5 Policy Consideration**

- 6.5.1 National Policy requires the need for Gypsy and Traveller sites to be assessed by the Local Planning Authority and the deliverable supply of sites identified. This is to determine if a 5-year supply of deliverable sites exists. There is no set methodology for the assessment.
- 6.5.2 Shropshire Council most recently considered need in its Shropshire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2019 update), which concluded that, taking into account expected turnover on Council pitches, there was no strategic requirement for additional pitch provision.
- 6.5.3 The GTAA (2019 update) recommended that the Council should continue to consider planning applications for appropriate small sites to address any arising needs of Gypsy and Traveller families, where they cannot be accommodated within the existing supply (for instance due to accessibility to school and health facilities; pitch vacancies at the particular time; issues of ethnic mix and compatibility; ability of available sites to accommodate large family groups; etc), should they be forthcoming over the Plan period. This is in line with the Government aspiration to promote more private traveller site provision, as set out in PPTS 2024, and is consistent with the approach in Core Strategy Policy CS12.
- 6.5.4 An update of this evidence, through the preparation of a new GTAA, is currently ongoing. Once completed, the new GTAA will inform future local policy and decision making on planning applications and provide an updated need and pitch supply figure. At this current time the Council accepts that pending the completion of the updated GTAA its position regarding the availability of a 5-year supply is unclear. As such, for decision making purposes it is considered that such a supply cannot currently be demonstrated.
- 6.5.5 Revised wording in paragraph 28 of the PPTS 2024 now directly references the 'tilted balance' set out in paragraph 11(d) of the NPPF 2024. This makes it clear, that in respect of traveller site applications, that an inability to demonstrate a 5-year supply of deliverable traveller sites engages the policy presumption set out paragraph 11(d) of the NPPF 2024.
- 6.5.6 Importantly, this does not change the legal principle in section 38(6) of the Planning and Compulsory Purchase Act 2004. Decisions on planning applications are governed by the adopted Local Plan read as a whole, unless material

considerations indicate otherwise. Rather, paragraph 11(d) requires the decision maker to apply less weight to policies in the adopted Local Plan and more weight to the presumption in favour of sustainable development as a significant material consideration – hence it is commonly referenced as the ‘tilted’ balance.

- 6.5.7 In applying this ‘tilted’ balance, due consideration must also be given to the Equality Act 2010, the ‘best interests of the child’, and Human Rights Article 8 considerations.
- 6.5.8 Policy CS5 states that, “New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt.” Policy MD7a expands upon this, including: “Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.” Further, Core Strategy Policy CS5, in line with national policy in NPPF 2024, lists residential exceptions that may be permitted on appropriate sites in the countryside, referencing accommodation to meet a local need and Policy CS12.
- 6.5.9 The above policies reflect the wider strategy to direct the majority of development to more sustainable locations including Shrewsbury, Market Towns and Key Centres, with development provision in rural areas focused on identified Community Hub and Community Cluster locations to support rural sustainability.
- 6.5.10 Policy CS12 of the Core Strategy specifically addresses the accommodation needs of Gypsies and Travellers and sets out the criteria which are used to assess any planning applications which come forward. Bullet point 3 of CS12, is one of the exceptions for development in countryside locations listed in CS5, where it makes provision for sites for gypsy and travellers in countryside locations. However, as with other types of exception development, evidence is required to demonstrate eligibility.
- 6.5.11 The PPTS 2024 requires that all applications be considered and not just those relating to applicants with a local connection, local connection is however a significant consideration where the proposal is restricted to an exception site. In this instance submission refers to the application having a local connection to North Shropshire due to existing residence with family members in St Martins. The Council’s Gypsy and Traveller Family Liaison officer has confirmed that the family is from the travelling community with a strong connection to Oswestry and Shropshire more widely. This is awarded weight accordingly in the consideration of

the application.

## **6.6 Proximity to Local Facilities**

- 6.6.1 Comments have been received from local residents that there are limited local services and facilities to serve the occupiers. However, the proposed site is only 3.5km from St Martins, 10.5km from Ellesmere and 8.8km from Oswestry this would provide benefits for the applicants by being within close proximity and only a short drive from a variety of services and facilities.
- 6.6.2 The Inspector in the Coton appeal decision highlighted that Core Strategy Policy CS12 supports development of Gypsy and Traveller sites close to specified categories of settlements (including Community Hubs and Community Clusters) and that it is appropriate to consider a site with reasonable accessibility to services as being close to a settlement. It is accepted that given the speed and characteristics of the road between the site and the nearest settlements, it would mean that occupants are unlikely to walk or cycle and therefore would rely on using the car to access services and facilities.
- 6.6.3 In the Coton appeal, the Inspector commented that as Policy CS12 allows new sites outside of settlements, it would be expected that accessibility by non-car modes of transport would be less when compared to developments in towns and villages and that the NPPF recognises that the opportunity to use sustainable modes of transport varies between urban and rural areas.
- 6.6.4 Whilst each case must be considered on its merits, it is notable that the Planning Inspector for the Coton appeal concluded that the development provided 'an appropriate level of accessibility by means other than the car' in a rural context. It was identified that reasonable accessibility could include the ability to access day to day services and facilities and bus and railway links to towns further afield within a short drive time (up to 20 minutes).
- 6.6.5 In comparison it can be noted that the site currently under consideration is a 5 to 10 minute drive from St Martins and Overton, and approximately 15 minute drive to Ellesmere, and Oswestry within a 20 minute drive time.
- 6.6.6 It is therefore considered by Officers that the site location could be considered to meet the 'close' locational requirement of bullet 2 of Core Strategy Policy CS12.

## **6.7 Layout, Scale and Impact on Landscape**

- 6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.
- 6.7.2 The existing site which contains a stable used by the applicant is association with his business is well maintained.
- 6.7.3 The submitted plans show that the amenity block will be located at the rear of the site and parallel to the rear boundary with the proposed caravan sited between it and the road. The access into the site will be in approximately the same position as the existing field access with a permeable surfaced driveway leading into the parking and turning area.
- 6.7.4 The applicant's initial submission included the retention of the existing roadside hedgerow which already provides a significant level of screening. However, in order to accommodate the concerns raised by the Council's Highways Officer, in terms of visibility, the applicant has now provided plans that remove and relocate the hedgerow behind the required visibility splays. It is accepted by Officers that in the short term the removal of the hedgerow will visually harm the character and appearance of the area with any built development and land use activities being prominent to passing traffic. A condition will be imposed requiring details of the hedgerow to be provided and also that it is planted prior to any caravan being brought onto the site to ensure that it becomes established as soon as possible.
- 6.7.5 The proposed dayroom is relatively modest in size which is not dissimilar to the existing stable block on the site. It is also located in the same position as the stable.
- 6.7.6 Overall, it is considered that this scheme will have little impact on the rural landscape given the scale and design of the proposed development. Whilst there are no other similar sites nearby, the site will be seen within the context of other built development and will not appear isolated or obtrusive. In the long-term, when the new hedgerow becomes established it is considered that the proposed development will not have any detrimental impact upon the character and appearance of the locality or the wider countryside. As such the development is considered by Officers to be in accordance with the NPPF and policies CS5, CS6,

and MD2 of the local plan.

## **6.8 Impact on Residential Amenity**

6.8.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. There are immediate adjoining neighbouring residential properties to the north. There would be a distance of around 27.5m between the dwelling to the north and the proposed amenity block and static caravan. The rest of the site and the driveway is closer to the neighbour so it is expected that there would be some noise associated with vehicle movements and general activity on the site. However, this is not likely to be any different to that which would be reasonably expected from a typical single dwelling. The neighbour is also likely to already experience movements on the site by the applicant visiting the stable block in association with their employment as they visit to collect tools and equipment.

6.8.2 It is therefore considered by Officers that the proposed amenity block and the use of the site for accommodating a static caravan or touring caravan will not result in any overbearing impact, loss of light or overlooking and that the use of the site by a single family and the movement of vehicles will not have a detrimental noise impact on the residential amenities.

## **6.9 Highways**

6.9.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. One of the reasons for refusal for the previous planning applications for a single dwelling was on the grounds of the lack of highway details to demonstrate a safe access. The applicant has now provided more comprehensive details concerning the access. As noted above the application has been amended to address the comments made initially by the Council's Highways Officer. Regrettably this has resulted in the loss of the existing frontage hedgerow and its replanting behind the visibility splay.

6.9.2 The amended plans submitted now show that visibility of 2.4m by 189.4m in a southerly direction and 2.4 by 202.5m in a northerly direction can be achieved. The applicant has also amended the width of the access to 4m and now shows the gates set back 12m into the site to allow any vehicle to pull clear of the highway.

6.9.3 The Council's Highways Officer has indicated that the use of the site and its means of access is acceptable subject to the development being carried out in

accordance with the amended plans submitted and appropriate conditions and informatives being imposed.

## 6.10 Ecology

- 6.10.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in section 15 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.10.2 Unlike the previous application this one has been submitted with a Ecological Appraisal to establish the presence of any protected species on the site and notes the habitat features on the site. The assessment concluded that there were no signs of badgers within the site or historical records of badgers with 1km of the site. Additionally, there were no signs of any suitable habitats for roosting bats within the site. The survey also concludes that there are no suitable ponds within 100m of the site nor records of great crested newts within 250m. The habitats on the site are also sub-optimal for GCN.
- 6.10.3 No objection has been received from the Council's Ecologist subject to the installation of bat boxes and bird boxes which will enhance the site for wildlife by providing additional roosting and nesting habitat. This is in accordance with the requirement for biodiversity net gains in accordance with policy CS17 and the NPPF. Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area and therefore a safeguarding condition for external lighting is proposed.

## 6.11 Drainage

- 6.11.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and

quantity and provide opportunities to enhance biodiversity.

6.11.2 Concerns have been raised from residents regarding the suitability of land for foul and surface water drainage. The applicant has provided details of a modular crate soakaway system. The submitted information confirms that the surface water will outfall to a soakaway at a depth of 2m. It is at this depth where the ground is found to be sandy and has enough porosity for a soakaway system.

6.11.3 The site is not to be connected to a foul water sewer as this is some 2.75 km from the site; making such a connection would be unviable for a single unit of accommodation. It is therefore necessary to look at alternative options for foul drainage following the drainage hierarchy. The option of a treatment plans has been investigated but the option of an outfall to a watercourse is not possible as it is owned by a third party and the applicant has stated that a connection cannot be agreed. As noted above there is also no porosity in the top soil so a drainage field cannot be used. Therefore, the applicant is proposing the installation of a suitably sized cesspool.

6.11.4 Officers recognise that the use of a cesspool is the least favourable option as it relies upon maintenance and emptying. However, the applicant has shown why other more preferable options are not feasible in this location. The installation of a cesspool will be further subject to building regulations approval.

6.11.5 The Council's drainage team have not raised any objection to the application.

### 6.12 **Planning Balance**

6.12.1 All decisions made by the Council should apply the presumption in favour of sustainable development as required by Paragraph 11 of the NPPF. As noted above the Council is not currently able to demonstrate that it has a 5-year supply of deliverable gypsy and traveller sites. The effect of this is that point d) of paragraph 11 is engaged, otherwise known as the 'tilted balance'. This means that the Council should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

6.12.2 In this instance the only identified harm as a result of the development will be the loss of the existing hedgerow to facilitate appropriate access visibility. This will have a relatively short-term impact until such time that the new hedgerow becomes established. For this reason, planning conditions are recommended to ensure that

the new hedge is provided at the earliest opportunity. Therefore, in the context of para 11 d), it is considered that there would be no significant harm as a result of the development proposed which outweighs the benefits.

## **7.0 CONCLUSION**

7.1 A number of comments and representations have been received in response to the above application. However, the issues have been carefully considered and the adopted National and Local policies taken into consideration. On balance it is considered that the scheme is appropriate in its scale, design and location providing accommodation for a family from the travelling community who has connections to the local area. The development of the site, subject to appropriate planting will not result in an unreasonable visual impact on the landscape and whilst it is a different form of development to its surrounding it will not be seen as intrusive in this rural location. The proposed access will not result in any highway safety issues or would the use result in any impact on residential amenity or impact on ecology.

7.2 It is considered that there would be no adverse impact of the development which would demonstrably outweigh the benefits of providing this single gypsy traveller plot. The development is therefore considered to be in accordance with the NPPF, policies CS5, CS6, CS12, CS17, CS18, MD2, MD12 and the GTAA and the PPTS

## **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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose 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 give 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 1970.

## 9.0 FINANCIAL IMPLICATIONS

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

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## 10. Background

### Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites (PPTS)

Core Strategy and SAMDev Plan:

CS3: The Market Towns and Other Key Centres

CS5: Countryside and Green Belt

CS12: Gypsies and Traveller Provision

CS17: Environmental Networks

MD1 Scale and Distribution of Development

MD7a Managing Housing Development in the Countryside

MD12 Natural Environment

### RELEVANT PLANNING HISTORY: \_

09/00004/FUL Proposed erection of a two bay stable / feed store

GRANT 11th May 2009

14/04204/OUT Outline Application for the erection of 1No detached house (to include access).

WDN 23rd October 2014

15/03574/OUT Outline application (all matters reserved) for the erection of one dwelling to include means of access REFUSE 6th November 2015

24/02022/FUL Erection of one dwelling and detached garage REFUSE 29th August 2024

09/00004/FUL Proposed erection of a two bay stable / feed store

GRANT 11th May 2009

15/03574/OUT Outline application (all matters reserved) for the erection of one dwelling to include means of access REFUSE 6th November 2015

## 11. Additional Information

## AGENDA ITEM

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View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SQK2OUTDN0H00>

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

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member

Cllr Brian Evans  
Cllr Carl Rowley

Appendices  
APPENDIX 1 - Conditions

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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

3. The access apron shall be constructed in accordance with Shropshire Councils specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

4. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts as provided in Section 6 of the Preliminary Ecological Appraisal (Arbor Vitae, January 2025).

Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.

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

5. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

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

6. Notwithstanding the details shown on the submitted landscape plan, prior to the commencement of any development, a detailed scheme for the planting of hedgerows to the front and sides of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- A list of all plant species to be used, ensuring they are native and appropriate for the local environment.
- The proposed density and spacing of the plants.
- The approved hedgerow planting scheme shall be implemented in full prior to any caravan being brought onto the site.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment of a reasonable standard of landscape in accordance with the approved scheme.

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

7. Prior to first occupation of the site, the following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design),

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house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 192 of the NPPF.

8. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls of the amenity building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

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

9. There shall be no more than one pitch on the site and on each pitch hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a mobile home/static caravan. The mobile homes/static caravan shall be positioned in accordance with the details as shown on the approved plans and nowhere else on the site.

Reason: To protect the amenities of the area.

10. The access layout, gate position, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Access Arrangement Plan Drawing No. LG-AA-401 Rev B prior to the travellers pitch being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety

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Field Adjoining Langley

11. The residential element of the development hereby approved shall not be occupied by any persons other than Gypsies and Travellers, defined as, Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To ensure appropriate accommodation is available.

12. The visibility splays shown on Access Arrangement Plan Drawing No. LG-AA-401 Rev B shall be set out in accordance with the splay lines detailed and dimensioned. Any retained hedge, or replacement hedge planting should be at least 1 metre behind the visibility splay lines. The visibility splays shall be fully implemented in accordance with the approved details prior to the travellers pitch being occupied and shall thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the access in both directions along the highway in the interests of highway safety

13. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 12.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety

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## AGENDA ITEM

-	Field Adjoining Langley
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AGENDA ITEM



Committee and date

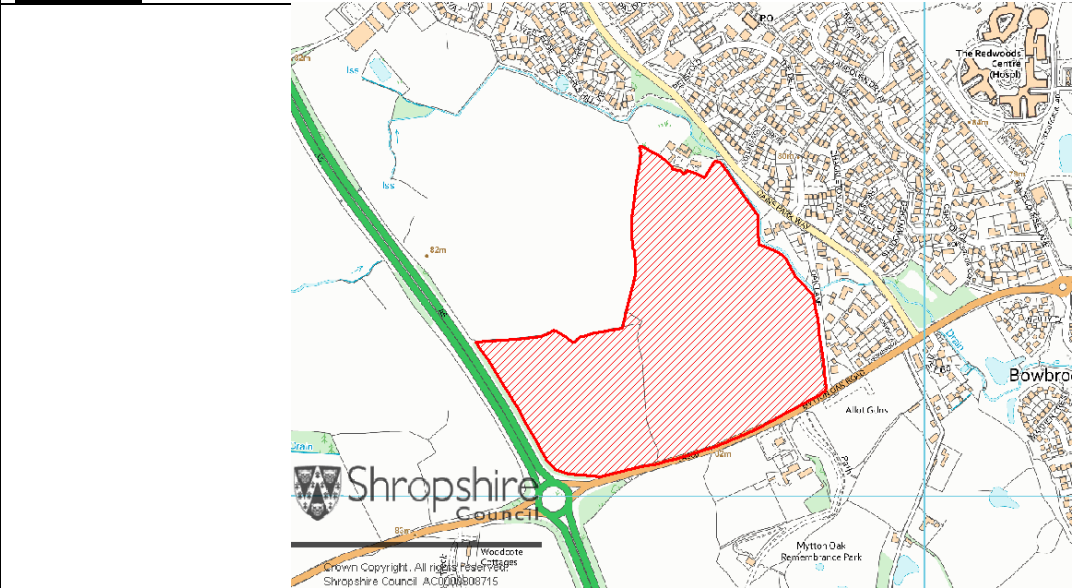
Development Management Report

Responsible Officer: Tim Collard, Service Director, Legal and Governance

Summary of Application

<b>Application Number:</b> 24/02808/OUT	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Hybrid planning application for a residential development of up to 400 dwellings and 80 bed care home (Use Class C2), access, footpath/cycleways, public open space, landscaping and associated drainage and development infrastructure: comprising a FULL application for 102 dwellings, 80 bed care home, access from Mytton Oak Road, footpath/cycleways, public open space, landscaping and associated development infrastructure and OUTLINE application (all matters reserved) for up to 298 dwellings, access, footpath/cycleways, public open space, landscaping and associated development infrastructure.		
<b>Site Address:</b> Land North Mytton Oak Road Shrewsbury Shropshire		
<b>Applicant:</b> Shropshire Homes		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> kelvin.hall@shropshire.gov.uk	

**Grid Ref:** 345698 - 312198



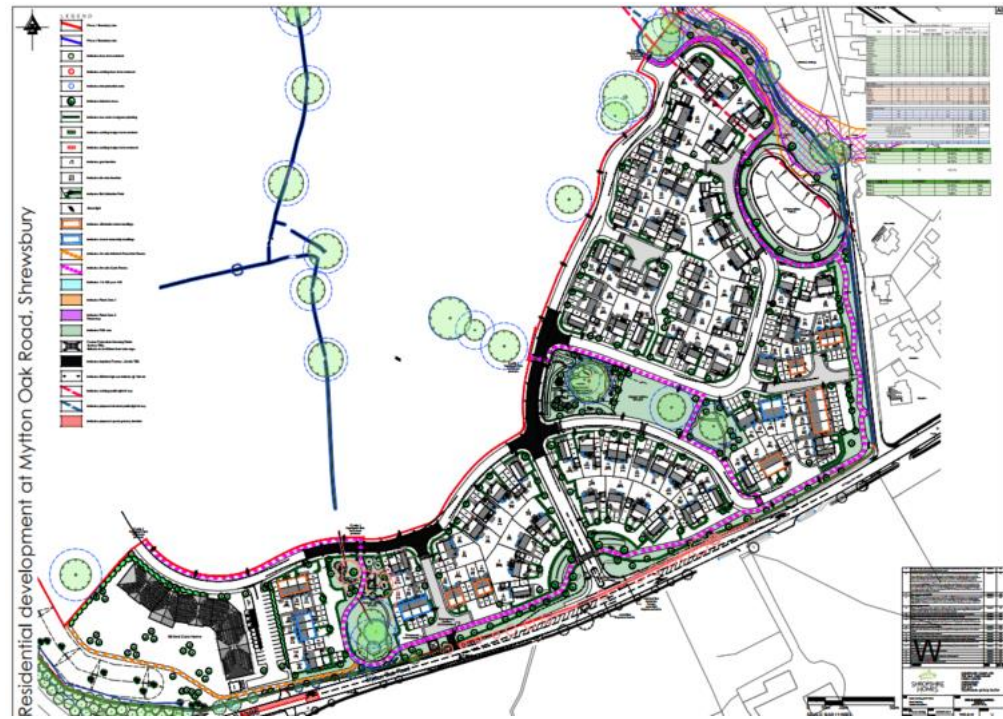
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## REPORT

**Recommendation: That delegated authority is given to the Planning Services Manager to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 and for any minor changes to conditions as required.**

### **1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for residential development on land off Mytton Oak Road, Shrewsbury. It has been submitted in 'hybrid' form, i.e. with one element for the first phase comprising a full application, and one element for the subsequent phases comprising an outline application.
- 1.2 The whole application proposes the construction of up to 400 dwellings and an 80 bed care home. The full element includes 102 dwellings and the care home together with the main vehicular access point from Mytton Oak Road. It also includes areas proposed for landscaping, public open space and sustainable drainage infrastructure. The remaining part of the proposed development, comprising the outline element, would be brought forward in 3 further phases, and includes up to 298 dwellings, with landscaping and infrastructure. This part of the application seeks permission for the principle of the development only, with detailed matters of access appearance, landscaping, layout and scale being reserved for future approval.
- 1.3 Full application:  
The detailed designs for phases 2-4 would form part of an application for reserved matters approval at a later date. The proposed layout for phase 1, which is the full element of the application, is shown below:



- 1.4 The proposed houses would be a mix of detached and semi-detached and short terraces. They would be a range of sizes between 1 and 4 bedroom dwellings. External materials would mainly comprise brick and tile, with some render. Features would include bay windows, porches, brick headers, a mix of detached and attached garages; contrasting brickwork and brick/render; front-facing gables; and chimneys. The layout includes mixed housing densities across the site.
- 1.5 The care home would be sited at the south-western side of the site. It would be a three-storey, roughly L-shaped building with pitched roof incorporating solar panels, and have contrasting brickwork and render. It would be set back from the A5/B4386 junction and there would be an intervening earth bund to provide noise attenuation from the roads. A brick substation is proposed at the southern side of the site, measuring approximately 4.1 metres x 3.8 metres x 2.8 metres to eaves.
- 1.6 Vehicular access to the site would be gained directly from Mytton Oak Road, to the south of the site. In terms of internal road layout there would be a primary road running through the central part of the site linking to secondary streets and some private drives. Pedestrian and cycle access to the site would be provided in two places on the eastern side of the site, linking in with residential areas to the east.
- 1.7 Pre-application consultation  
The design and layout of the proposed scheme has evolved through the applicant's engagement with the Council's pre-application advice service. This also included a design review process with Design:Midlands and its team of independent specialists in January 2024. The applicant also undertook a community consultation event prior to the submission of the application, and engaged with Shrewsbury Town Council and

the (previous) Local Member.

1.8 The Design:Midlands Design Review Panel (DRP) acknowledged the challenges of the site's development including the limited opportunities to connect with existing housing, and the existence of flood risk areas. The DRP made a number of recommendations for the scheme. These included developing the designs to improve the street hierarchy, parking integration, open spaces, and biodiversity. The application as submitted took account of these recommendations. In addition, following the submission of the application, a number of modifications to the design and layout have been submitted to seek to address other matters raised as part of the consultation process, through the submission of design and layout amendments.

1.9 The planning application is accompanied by a detailed suite of supporting documents, including: Landscape and Visual Impact Assessment; Ecological Assessment; Biodiversity Net Gain Assessment; Noise Assessment; Air Quality Assessment; Transport Assessment; Arboricultural Impact Assessment; Flood Risk Assessment; and Ground Investigation report.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The site is located on land north of Mytton Oak Road, at the western edge of the built-up edge of Shrewsbury. The land comprises a single large arable field which is interspersed with trees, with a total area of approximately 19 hectares. Existing farm buildings forming part of Oak Farm are situated to the north of the site. The western and southern boundaries of the site are bounded by the A5 and the B4386 Mytton Oak Road respectively. To the north is agricultural land. To the east are residential properties which form the current extent of built development at this side of Shrewsbury.

2.2 There is an existing public right of way which runs along the north-eastern edge of the site, close to a watercourse. This footpath is proposed to be diverted as part of the proposals. Land alongside the watercourse is designated as Flood Zone 2 and 3.

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

3.1 The application was discussed at an agenda-setting meeting. The trigger for this was that it is a 'major' application. It was agreed at the meeting that it would be appropriate for this application to be determined by Planning Committee.

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 Consultee Comments (full comments are available online)**

4.1.1 At the time the application was submitted, the site was located partly within the Shrewsbury Town Council area and partly within the Bicton Parish Council area. Both Councils were consulted on the application, and their comments are set out below. A parish boundary change effective from 1<sup>st</sup> April 2025 extended the Shrewsbury Town

Council boundary westwards at this part of Shrewsbury. The effect of this is that the site no longer falls within the parish of Bickton, and now falls entirely within the area of Shrewsbury Town Council.

4.1.2 **Bickton Parish Council (adjacent parish)** Neutral.

4.1.3 **Shrewsbury Town Council** Whilst the Town Council do not object to this application per se, they hope that attention is paid to sustainability and biodiversity on the site.

4.1.4 **SC Affordable Housing** No objection.

*The Full element of this hybrid application proposes 102 dwellings of which 26 are indicated as affordable. There is a planning policy requirement for 20% affordable housing, therefore for a scheme of 102, 20.4 are required as affordable (translating into 20 dwellings and a financial contribution for the 0.4 fraction). The current proposal provides an additional 5.5% above policy requirement.*

*The rented provision provides for: 2 x 1 bed, 8 x 2 bed (six of which meet M4(3) wheelchair user standards), 6 x 3 beds and 2 x 4 beds. In total eighteen will be rented tenure.*

*Eight dwellings are proposed to be shared ownership (form of low-cost home ownership), 5 x 1 beds, 2x 2 beds and 1 x 3 bed. The 5 x 1 bed will be required to be rented tenure given the high number of households on the housing waiting list requiring one bed rented homes. We therefore suggest that 5 of the 2 and 3 bed indicated rented tenure properties change tenure to become shared ownership. Shared Ownership is likely to be more preferable to households seeking 2 and 3 bed homes given that larger properties allow for household growth and settled communities.*

*All affordable dwellings meet Nationally Described Space Standards. It is pleasing to see that one bed provision is being provided by way of a one bed two storey dwelling with private garden.*

*The eighty-bed (20% of the scheme) care home satisfies the requirements set out in the draft local plan policy which relates to provision for older people and those with disabilities and special needs. This provision as indicated satisfies M4(3) standards as set out in the draft policy. The provision of a care home will help to support community sustainability.*

*The siting, location, clustering, and tenure split of the affordable homes is acceptable. However, we would require confirmation from the Registered Provider who will be securing the affordable dwellings to confirm that the layout and housing specifications meets with their satisfaction.*

*In accordance with the guidance contained in the SPD we would require the rented*

*dwellings to be Social Rented and not Affordable.*

*The affordable housing provision on the outline element of the scheme will be required to be delivered at the prevailing target rate at the time of the full application/Reserved Matters and delivered as per Phase One in terms of 70/30% split in favour of Social Rented tenure.*

The Affordable Housing team have confirmed that the affordable houses can be accessed off the unadopted highways as currently shown for phase 1 of the development and that future phases will be accessed off adopted roads.

#### 4.1.5 **SC Archaeology** Recommends a condition.

*The present application is supported by a Planning Statement by Planning Prospects. The statement indicates that an archaeological field evaluation comprising a geophysical survey followed by targeted trial trenching would be undertaken prior to approval of Phase 1 (Paragraph 5.61).*

##### Recommendation:

*With regards to the requirements of Policy MD13 of the Local Plan and Paragraph 200 of the NPPF (December 2023), officers advise that the archaeological desk-based assessment be updated to include the results of a geophysical survey and subsequent trial trenching, as recommended during the preapplication process. The evaluation should be undertaken prior to determination.*

Note: Following submission of an Archaeological Evaluation report the Council's Archaeology Officer has confirmed that it is appropriate to apply a standard 'programme of works' condition should permission be granted.

#### 4.1.6 **SC Conservation** No comments to make. The submission of the Archaeological Desk Based Assessment and Built Heritage Statement is acknowledged.

#### 4.1.7 **SC Landscape** Recommends conditions.

*The Landscape Visual Impact Assessment has been revised appropriately to take account of the reinstatement of the hedge, and that there is no longer any need for additional mitigation. It can be relied upon to assess whether the proposals comply with Local Plan policies relating to landscape and visual matters.*

*The Arboricultural Impact Assessment has been revised to classify this length of hedgerow as being retained, and that it now includes this hedgerow within the tree protection plan.*

*The applicant's request that 'details of the proposed programme for implementation [of soft landscape works] be conditioned as this will be tied in with the build*

*programme which is still to be determined' to be a reasonable approach.*

- 4.1.8 **SC Ecologist** Recommends conditions to require the submission of an Ecological Impact Assessment prior to the development of each subsequent phase on the outline scheme; and the requirement to submit a Habitat Management and Monitoring Plan for approval.

The proposed biodiversity gains on site, as set out in the Biodiversity Net Gain Assessments, are satisfactory. Phase 1 predicts a net gain of 4.30 (27.49%) habitat units and 4.51 (45.55%) hedgerow units.

Trees identified with potential roosting features are to be retained as part of the proposed development, and therefore no further survey effort is required. Should this change and tree with potential roosting features are to be felled, then activity surveys should also be conducted on the trees, to determine how/if they are being utilised by roosting bats.

No other further surveys are considered necessary.

- 4.1.9 **SC Green Infrastructure Advisor** Recommendations made which can be dealt with as part of a planning condition.

Revisions to the Locally-equipped Area for Play, the Local Area of Play, the Public Open Space and the Boundary Treatment Plan are recommended.

- 4.1.10 **SC Environmental Protection (amenity)** No objection. Recommends implementation of mitigation measures set out in the 'Acoustic mitigation plan' and noise report.

*The acoustic report's monitoring results illustrates that the majority of the site for Phase one will be within BS8233 standards albeit some facades facing road noise sources will require upgraded double glazing units to ensure internal standards with alternative ventilation. This is a typical situation of a proposed residential site being close to road noise source and the majority of housing in phase 1 will not require specific mitigation. The road noise, for which the internal acoustic comfort standards outlined in BS8233 which relates specifically to transport noise, cannot be met whilst the windows of some façades, facing the noise, being open in some instances. Practically, this indicates that noise from road traffic will be audible and so to achieve those internal noise standards, the windows will, for some houses, may need to be closed and in some cases glazing specified to ensure it has the acoustic qualities and alternative ventilation methods provided. This importantly doesn't mean that windows will be sealed shut or the default will be to close windows, as householders will have complete autonomy over windows for ventilation and for connection to the outdoors, but there is – from a standards point of view- a competing interest of acoustic comfort from road noise and natural ventilation, and so to mitigate this, efficient alternative ventilation is required for thermal comfort should windows be closed as specified. This*

*isn't an especially unusual circumstance of development near transport routes, as many people do live near transport routes and a compromising approach, balancing the need for this housing. The report highlights sensible mitigation techniques which should be undertaken, initially of bunding and acoustic fencing as indicated in document named 'Acoustic mitigation plan' as well as properties which will benefit from the specified upgraded glazing and ventilation strategy as per acoustic report.*

- 4.1.11 **SC Environmental Protection (contamination)** No objections. Recommends a condition to require the submission of a Site Investigation report in relation to any contamination and, where necessary, the implementation of remediation measures.

*The submitted Phase II Ground Investigation report identifies that 'the majority of test results for the contaminants of concern are below the relevant assessment criteria (S4UL/C4SL/SSV) for a 'residential - with home-grown produce'; however, localised PAH contamination has been identified in near surface soil in TP59, adjacent to the stream on the north-eastern boundary.*

*Georisk Management recommend that some additional sampling is completed in this area to confirm if the contamination identified is localised and anomalous or otherwise. Based on the results of the additional sampling the need for further remedial action will be determined to address human health risk issues in the context of the proposed layout.*

*At the time of reporting, the proposed development layout was not known, but having regard to the proposed Master Plan (DWG No. 177-P-114, dated March 2024), this area is now allocated as public open space.*

*Environmental Protection recommends that the risk assessment by Georisk Management is updated to take account of a confirmed site layout and alternative use of this area, as it may negate the need for further investigation and remediation, having regard to the proposed use in this area.*

- 4.1.12 **SC Environmental Protection (air quality)** No objections. Recommends conditions.

*The air quality report included a detailed modelling of the likely impact of the development when complete. The assessment predicted the concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at both existing and proposed receptors. All increases are well below 1 µg/m<sup>3</sup> and represent less than 1% of the Air Quality Standard and hence the impact of the development is classified as negligible, in accordance with the Land-Use Planning & Development Control: Planning for Air Quality 2017 guidance.*

*The highest concentrations predicted at existing receptors are at levels well below the air quality objectives and below the current interim PM<sub>2.5</sub> target or the future air quality objective which is effective from 2040.*

*Although the development has been assessed to have a negligible impact on air*

*quality there is potential for the cumulative impact of developments around Shrewsbury to have a negative impact on the Shrewsbury Air Quality Management Area (AQMA) if an adequate travel plan is not implemented to enable sustainable travel into the town centre. Hence it is important that the Travel Plan, (including the financial contribution to passenger transport recommended by highways) is a requirement of any consent granted to prevent a creeping deterioration of air quality within the Town centre.*

*The air quality report also assesses the potential risk of dust generated during the construction phase of the development. Due to the proximity of residential properties there is a high risk of a significant adverse dust impact during construction phases if appropriate mitigation measures are not taken. Therefore, it is important that a dust management plan is a pre-commencement condition of any consent granted. This can be incorporated into the Construction Environmental Management Plan (CEMP) condition.*

#### 4.1.13 **National Highways** Recommends conditions.

*We can confirm that all traffic related parameters align with those previously accepted by National Highways, and as such, we have no further comments in this regard.*

*Development impacts: As the outstanding comments on the base models have now been addressed, we have reviewed the forecast year outputs and have set out our comments below.*

*a. A5 Woodcote roundabout: The impacts from the development appear to be minimal at this roundabout..*

*b. A5 Edgebold roundabout: The model results indicate that the development is noted to have minimal impact on the A5 in the area. We understand that the travel plan measures are expected to improve the overall network in the long run.*

#### *Noise Impacts*

*To mitigate road traffic noise, the original noise report recommends acoustically enhanced glazing and ventilators to certain aspects of the buildings and 2.0 m high acoustic barriers to some of the gardens of the residential dwellings. A 3.0 m high earth bund near the western boundary of the proposed scheme is also proposed to reduce the levels of road traffic noise from the A5, this bund extends along the boundary of both phase 1 and phase 2.*

*The impact on road traffic noise levels along the A5 is likely to be negligible. National Highways would recommend an appropriate planning condition for the phase 1 detailed application to ensure that the mitigation proposed in the original traffic noise assessment is implemented before the development is occupied.*

#### *Geotechnical and Drainage matters*

*The details provided indicate the bund is to be located within the site, outside the highway boundary. Therefore, it is unlikely that the trees located within the highway*

*boundary will be affected by the noise bund. The applicant has provided information that indicates the bund filter drain is to be located to prevent surface water entering the National Highways drainage asset.*

## Air Quality

*The overall conclusions of the assessment for the construction and operational phases are appropriate. Suitable mitigation measures are proposed for the construction phase and no specific mitigation is considered to be needed for the operational phase.*

## Construction Impacts

*The submitted Construction Environmental Management Plan has been reviewed. It is proposed the contractor will produce and utilise method statements throughout construction to ensure that they are complying with the relevant British standards. These include measures for dust control, prevention of spills, safe handling, storage and transport of materials, safe waste storage and disposal, drainage strategy, prevention of discharge to surface or ground water, and noise control.*

*National Highways would expect to see a separate Construction Traffic Management Plan (CTMP) and this can be undertaken post-planning consent through a planning condition.*

### 4.1.14 **Active Travel England** Recommends conditions.

#### 1.0 Overview

*ATE has reviewed the applicant's latest response and maintains that:*

- Financial contributions to surrounding cycling infrastructure are necessary.*
- Design changes are needed to align with LTN 1/20 standards and updated travel planning principles.*
- These should be secured via planning conditions.*

#### 2.0 Key Issues

##### *Trip Generation & Travel Plan*

- ATE welcomes the improved trip analysis but warns against over-reliance on commuting data.*
- The proposed 23% active travel mode share target is too low; ATE recommends aligning with the Government's 50% target for short urban journeys by 2030.*
- Travel Plan targets should be enforceable and supported until sustained.*

##### *Off-site Improvements*

- ATE urges expansion of off-site cycling infrastructure, especially along Mytton Oak Road, to integrate with wider plans and support modal shift.*
- Contributions should be proportionate and coordinated across developments to ensure a coherent active travel network.*
- This is essential for meeting NPPF paragraph 117a on prioritizing walking and*

*cycling.*

## *Layout & Street Design*

- Traffic-calming and active frontages should be included even if adjacent sites are undeveloped.*
- Shared footway/cycleways on secondary streets are discouraged; cyclists should be treated as vehicles with segregated or on-carriageway provision.*
- Shared use paths are only acceptable off-street and must be surfaced appropriately (not hoggins).*

## *Cycle Parking*

- Cycle parking should meet LTN 1/20 Table 11-1 standards:*
  - 1 space per bedroom for residential units.*
  - 4 long-stay and 4 short-stay spaces for the care home.*
  - Secure storage (sheds/garages) must meet dimensional standards.*

## *3.0 Conclusion*

*ATE supports approval of the application, subject to planning conditions and obligations that address the above issues to ensure compliance with active travel policies and standards.*

### **4.1.15 SC Highways Development Control** No objections.

#### Access

*Vehicular access to the development is intended to be from the B4380 Mytton Oak Road. The applicant has put forward proposals for a Ghost Island junction which have been subject to a Stage 1 Road Safety Audit and a Designer response provided. It is considered that all matters raised within the Stage 1 Road Safety Audit have now been addressed to Shropshire Council's satisfaction subject to a planning condition requires details to be submitted for approval and constructed prior to the occupation of the 50th dwelling.*

*It is understood that the applicant is seeking a temporary construction access to the development it is recommended that a condition is placed that requires details of the construction access to be fully approved prior to being brought into use. The applicant should submit a formal drawing prior to any planning approval, for referencing in the planning condition Any construction access should be suitable for the intended use and temporary use for residents that have occupied the first 50 dwellings. On this basis, it is recommended that all works in relation to the proposed extension to the speed limit on Mytton Oak Road are in place prior to the first occupation or unless otherwise agreed in writing with the local planning authority. The extension of the Speed Limit will need to be supported by Traffic Regulation Order. The cost of implementing the Traffic Regulation order is likely to be within the region of £10,000 and costs can be recovered either through the Section 106 Agreement, to be paid on completion of the legal agreement or include within the Section 278 agreement. This figure has previously been agreed.*

*It has been agreed with the applicant that the proposed Ghost island junction will be upgraded to a signalised junction prior to the occupation of the 150th dwelling. An indicative layout has been submitted. However, it is unclear from the details submitted how the pedestrian /cyclist will access the tactile paving. It is recommended that the applicant submit a revised drawing prior to any planning approval, that can be referenced in the planning condition. The signalised junction will be subject to a Stage 1/2 Road Safety Audit as part of the Section 278 agreement technical approval process.*

### Travel Plan Monitoring

*It is recommended that a planning condition is attached to any permission granted that requires a Travel Plan to be submitted for approval for each phase of the development. Shropshire Council as Local Highway Authority will monitor the Travel Plan submitted and therefore would request that a Travel Plan Monitoring contribution of £20,000 is secured through the proposed Section 106 agreement.*

### Passenger Transport

*In accordance with Shropshire Bus Service Improvement Plan (BSIP) dated June 2024, specifically Phase 3, which sets out Shropshire Council vision for bus use in 2025 and beyond. Shropshire Council where possible we are seeking to create the opportunity for bus to become a realistic first choice of travel for residents. It is considered that all new developments create an opportunity to influence travel behaviour and promote sustainable travel to and from the site. The promotion of bus use within the development is key to mitigating the impact of the development it is considered that there are opportunities to extend the current On Demand service to incorporate the proposed development, neighbouring developments, and key infrastructure such as medical facilities and schools. On this basis, it is recommended that a financial contribution of £480,000 for passenger transport is secured through Section 106. The payment of these contributions can reflect the phasing of the development and likely occupation.*

*Suggested trigger points are as follows;*

- First payment - 25% of overall contribution  
Occupation of 50th dwelling (50% of full application) or within timescale, whichever is nearer.*
- Second Payment - 50% of overall contribution to be paid on the occupation of the 200th (50% of outline)*
- Final payment – 25% of overall contribution payable on occupation of 300 dwelling*

*It is acknowledged that Shropshire Council may be able to secure Capital funding or funding from neighbouring developments, on this basis prior to the payment of the final contribution, Shropshire Council would be prepared to carry out a Bus Contribution Review to determine whether any part of contribution already received remains unspent or unallocated.*

## Offsite Highway works

*In addition to the proposed junction arrangements as outlined above, the applicant is also proposing to provide pedestrian improvements on Mytton Oak Road to include a signalised pedestrian crossing, It is recommended that a planning condition is attached to any permission granted that requires details to be submitted, approved and constructed prior to the occupation of the 50th dwelling. Pedestrian improvements to include a signalised pedestrian crossing on Gains Park Way are being put forward. Due to the phasing of the development, it is considered that these works should be constructed prior to the occupation of the 150th dwelling or sooner.*

## Impact on the surrounding highway network

*The junction modelling undertaken takes into account expected growth by 2038 (adjusted), all committed developments, outline permission being sought, and Local plan site as outlined above. The results of this additional sensitivity test demonstrates that all the junctions will operate within capacity. However a few junctions are expected to reach or are close to theoretical capacity, on this basis it is identified that the cumulative impact of development and growth will result in mitigation being required on the network. It is recommended that a proportion of Community Infrastructure Levy collected in association with the site is identified for Highway Infrastructure works and the promotion of Active Travel within the vicinity of the site.*

It is recommended that planning conditions are imposed to require the submission of the following details for approval:

- Construction Management Plan for each phase
- Full engineering details of construction access; traffic calming measures; ghost island junction; pedestrian improvements on B4380 Mytton Oak Road and Gains Park Way; signalised junction
- Travel Plan
- Highways infrastructure phasing and completion plan
- Design and construction of all new internal roads, footways and accesses together with measures for the disposal of highway surface water

### 4.1.16 **SC Rights of Way** No objections.

*As acknowledged within the masterplan Footpath 47Y runs through the hybrid application area. Officers have been in early contact with the developer and the footpath diversion put forward is one that has been agreed by both the developer and the Council. The footpath will be diverted through the parcel of land affected by the reserved matters application first, with its continuation through the outline area being dealt with at the appropriate planning stage. The developer is aware of this and Officers will advise accordingly at each stage.*

### 4.1.17 **SC Drainage** No objections. Recommends a condition to require the submission of a scheme of surface and foul water drainage for approval.

The Drainage Officer has advised that a number of items require attention, including:

-	Land North Mytton Oak Road
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detailed information on overland flow routes; more precise flood contours near to pond 1; confirmation on fluvial flood plain storage impacts; site infiltration testing; confirmation from Severn Trent Water regarding foul drainage capacity. These can be dealt with by planning condition.

- 4.1.18 **SC Learning and Skills** Recommends payment of a financial contribution towards additional school capacity.

*Current forecasts indicate the need for additional school place capacity for both primary and secondary level. This development along with future housing in the area is highly likely to create a requirement for additional school places to support the educational needs of children in the area. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements in the area. Due to the large scale of development and the number of pupils it will generate it is recommended that contributions for both primary and secondary education provision are secured via a S106 agreement.*

*It is projected (using latest DFE yield data) that 400 houses will result in:*

- 32 new EARLY YEARS places
- 110 new PRIMARY places
- 50 new SECONDARY places
- 19 new POST 16 places
- 3 children who will require an EHCP (Educational Health Care Plan)

- 4.1.19 **NHS Shropshire, Telford and Wrekin Integrated Care Board (ICB)** Supports, subject to a financial contribution.

*The ICB has no objections to the development subject to confirmation of the level of contribution requested at £791,196 and the agreement of suitable provisions within a Section 106 Agreement to secure the funding and enable the funds to be drawn down at an appropriate time and that the amount is linked to BCIS TPI to the point of draw down.*

## 4.2 **Public comments**

- 4.2.1 The application has been advertised by site notice and in the local press as a major development.

- 4.2.2 Two public representations have been made, raising the following matters:
- Provision should be made for setting down and picking up children
  - Swift bricks should be provided to the houses

- 4.2.3 Comments from Groups have been received as follows.

- 4.2.4 **Bowbrook Allotment Community**

-	Land North Mytton Oak Road
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- Site is not well located for a residential development of this scale
- Local facilities are almost non-existent, therefore virtually all journeys would be made by car
- 40mph speed limit is too high for safe access and egress to the allotments; improvements are required to safety on Mytton Oak Road
- Journeys by foot and bicycle should be encouraged

4.2.5 **Shropshire Swift Group** Recommends the inclusion of swift bricks in the development.

4.2.6 **Shrewsbury Civic Society** Objects. The 'National Design Guide - Planning practice for beautiful enduring and successful places' provides clear advice as to how new developments should be designed. It proposes ten characteristics for a well-designed place, which include context, identity, built form, movement, nature, public spaces, uses, homes & buildings, resources and lifespan. Shrewsbury Civic Society feel that the proposed development does little to address these characteristics.

## 5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment screening
  - Planning policy context; principle of development
  - Siting, scale and design; landscape considerations
  - Residential and local amenity considerations
  - Historic environment considerations
  - Highways and travel considerations
  - Ecological considerations
  - Flood risk, drainage and ground contamination considerations
  - Other considerations

## 6.0 OFFICER APPRAISAL

### 6.1 Environmental Impact Assessment (EIA) screening

6.1.1 The proposed development is 'Schedule 2 development' as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, being an urban development project which includes more than 150 dwellings. In addition, the overall area of the development exceeds 5 hectares. Officers considered the proposal in relation to the relevant criteria in these Regulations and issued an EIA Screening Opinion on 1<sup>st</sup> March 2024 (ref. 24/00160/SCR) to confirm that EIA would not be required.

### 6.2 Planning policy context; principle of development

6.2.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental.

6.2.2 Adopted Development Plan

The site lies adjacent to, but outside of, the development boundary for Shrewsbury as defined in the adopted Local Plan policies map, and therefore falls into 'countryside' in policy terms. Both Core Strategy policy CS5 and SAMDev policy MD7a strictly control residential development in the countryside such that only limited types of residential development, such as conversion of buildings of architectural or heritage merit or accommodation for essential countryside workers and other affordable housing, is permitted. Development of this site for residential purposes would be contrary to the adopted Development Plan.

## 6.2.3 NPPF

The NPPF sets out policies to support the Government's objective of significantly boosting the supply of homes. It states that the overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types.

## 6.2.4 Current planning policy position – five year housing land supply position

Following the publication of the revised NPPF in December 2024, a new standard method for calculating housing need has been adopted, the purpose of which is to significantly boost housing delivery across England. Paragraph 11(d) of the NPPF detail the implications of not having a five year housing land supply for decision making, in the context of the application of the presumption in favour of sustainable development.

## 6.2.5 Draft Local Plan

The draft Local Plan was submitted for Examination in 2021. Following a number of public hearing sessions which were held following this, the Examination Inspectors have advised that they have a number of concerns over the soundness of the draft Plan. In response to this it is the intention that the draft Local Plan is withdrawn. Cabinet agreed on 12<sup>th</sup> February 2025 that the evidence base supporting the draft Local Plan is a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development. This will include planning applications for new development on sites proposed to be allocated in the draft Local Plan. This resolution applies to the current proposal in that the site is included in the soon-to-be withdrawn draft Local Plan as one which is proposed to be allocated for residential development.

## 6.2.6 Proposed site allocation

The draft Local Plan proposes that the application site is allocated for 400 houses. The draft allocation set out the following expectations:

- vehicular access would be provided from Mytton Oak Road;
- all necessary improvements to the local and strategic road networks would be undertaken and funded through the development;
- the development would create and enhance pedestrian and cycle links within and through the site;
- green infrastructure corridors will form an intrinsic component of the development;
- contributions are made to the delivery of additional playing pitch provision;
- mature trees and hedgerow are retained and enhanced;

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Land North Mytton Oak Road

- noise would be managed through acoustic design and layout;
- appropriate sustainable drainage measures would be incorporated.

6.2.7 The proposed development has sought to include the above, as detailed further below.

### **6.3 Siting, scale and design; landscape considerations**

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value and demonstrates how good standards of sustainable design and construction have been employed.

#### **6.3.2 Landscape impacts and trees**

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), and this has been reviewed by the Council's landscape consultant. . Clearly the introduction of residential development to this area would result in adverse impacts on landscape and visual receptors. Nevertheless, the mitigation measures put forward, which include the retention of trees and hedgerow other than where required for highways visibility, and additional landscaping, would provide satisfactory mitigation to reduce impacts significantly as the planting establishes. Detailed matters relating to the landscaping scheme and its maintenance and management can be dealt with by planning condition.

#### **6.3.3 Size and type of housing:**

The application proposes a range of housing types and sizes as part of phase 1. There would be 7 one bedroom dwellings; 24 two bedroom dwellings; 36 three bedroom dwellings; and 35 four bedroom dwellings. These would be spread across the site. The plot designs include garaging and a mix of frontal and side parking. Houses would be 2 storey, and the care home would have 3 storeys. The plot and housing design and layout is acceptable.

#### **6.3.4 Affordable housing:**

Planning policy requires that residential development proposals in this area provide 20% affordable housing. The current application proposes that 25.5% of the houses would be affordable, and this is a significant benefit of the scheme. Discussions are ongoing between the applicant and the Council's Affordable Housing team regarding the details of tenure and these matters can be agreed as part of a Section 106 agreement which would ensure that these dwellings are retained as affordable in perpetuity.

- 6.3.5 Open space: National and local planning policies seek to provide well-designed development. Paragraph 96 of the NPPF states that this includes high quality public space which encourages the active and continual use of public areas. SAMDev Plan policy MD2 requires that development should provide adequate open space of at least 30m<sup>2</sup> per person and that where there are 20 dwellings or more this should comprise an area of functional space. It states that landscaping and open space should provide safe, useable and well-connected outdoor spaces.
- 6.3.6 Based upon the number of bedspaces, policy MD2 would indicate that the development should provide 1.14 hectares of open space in phase 1. The proposed development would provide 1.338 hectares, an excess of approximately 17%. This is a significant benefit of the proposal.. In terms of open space quality, officers consider that this is well-designed and functional. It includes corridors of linked green spaces which include both retained and new trees, along with ponds and areas of formal and informal play. There would be good levels of connectivity of these open spaces via pathways through the development. The layout would ensure that there is natural surveillance to areas of public open space from houses.
- 6.3.7 The Open Space proposals are shown on the plan below:



- 6.3.8 Sustainable design matters:  
The application is supported by a Sustainability Checklist which sets out how sustainability principles have been incorporated within the design of the development.

- in terms of foul water, the proposal would be connected to the sewer network which is the preferred method of connection
- walls, roofs, floors, pipes and storage tanks would be insulated above building regulations requirements
- properties would be fitted with double glazing
- all appliances, where fitted, would be 'A' rated
- each plot would be fitted with an air source heat pump

## **6.4 Residential and local amenity considerations**

6.4.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD2 requires that development is appropriate in form and layout.

### **6.4.2 Layout in relation to adjacent residential properties**

A landscaped buffer is proposed along the eastern boundary of the site, closest to the nearest existing houses along Oak Lane. In addition, the dwellings that are proposed along this part of the site would be side facing to the existing dwellings to maximise privacy. It is not considered that the proposed layout would result in adverse impacts on nearby properties due to overlooking or massing.

### **6.4.3 Noise**

The submitted Noise Assessment reports state that noise mitigation measures would be required as part of the development, given the noise climate of the area particularly in respect of noise from the A5 and Mytton Oak Road. The Acoustic Mitigation Plan proposes that those properties adjacent to Mytton Oak Road would be fitted with upgraded glazing and acoustic ventilation, and that a few plots would include 2 metres high acoustic barriers. The Council's Environmental Protection Officer has raised no concerns with these mitigation measures.

### **6.4.4 Air quality**

The submitted Air Quality Assessment (AQA) has considered the air quality impacts from the construction phase and once the development is fully operational using atmospheric dispersion modelling. It identifies that the application site is located approximately 3km from the nearest Air Quality Management Area. It recommends that mitigation measures are implemented, to include a dust management plan, and that this would result in dust effects being 'not significant'. It states that pollutant concentrations are predicted to be well within the relevant health-based air quality objectives, and that the operational impact on existing receptors would be negligible.

6.4.5 National Planning Practice Guidance (NPPG) advises that the relevant question for air quality is 'will the proposed development (including mitigation): lead to an unacceptable risk from air pollution; prevent sustained compliance with limit values or national objectives for pollutants; or fail to comply with the requirements of the Habitats Regulations or other environmental policies and duties, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas?' Based upon the findings of

the AQA, subject to the implementation of dust mitigation measures, the proposed development would not conflict with national or local planning policies, and does not raise significant issues in relation to air quality. A planning condition can secure dust management measures and is included in Appendix 1 below. Additionally, the Travel Plan which will be required to be agreed, and the financial contribution towards passenger transport, would assist in managing air quality deterioration.

#### 6.4.6 Construction impacts

A Construction Environmental Plan has been submitted as part of the application, setting out the measures that can be implemented during the construction phase to minimise impacts on surrounding residents, and also on wildlife, trees, soils and water. This is acceptable in principle, nevertheless a planning condition can be imposed to require a detailed scheme to be submitted for approval.

#### 6.5 **Historic environment considerations**

6.5.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 require that development protects, restores, conserves and enhances the built and historic environment and is appropriate in scale, density, pattern and design, and that harm or loss is avoided. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para. 212). It goes on to say that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should require clear and convincing justification (para. 213). Furthermore, that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (para. 215).

6.5.2 An Archaeological Desk-Based Assessment and Built Heritage Statement has been submitted with the application, and has assessed the potential impacts of the proposal on heritage assets. There is a Grade II listed building to the north-west of the site, Corner Farmhouse. This is approximately 380 metres from the site. The Heritage Statement acknowledges that the proposal has the potential to cause less than substantial harm to this asset by permanently changing part of its setting. Some mitigation would be provided through the retention of trees and hedgerows across the site. No concerns on this issue have been raised by the Council's Conservation Officer; and in relation to the requirement of NPPF para. 215 this matter is discussed further in the planning balance section below.

6.5.3 In terms of archaeological matters, following the initial desk-based assessment a more detailed Archaeological Evaluation was undertaken which included the

## 6.6 Highways and travel considerations

### 6.6.2 Proposed access

#### 6.6.4 Highways capacity

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Highways have now confirmed that the additional survey data and other information submitted provided is satisfactory and that they raise no objections subject to conditions to require the submission and approval of a Construction Traffic Management Plan and the implementation of noise mitigation measures.

**6.6.5**      Active and sustainable travel considerations

The site layout includes 3.5 metres wide shared (pedestrian/cyclist) paths along secondary routes, and numerous car-free paths throughout the development. There would be one formal cycle space per dwelling. A Travel Plan would be agreed if planning permission is granted. This would aim to bring about a change in travel behaviours to reduce the use of car borne trips. The applicant would fund the appointment of a Travel Plan Coordinator and would provide a financial contribution of £20,000 for the monitoring of the Travel Plan. The applicant has also committed to providing a "Fighting Fund" of £25,000 via the Section 106 agreement, which can be called upon should the Travel Plan measures not be sufficient to achieve shifts in travel behaviours. In addition to the above, in order to promote bus use as part of the development, the applicant has agreed to make a financial contribution of £480,000 towards improvements to passenger transport facilities. Finally, and to reflect recommendation made by Active Travel England, the applicant has agreed to pay a financial contribution towards improvements to walking and cycling infrastructure in the area, in order to improved active travel options.

**6.6.6**      Officers consider that the mitigation measures, site access and road layout design, implementation of a Travel Plan, and the financial contributions towards improvements to sustainable travel options represent an appropriate package of measures to ensure that the proposal is acceptable in relation to highways and travel.

**6.7**            **Ecological consideration**

**6.7.1**      Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets.

**6.7.2**      The ecological assessment work which has been undertaken as part of the application includes a desk study, a habitat survey, a bat survey and a great crested newt survey. The survey work advises that the site is of low ecological value. The Ecological Assessment concludes that, with the adoption of appropriate mitigation measures, it is not envisaged that the proposed development would negatively affect the conservation status of protected species. The Council's Ecologist has confirmed that no additional surveys are required. A planning condition can be imposed to require that the mitigation measures recommended in the Ecological report are implemented as part of the construction of the development. It would be appropriate for update surveys to be undertaken for the subsequent phases of the development before any work commences on these, and an appropriate planning condition can be added to require this.

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- 6.7.3 Biodiversity net gain (BNG): The submitted BNG Assessment has calculated that the proposal, which includes the creation of mixed scrub, woodland and grassland would result in a BNG of 13%, exceeding the mandatory requirement of 10%. The statutory BNG planning condition would be applied to the planning permission and this would ensure that plans are agreed to deliver the BNG over a 30 year period.

## 6.8 **Flood risk, drainage and ground contamination considerations**

- 6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

### 6.8.2 Flood risk and drainage

A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted as part of the planning application, due to the size of the site and as part of it falls within Flood Zones 2 and 3. These Flood Zones are located at the eastern side of the site where the watercourse is, and within phase 1. It should be noted that none of the built development would be sited within the Flood Zones. For phase 1, the drainage strategy includes the provision of an attenuation pond adjacent to the extent of flood area. This would incorporate a restricted discharge rate to the brook. The FRA states that the site design would result in a reduction in flood risk. Officers consider that the drainage strategy is acceptable in principle. In line with the recommendations of the Council's Drainage team, detailed drainage design matters can be addressed through agreement of a surface and foul water drainage scheme, which can be required by planning condition. This would provide an appropriate way of ensuring sustainable drainage at the site.

### 6.8.3 Ground conditions

A Ground Investigation report has been submitted and this advises that the majority of test results show that there are no areas of concern in respect of contamination levels for the intended use of the site. However it recommends that additional sampling is undertaken in respect of one particular area adjacent to the watercourse. As recommended by the Council's Environmental Protection officer, a planning condition can be imposed to require that this is undertaken and that any required remedial works are undertaken prior to the commencement of any construction works.

## 6.9 **Other considerations**

- 6.9.1 The proposed development would be liable for Community Infrastructure Levy (CIL) payments, as it relates to residential development. The amount of CIL applicable is based upon the total floorspace of the dwellings. For this proposal (full and outline), this is likely to be in the region of £2.03 million. The expectation is that the CIL payment would be used as follows:

- 6.9.10 CIL:  
Education £1,530,000  
Active Travel £50,000

Local and Strategic road improvements £450,000

**Total CIL: £2,030,000**

Additional financial contributions from the applicant are considered to be necessary to make the proposal acceptable, totalling £1.301 million. These would be secured via a Section 106 agreement, as follows:

- 6.9.11 S106 agreement:  
Passenger Transport £480,000  
Health £791,000  
Traffic Regulation Order £10,000  
Travel Plan monitoring contribution £20,000  
**Total S106: £1,301,000**

## 7.0 PLANNING BALANCE AND CONCLUSION

7.1 It is acknowledged that residential development of this site is contrary to the adopted Development Plan. The draft Local Plan proposes to allocate the site for residential development and the proposals are generally in line with the development guidelines set out in the draft Plan. The evidence base which supports the draft Plan is a material consideration. The proposed allocation can therefore be given weight in favour of the current application. In addition, as a result of the Council being unable to currently demonstrate a five year housing land supply the NPPF states that a 'tilted balance' applies to the consideration of residential development. This means, as set out in the NPPF, that planning permission for residential development should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

- 7.2 The benefits of the proposal include:
- the provision of a significant number of houses in the area, in line with Government's objective of 'significantly boosting the supply of homes', and its contribution to increase Shropshire's supply of housing
  - the provision of a range of housing types and sizes, from starter homes to larger family homes, and a care home
  - the provision of affordable housing at a level which is 5.5% above the policy requirement
  - homes designed to support disabled and wheelchair access, and to maximise energy efficiency
  - biodiversity net gain of 13%, in excess of the statutory requirement of 10%
  - open space of 17% above the policy expectation
  - improvements to active travel and commitments to meeting sustainable travel targets.

7.3 The proposed development has the potential to have less than substantial harm to a

Grade II listed building which is located approximately 380 metres to the north-west. It is considered that this harm is likely to be at the lower end of this less than substantial scale, particularly in view of the distance and retention of existing vegetation. This harm would be outweighed by the public benefits of the proposal.

- 7.4 Officers conclude that the proposed development represents sustainable development and that there are material considerations of sufficient weight to warrant a decision being made which is contrary to the adopted Development Plan. The applicant has engaged positively with the Local Planning Authority throughout the planning process to improve the proposal and create a high standard of design, which includes overprovision of affordable dwellings, open space and statutory biodiversity net gain. Officers therefore recommend that planning permission for the proposal is granted subject to the completion of a Section 106 agreement and the imposition of planning conditions, to include those set out in Appendix 1.

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Relevant planning history: None

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SGVV1QTDJ7P00>

List of Background Papers (This MUST be completed for all reports, but does not include items

## AGENDA ITEM

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containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Cllr David Walker
Local Member Cllr Jon Tandy (Bicton Heath)
Appendices APPENDIX 1 - Conditions

## APPENDIX 1 - Conditions

### STANDARD CONDITION(S)

1. The full planning permission component of the development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3. The outline element of 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. Details of the access, appearance, layout, scale and landscaping of the outline phases of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development in that phase begins; and the development shall be carried out as approved.

Reason: The application is a hybrid application which comprises part full and part outline elements under the provisions of Article 5 of the Development Management Procedure (England) Order 2015. No particulars have been submitted with respect to the matters reserved in the outline part of this permission.

5. The full planning permission element of the development hereby permitted shall be carried out in strict accordance with the following approved plans and documents:

[TO BE ADDED]

Reason: For the avoidance of doubt and to define the development permitted.

6. The outline element of the development hereby permitted shall be undertaken in broad accordance with the approved drawings and documents:

[TO BE ADDED]

Reason: For the avoidance of doubt and to define the development permitted.

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

7. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing. The submitted details shall include post-fieldwork reporting and appropriate publication.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report provided to the local planning authority prior to first use or occupancy of the development. The report shall include post fieldwork assessments and analyses that have been completed in accordance with the approved written scheme of investigation. This shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

Reason: The site is known to hold archaeological interest.

8. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

9. a) No development shall commence until an assessment of the risks (site investigation) posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

b) Where the approved risk assessment (required by condition a) above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

c) Following implementation and completion of the approved remediation scheme (required by condition b) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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 and no further development shall be carried out. Following this, 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.

Reason: To ensure that the risks associated with any contamination have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with the National Planning Policy Framework.

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

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

10. Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A5 trunk road). The plan shall include as a minimum:

- a) Construction phasing
- b) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, signage, accesses and construction delivery times (to avoid peak hours)
- c) Details of any special or abnormal deliveries or vehicular movements.
- d) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- e) Mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes.
- f) A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- g) Waste management.
- h) Wheel washing measures.
- i) Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A5 trunk road and to satisfy the reasonable requirements of road safety.

11. Prior to the commencement of the development, a scheme detailing the design and construction of all new internal roads, footways and accesses together with measures for the disposal of highway surface water shall be submitted to and approved in writing by the Local Planning Authority. No construction of new internal roads and footpaths shall take place in any phase until these details have been approved for the corresponding phase. The scheme shall be fully implemented in accordance with approved details.

Reason: In the interests of highway safety.

12. No development shall commence until the tree protection measures shown on approved plan Tree Protection Plan 01 have been installed to the written satisfaction of the LPA. The tree protection measures shall be retained in place until no longer required to protect trees from damage during construction works.

Reason: To provide appropriate protection to those trees that are to be retained on site in order to protect the landscape and visual character of the area.

13. Notwithstanding the submitted details, no above ground works shall commence until full details of both hard and soft landscape works for the first phase of development have been submitted to and approved in writing by the local planning authority. The submitted details shall include a timescale for the implementation of the landscape works. The landscaping details shall include the following details:

- a. Planting plans, creation of wildlife habitats and features and ecological enhancements;
- 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 proposed planting schedules, methods and aftercare provision which shall be procured and planted in accordance with BS8545:2014;
- f. Implementation timetables.

The approved details shall be carried out as approved.

Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape, amenity and biodiversity in accordance with the approved designs in line with planning policy.

14. No development shall take place until a boundary treatments plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of the proposed location and specification of boundary treatments at the site, including those around housing plots and those around other parts of the site such as open space and play areas.

Reason: To ensure an appropriate visual appearance of the development, and to ensure a safe and connected development.

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

15. Prior to the commencement of the temporary construction access full engineering details of the proposed construction access on to B4380 Mytton Oak Road as shown on drawing xxxxxxxx shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details.

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

16. With the exception of enabling works, earthworks and strategic engineering works no development shall commence until a highway infrastructure phasing and completion plan applying within the permitted site has been submitted to and approved in writing by the Local Planning Authority. The plan shall ensure that the vehicular access roads, footways and other highway infrastructure necessary to service the permitted development is provided at appropriate times throughout the permitted development. Highway infrastructure shall be delivered in accordance with the approved phasing plan unless variations to this are first agreed in writing by the Local Planning Authority.

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

17. Prior to the first occupation of the permitted development full engineering details of the proposed traffic calming measures and associated amendments to the speed limit on B4380 Mytton Oak Road as shown on Drawing 205723 Rev F shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details prior to the occupation of the first dwelling.

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

18. Prior to first occupation of the development hereby permitted, mitigation proposed in the Traffic Noise Assessment (Report no. P20-135-R02-v3, Dated June 2024) shall be implemented, unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A5 and A49 trunk road and to satisfy the reasonable requirements of road safety.

19. Prior to the occupation of the first dwelling in phase 1, details of a scheme, including a programme for implementation, for the provision of equipped and informal play areas, formal and informal recreational and amenity open space and as shown generally on the [drawings ref. xxxxxxx.] shall be submitted to and approved in writing by the local planning authority. The details shall include details of levels, drainage, planting, enclosure, street furniture, surfacing, seating and play equipment and structures. Development shall be carried out in accordance with the approved details and programme. Thereafter, the formal and informal recreational and amenity open space and play areas shall not be used for any purpose other than play space, recreational or amenity space as prescribed.

Reason: The provision of play areas and informal open space is necessary in the interest of the amenity, health and well-being of future residents. The condition is to ensure the quantity, quality and accessibility of recreational and amenity open space is appropriate for the development hereby permitted.

20. Prior to the occupation of the 50th dwelling full engineering details of the proposed ghost island junction on to B4380 Mytton Oak Road as shown on Drawing 205723 Rev F shall be submitted to and approved in writing by the Local Planning Authority. The works shall be

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Land North Mytton Oak Road

implemented in accordance with the approved details before the occupation of the 50th dwelling.

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

21. Prior to the occupation of the 50th dwelling full engineering details of the proposed pedestrian improvements on B4380 Mytton Oak Road as shown on Drawing no. PD01 -E shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the 50th dwelling.

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

22. Prior to the occupation of the 150th dwelling full engineering details of the proposed pedestrian improvements on Gains Park Way as shown on Drawing no. PD02 -A shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the 150th dwelling.

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

23. Prior to the occupation of the 150th dwelling full engineering details of the proposed signalised junction on to B4380 Mytton Oak Road as shown on drawing xxxxxxxxxx shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the 150th dwelling.

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

24. Notwithstanding the submitted Travel Plan, reference 205723 dated April 2025, before the 100th residential dwelling is occupied details of a new Travel Plan for the development including an implementation timetable shall be approved in writing by the Local Planning Authority in consultation with the Local Authority Travel Plan Co-ordinator. This is in accordance with the legal agreement accompanying this permission. The Travel Plan shall set out proposals, including a timetable strategy, to promote travel by sustainable modes which are acceptable to the Local Planning Authority and proposed annual traffic counts at the vehicular site access onto the B4380 Mytton Oak Road. The Travel Plan shall be implemented in accordance with the approved details and timetable unless the Local Planning Authority has previously provided written approval for proposed changes to the plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to Local Planning Authority for approval for a period of ten years from the 100th occupation of the development.

Reason: To promote sustainable modes of transport in line with both local and national objectives and to accord with Policy CS6 of the adopted Core Strategy.

25. Prior to the commencement of development on each of the outline phases, an Ecological Impact Assessment shall be submitted, together with any required phase 2 surveys. The assessment will i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result.

Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (or commencement of the next phase). Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up-to-date ecological information and that ecological mitigation is appropriate to the state of the site at the time development/phases of development commence.

26. No dwelling or care home unit shall be occupied until the acoustic mitigation measures for that plot or unit as shown on the approved Acoustic Mitigation Plan no. 177-P-121 have been completed.

Reason: To ensure a satisfactory level of acoustic attenuation in order to provide an acceptable level of amenity.

27. The care home shall not be occupied until details of cycle spaces to be provided at the care home have been submitted and approved in writing. The care home shall not be occupied until the cycle spaces have been provided.

Reason: To ensure satisfactory provision of cycle parking.

28. Prior to the commencement of construction of each of the outline development phases hereby approved, a Site Waste Management Plan (SWMP) for each phase shall be submitted to and approved in writing by the local planning authority. The SWMP should set out proposals for minimisation and management of any wastes arising from the development hereby permitted.

Reason: To seek to minimise the production of waste and ensure appropriate management of waste in order to improve the sustainability of the development and minimise the risk of pollution.

29. No dwelling shall be occupied on either phase 2, 3 or 4 until the construction of the care home has been completed and is available for occupation.

Reason: To ensure the provision of specialist care home accommodation in a timely manner as part of the first phase of the development.

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

30. Construction of the first phase of the development hereby permitted shall not take place other than in accordance with the ecological mitigation measures which are set out in Section 12 of the Ecological Assessment report ref. SH/3080/24.1 (21 October 2024).

Reason: To provide appropriate protection to ecological assets during the construction of the development.

31. No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped

or cut back in any way other than in accordance with the approved plans and particulars. Any approved tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations, or any replacement version.

Reason: To provide appropriate protection to those trees that are to be retained on site in order to protect the landscape and visual character of the area.

32. The development hereby permitted shall not be undertaken other than in accordance with the phasing plan ref. 177-P-115A.

Reason: To ensure that the construction of the development is phased in order to minimise adverse impacts on the local area.

33. The care home hereby permitted shall be used only as a care home (Use Class C2) and for no other purpose, as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification.

Reason: To ensure the provision of a care home to provide a satisfactory mix of accommodation on the site in line with planning policy.

### **Informatives**

1. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for an Overall Biodiversity Gain Plan, along with Phase BGP's for each phase of development

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

3. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £1298 per request, and £186 for existing residential properties.

## AGENDA ITEM

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Land North Mytton Oak Road

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.

5. Consideration shall be given to the provision of swift bricks as part of the development. Advice is available at: <https://actionforswifts.blogspot.com/p/rbbg.html> and the specific advice about swift bricks can be seen at: <https://actionforswifts.blogspot.com/2020/12/swift-bricks-universal-nest-brick.html>

BS42021 was recently published and gives the detail about how to install.

## SCHEDULE OF APPEALS AS AT COMMITTEE 17.06.2025

<b>LPA reference</b>	25/00117/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mrs Sonia Abbas
<b>Proposal</b>	Erection of extensions, installation of 2No, dormer windows erection/alteration to brick boundary wall
<b>Location</b>	11 Old Rose Drive Shrewsbury
<b>Date of appeal</b>	02.04.2025
<b>Appeal method</b>	Fast Track - Householder
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/03304/FUL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	JJ Signature Holdings Ltd
<b>Proposal</b>	Conversion of existing retail and storage accommodation over 3 floors to provide retail to ground and basement levels and 5 self-contained apartments to the upper floors with access via a new door at street level
<b>Location</b>	17 Wyle Cop Shrewsbury Shropshire SY1 1XB
<b>Date of appeal</b>	14.04.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/00137/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Ms Charlotte Wallace-Tarry
<b>Proposal</b>	Remove existing timber single glazed front sash windows and replace with double glazed sash windows in uPVC (Article 4 Direction) (retrospective)
<b>Location</b>	67 Bishop Street Shrewsbury
<b>Date of appeal</b>	28.05.2025
<b>Appeal method</b>	Householder Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

## APPEALS DETERMINED

<b>LPA reference</b>	24/03195/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mrs Janet Cocliff
<b>Proposal</b>	Erection of insulated garage building
<b>Location</b>	Coton Grange Corporation Lane Shrewsbury
<b>Date of appeal</b>	10.01.2025
<b>Appeal method</b>	Fast Track – Householder
<b>Date site visit</b>	13.03.2025
<b>Date of appeal decision</b>	24.04.2025
<b>Costs awarded</b>	<b>COSTS REFUSED</b>
<b>Appeal decision</b>	<b>ALLOWED</b>

<b>LPA reference</b>	24/03683/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Myles Arnold
<b>Proposal</b>	Proposed detached car workshop building
<b>Location</b>	Shrewsbury Vehicles Spring Gardens Shrewsbury
<b>Date of appeal</b>	18.12.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	25.03.2025
<b>Date of appeal decision</b>	01.05.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/03721/PACMF
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Robin Hooper
<b>Proposal</b>	Change of use from Commercial, Business and Service (Use Class E), or betting office or pay day loan shop to mixed use including up to two flats (Use Class C3) under Schedule 2, Part 3, Class G
<b>Location</b>	Grove House 8 St Julians Friars Shrewsbury
<b>Date of appeal</b>	17.12.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	25.03.2025
<b>Date of appeal decision</b>	01.05.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/01336/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	BROOKSIDE LEISURE PARK
<b>Proposal</b>	Change of use of existing Managers House to holiday accommodation. Erection of extensions to Sports Hall to provide an indoor swimming pool and associated facilities. Erection of a new first floor Owner/Managers Apartment, including green roof and enclosed glass atrium. New Manager/Customer parking served by the existing vehicular access to the south.
<b>Location</b>	Brookside Leisure Park Bronygarth Oswestry
<b>Date of appeal</b>	30.01.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	08.05.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/03153/FUL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Glyn Jones
<b>Proposal</b>	Erection of 1No dwelling
<b>Location</b>	Proposed Residential Development Adjacent 38 Longden Road Shrewsbury
<b>Date of appeal</b>	23.12.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	21.05.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/01205/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Ian Mottershaw
<b>Proposal</b>	Erection of a New Dwelling
<b>Location</b>	Proposed Dwelling To The West Of Coldridge Drive Shrewsbury
<b>Date of appeal</b>	19.12.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	23.04.2025
<b>Date of appeal decision</b>	16.05.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/04199/PIP
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr T Dunkerley
<b>Proposal</b>	Application for Permission in Principle for construction of between 2No. dwelling and 4No. dwellings
<b>Location</b>	Land Adjacent To White House Coopers Lane Porth-y-waen
<b>Date of appeal</b>	27.01.2025
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>

<b>LPA reference</b>	24/00724/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Opdenergy UK 10 Ltd
<b>Proposal</b>	Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure.
<b>Location</b>	Field West Of Haughmond Quarry Land South Of B5062 Uffington
<b>Date of appeal</b>	15.1.2025
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	28.5.2025
<b>Date of appeal decision</b>	05.06.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

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## Appeal Decision

Site visit made on 13 March 2025

**by Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24 April 2025**

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**Appeal Ref: APP/L3425/D/25/3358732**

**Coton Grange, Corporation Lane, Shrewsbury, Shropshire S1 2PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs Janet Cocliff against the decision of Shropshire Council.
  - The application Ref is 24/03195/FUL.
  - The development proposed is an insulated garage building.
- 

### Decision

1. The appeal is allowed and planning permission is granted for an insulated garage building at Coton Grange, Corporation Lane, Shrewsbury, Shropshire S1 2PD in accordance with the terms of the application, Ref 24/03195/FUL, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
  - 3) No works or development shall commence until a full specification of the proposed hedge planting at the rear of the building has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
  - 4) If, within a period of 3 years from the date of planting, any of the hedgerow trees are removed, uprooted, destroyed or die or become, in the opinion of the local planning authority, seriously damaged or defective, other hedgerow trees of the same size and species as those originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original hedgerow trees unless the local planning authority gives its written consent to any variation.

- 5) No facing or roofing materials shall be used other than those detailed on the application form.
- 6) The insulated garage building hereby permitted shall be used for the storage of garden and building maintenance equipment and accessories associated with the property of 1 Coton Grange and for no other purpose.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 03 Site plan – proposed, 04 Site plan proposed and 05 Proposed elevations and site section.

### **Preliminary Matter**

2. An application for costs was made by Mrs Janet Cocliff against Shropshire Council and this is the subject of a separate Decision.

### **Main Issue**

3. The main issue is the effect of the proposed building on the character and appearance of the area.

### **Reasons**

4. Coton Grange is a large, detached dwelling set within a site approximately 5 acres in area and which includes a barn, tennis court and mature trees. An insulated steel building was constructed at the property following the grant of permission in 2017. Access is via a long driveway from Corporation Lane. The property is relatively close to the urban area of Shrewsbury but has a rural character and setting.
5. The appeal follows refusal of a similar proposal for an insulated garage in February 2024. That refusal included the reason that: “Limited justification has been provided outlining the required purpose and need for the proposed development, particularly when viewed in terms of its overall scale and design, as well as in the context of the existing provision already present on the site”.
6. The proposed garage would be sited between the new steel building and woodland near the boundary with a public footpath and a railway line. At the time of my site visit some storage containers were located near the steel building. The materials for the proposed garage would be green box profile cladding and coated steel panels to match those used in the existing steel building. The garage would be smaller in size and scale than the steel building with a height of around 3.49 metres to the ridge compared to 5.3 metres and a floor area of around 60 m<sup>2</sup> compared to 99 m<sup>2</sup> for the existing steel building.
7. The proposed garage would be well screened within the property because of adjacent woodland, the buildings of Coton Grange, and the topography. The rear of the garage would be visible from the adjacent public footpath and by rail users as well as in more distant views from properties across fields beyond the railway line. In view of its scale and design, and subject to the planting of a hedgerow to the rear of the proposed building, it would not be visually prominent and would cause no significant harm to the character and appearance of the area.
8. I find that the proposed development would not conflict with Shrewsbury Core Strategy CS6 and SAMDev policy MD2 which together seek to ensure that development is of sustainable design and is appropriate in scale, taking into account the local context and character.

### **Other Matters**

9. The Council's tree officer has raised no objections regarding the effect on trees, subject to conditions.
10. There is a dispute between the main parties regarding the extent of the domestic curtilage. However, that is not a matter which affects my finding in respect of the effect of the proposed garage on the character and appearance of the area.
11. I have based my decision on the proposed use of the building as described in the Design Statement as for "the storage of garden and building maintenance equipment and accessories that are required for the upkeep of the house and garden and includes grassland, paved areas, hedgerows and woodland."

### **Conditions**

12. The Council and the appellant were consulted on draft conditions without prejudice to the outcome of this appeal. In addition to the standard condition for the commencement of development a condition is imposed to confirm the approved plans. In this respect, the Council requested that the location plan be removed from the conditions as it did not consider the red edge shown on the plan to form the entire extent of the applicants' residential curtilage. A condition confirms the use of external materials in the interest of the character and appearance of the locality. A condition requires details of tree protection measures in the interest of amenity. Use of the permitted building is specified in accordance with the submitted details.

### **Conclusion**

13. I have found above that the proposed development would cause no significant harm to the character and appearance of the surrounding area. The proposed development would comply with the design objectives of the National Planning Policy Framework and the development plan as a whole and should be allowed.

*Martin H Seddon*

INSPECTOR

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## Costs Decision

Site visit made on 13 March 2025

by **Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

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### **Costs application in relation to Appeal Ref: APP/L3425/D/25/3358732**

#### **Coton Grange, Corporation Lane, Shrewsbury, Shropshire**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Janet Cocliff for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of the Council to grant planning permission for the erection of an insulated garage.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant considers that it was unreasonable for the Council to refuse the application on two main grounds. Firstly, refusal on the basis of a lack of justification for the outbuilding, adding that there is no policy requirement to demonstrate justification of an outbuilding in the circumstances of the proposal. The appellant sought to provide information requested by the Council but I am advised that they then received the decision notice. The appellant indicates that an email had previously been sent to the appellant stating that the Council considered the justification for the outbuilding had been demonstrated. The appellant considers that a refusal reason was incorrectly applied concerning a matter that had been satisfied and in the appellant's view it was not a planning reason for refusal.
4. Secondly, the Council considered that the proposed siting of the outbuilding would be outside the residential curtilage. That was despite the approval of an application in 2017 for an outbuilding just north of the appeal site where the appellant indicates that it was set out in the officer's report that the property had a "very large curtilage." The appellant advises that the Council has provided no explanation for the change in their assessment of the curtilage and the result was a reason for refusal that should not have been applied.
5. On the first matter the Council's reason for refusal stated that: "Limited justification has been provided outlining the required purpose and need for the proposed development, particularly when viewed in terms of its overall scale and design, as well as the overall context of the existing provision already on site." The email from the Council referred to by the appellant, was at the pre-application stage and did

indicate that the matter of need for the building was finely balanced given the scale of the garage that had previously been allowed. In addition to the previously approved garage, the appellant also has a barn used for storage purposes. The Council's reasons for refusal of the appeal application included reference to the overall scale and design of the proposed garage. That is a matter of planning judgement and it was not unreasonable for the Council to reach its decision, having regard to development plan policies and what it considered to be a lack of justification for the proposal.

6. Turning to the second matter, the Council's reasons for refusal included that: "Furthermore, the application site lies outside the residential curtilage of the dwelling, therefore full planning permission is required." Although a previous officer's report had referred to the property exhibiting a "very large curtilage" my attention has not been drawn to any specific plan to define that curtilage, as stated at that time, sufficient to confirm that it contained the site subject to this appeal. It is also unclear if the reference was to a curtilage which covered the whole of the property. The application subject to the appeal was for full planning permission and it was not unreasonable for the Council as decision maker to make the judgement that the appeal site was not within the curtilage of the dwelling.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Martin H Seddon*

INSPECTOR



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## Appeal Decision

Site visit made on 25 March 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

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**Appeal Ref: APP/L3245/W/24/3357768**

**Shrewsbury Vehicles, Spring Gardens, Shrewsbury SY1 2TE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Myles Arnold of MA Vehicle Sales Limited T/a Shrewsbury Vehicles against the decision of Shropshire Council.
  - The application Ref is 24/03683/FUL.
  - The development proposed is described as 'Proposed detached car workshop building.'
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant's appeal statement indicates that the planning application sought to confirm the car sales use at the site and to 'regularise' the car workshop building that has been erected. However, the description of development on the Application Form and the Appeal Form is: 'Proposed detached car workshop building.' It must be noted that the description of development governs the extent of the permission sought. Moreover, it is used for the purposes of publicity and thus alerting parties to their opportunity to inspect plans and make representations. Accordingly, my determination of this appeal is based on the description of development given on the Application Form. For the avoidance of doubt, my decision is not concerned with whether or not planning permission is required for the car sales and repairs use at the site but is based only on the planning merits of the proposal before me which is for the detached car workshop building. There is no dispute that the building has already been constructed.

### Main Issue

3. The main issue in this appeal is the effect of the car workshop building on the living conditions of the occupiers of neighbouring dwellings with regard to noise.

### Reasons

4. The appeal site comprises an L-shaped parcel of land which largely operates as a used car dealership. There is a small sales office in the south east corner of the site and the car workshop building is at the northern end of the site. The site is accessed from Spring Gardens and located behind residential dwellings fronting Spring Gardens. There is also a residential parking area to the north of the site, a recreation ground to the east, and a funeral directors to the south. The workshop building is approximately 2 metres from the shared rear boundary with 68 and 70

Spring Gardens (Nos 68 and 70) and approximately 15 metres from the dwellings themselves.

5. The appellant has submitted a Noise Assessment<sup>1</sup> (the NA) which has assessed the noise levels of the workshop building, described as a 'MOT and Test centre' and a 'MOT/Service Garage' in the NA. It does not describe the specific activities which took place, or tools which were used, in the building while noise levels were monitored.
6. The NA concludes that as noise levels associated with the use of the building do not exceed background noise levels at the nearest noise sensitive receptors (the rear gardens of properties in Spring Gardens), there will be a low chance of adverse impact. However, the NA also acknowledges that situations may arise where noise levels may be higher than those detailed in the report. For example, when there is an influx of cars requiring certain fixes that use noisier tools. It also indicates that any increase in noise levels by just a few decibels could lead to noise complaints.
7. Indeed, the Council points to a history of noise complaints regarding the car workshop building from neighbouring properties<sup>2</sup>. Objections have been raised to the development from neighbours on the grounds of excessive noise caused, for example, by banging, hammering, jet washing, engine revving, door slamming, horn blowing, music playing and loud conversations between workers throughout the day.
8. The NA suggests a number of mitigation measures, the first being engagement with residents whose properties back on to the site. However, engagement with neighbours alone would not directly address or mitigate situations where noise levels are higher than those detailed in the NA.
9. Secondly, the NA suggests that the area around the workshop building is kept neat and tidy. However, the visual appearance of the site has no direct impact on the level of noise generated because noise levels are determined by the source of noise, its intensity and how it travels, not by how tidy or clean the area is.
10. Thirdly, the NA recommends that as little activity as possible occurs outside of the enclosed garage area. There is a large opening on the front of the workshop building with a roller shutter. The roller shutter was fully open during my site visit and likely remains so during operating hours as it is the only means of ventilation for the building. With the large open workshop door, noise is likely to spill into the surrounding residential area, even if activity was restricted to within the garage. The workshop building can only accommodate a maximum of two cars. During an influx of cars, it would be tempting to undertake repairs or servicing outside the building where no acoustic insulation would be offered.
11. Fourthly, the NA suggests that 'careful consideration' should be made for people in their gardens during weekend days and no work should take place on a Sunday. However, this fails to consider that people may use their gardens during weekdays, not only on weekends. Furthermore, it is unclear what specific measures are proposed as a result of the 'careful consideration' that should be given. Overall, I find that there is a lack of specific or robust measures to provide

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<sup>1</sup> BS4142:2014 Assessment of new mot & test centre, Myles Arnold Vehicle Sales Ltd, Shrewsbury, sy1 2te, by E2 Consultants Ltd, 19 August 2024.

<sup>2</sup> Appendix 6 and 7 of the Council's Appeal Statement.

effective or sufficient mitigation for increases in noise levels which would likely be generated by the activity associated with the car workshop building.

12. The walls and roof of the workshop building largely consist of profiled steel sheeting, which is likely to reflect and amplify sound, allow noise to escape easily from the building and offer poor noise insulation. The appellant's appeal statement suggests that sound proofing of the building, if required, could be imposed by a planning condition. However, soundproofing may be largely ineffective given the expansive opening on the building during operation, allowing sound to propagate into the surrounding area. There is little to convince me otherwise. While the opening does not directly face residential properties, its proximity to Nos 68 and 70 would nonetheless mean that loud sounds generated within and around the workshop building would be appreciable, as evidenced by the noise complaints and objections raised by the occupiers of those dwellings.
13. The existing wooden boundary fence to the rear gardens of Nos 68 and 70 would largely be ineffective in significantly reducing noise from the workshop building as it is a standard fence which is not designed for soundproofing. Additionally, painting of the workshop building would not be able to mitigate the noise effects of the development.
14. The appellant's appeal statement suggests that appropriate mitigation measures have been undertaken in response to noise complaints from neighbouring residents. However, there is no substantive evidence before me as to what mitigation measures have been undertaken by the appellant and the effectiveness of these. Moreover, it is unclear whether any effective mitigation measures could be secured by condition.
15. The appellant contends that the NA modelled a worst-case scenario in the form of future MOT servicing to the general public. However, there is no indication that future scenarios were modelled in the NA. I am also unconvinced that a condition prohibiting the use of power tools other than when removing wheels would be reasonable or enforceable.
16. The appellant suggests that a planning condition could be imposed to restrict the use of the building to be wholly ancillary to the site's car sales use. However, such a condition would not be easily enforceable not least because it would require regular ongoing monitoring. In any event, an influx in car repairs/ servicing could occur in association with the car dealership alone, and it remains unclear what the lawful use of the site may be.
17. The absence of any meaningful noise mitigation measures within the proposal raises significant concerns for the living conditions of the occupiers of nearby dwellings. Due to the proximity of the workshop building to residential properties and the uncontrolled noise and disturbance caused by the activities within and around the open-fronted building, nearby residents have experienced unacceptable levels of noise.
18. For the reasons given, the development harms the living conditions of the occupiers of neighbouring dwellings with regard to noise. There is conflict with Policy C6 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011) insofar as it requires development to safeguard residential and local amenity.

### **Planning Balance and Conclusion**

19. That the height of the car workshop is limited, no vegetation has been significantly affected and that there are no issues in relation to loss of privacy or light to neighbouring occupiers weighs neither for nor against the development and is considered neutral in the planning balance.
20. The car workshop building provides jobs and utilises what was once a vacant site. However, given the small scale of the workshop building, these benefits would be modest and carry moderate weight in favour of the development.
21. The car workshop building significantly harms the living conditions of the occupiers of neighbouring dwellings with regard to noise. Accordingly, it conflicts with the development plan, when considered as a whole.
22. The moderate benefits of the development do not outweigh the significant harm that I have identified. Material considerations, including the stated benefits, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given, the appeal should be dismissed.

*U P Han*

INSPECTOR



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## Appeal Decision

Site visit made on 25 March 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

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**Appeal Ref: APP/L3245/W/24/3357567**

**Grove House 8 St. Julians Friars, Shrewsbury, Shropshire SY1 1XL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Robin Hooper of Heal Planning against the decision of Shropshire Council.
  - The application Ref is 24/03721/PACMF.
  - The development proposed is change of use from Commercial, Business and Service (Use Class E), or betting office or pay day loan shop to mixed use including up to two flats (Use Class C3) under Schedule 2, Part 3, Class G.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's Decision Notice describes the development as follows: 'Change of use from Commercial, Business and Service (Use Class E), or betting office or pay day loan shop to mixed use including up to two flats (Use Class C3) under Schedule 2, Part 3, Class G'. This is a more accurate and concise description of the proposed development, and I have determined the appeal on this basis.
3. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework (Framework) so far as relevant to the subject matter of the prior approval as if the application were a planning application.
4. As the proposal relates to change of use only, I have not had regard to any external alterations proposed.

### Background and Main Issue

5. Article 3(1) and Schedule 2, Part 3, Class G (Class G) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits change of use of a building from a use within Class E (commercial, business and service) or betting office or pay day loan shop to a mixed use for any purpose within that Class and as up to 2 flats, subject to satisfying the conditions in paragraph G.1.
6. The prior approval matters listed under condition G.1(d) concern: (i) contamination risks; (ii) flooding risks; (iii) impacts of noise on intended occupiers; (iv) provision of natural light to habitable rooms; and (v) arrangements for domestic waste.

7. Paragraph W(2)(e) of the GPDO indicates that where sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment must accompany the application. Paragraph W(6) of the GPDO requires local planning authorities to consult the Environment Agency where the development is an area within Flood Zone 2 or 3. The appeal site is in Flood Zone 2.
8. The Council refused the application on the basis that insufficient information has been submitted to demonstrate the proposal is acceptable with regard to flood risk.
9. Accordingly, the main issue in this appeal is whether prior approval should be granted having regard to flood risk.

## Reasons

10. The appeal site relates to a three-storey office building located in Shrewsbury Town Centre. The surrounding area contains a mix of uses typically found in a town centre. The proposal involves the retention of offices at the ground floor and part of the first floor and change of use of part of the first floor and the whole of the second floor from offices to residential.
11. The site lies within Flood Zone 2 of the River Severn, an area at medium risk of fluvial flooding. Access to the site is within Flood Zone 3 which is an area at high risk of fluvial flooding. Planning Practice Guidance (PPG) confirms that applications for prior approval in areas of flood risk must be accompanied by a site-specific flood risk assessment as required by the prior approval process set out in the GPDO<sup>1</sup>. In addition, the Environment Agency's response to the application confirms that a site-specific flood risk assessment is required.
12. The appellant has submitted a Flood Alleviation Statement (FAS) prepared by Heal Planning which concludes that the site does not flood or has ever flooded and that the proposed development will not have an adverse effect on the River Severn floodplain. However, the FAS does not represent a flood risk assessment that has been prepared in accordance with PPG. For example, there is no vulnerability classification of the proposed development, no calculation of estimated flood levels and appropriate allowances for climate change, and no assessment of residual flood risks.
13. The appellant has submitted flood risk assessments<sup>2</sup> but these relate to a different site located approximately 50 metres away. Therefore, they cannot be relied upon to provide a robust, site-specific assessment of flood risk, not least because flood risk varies by location. A flood risk assessment for the appeal site has not been undertaken and so the risk of flooding there is not known.
14. While the appeal site is located further away from the River Seven and the proposal is for residential use on the first and second floors of the building, a site-specific flood risk assessment is nevertheless required by the GPDO.
15. Furthermore, paragraph 181 of the Framework indicates that development should only be allowed in areas at risk of flooding where in the light of a site-specific flood risk assessment, it can be demonstrated that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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<sup>1</sup> Ref. Paragraph: 053 Reference ID: 7-053-20220825.

<sup>2</sup> Addendum Flood Risk and Drainage Assessment, Conversion/Extension of Existing Former Public Conveniences, St Julian's Friars, Shrewsbury, Planning Ref: 22/02533/FUL, By Woodsyde Developments Ltd and Flood Warning & Evacuation Plan, Residential Development at Former Public Conveniences, St Julian's Friars, Shrewsbury.

16. PPG advises that proposals that are likely to increase the number of people living or working in areas of flood risk require particularly careful consideration, as they could increase the scale of any evacuation required. It goes on to say that safety considerations can affect the overall design or acceptability of the development and that access considerations should include the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood (0.1% annual probability of flooding with allowance for climate change). In addition, PPG states that access and escape routes need to be designed to be functional for changing circumstances over the lifetime of the development<sup>3</sup>.
17. Given that a site-specific flood risk assessment has not been undertaken, it is not known whether future residents would have the ability to safely access and exit the building during a design flood and to evacuate before an extreme flood. The proposed access and escape routes have not been identified in detail by the appellant. Furthermore, in the absence of a site-specific flood risk assessment means there is a lack of evidence to support the access and escape routes suggested by the appellant in broad terms.<sup>4</sup>
18. Based on the absence of a flood risk assessment specific to the appeal site and a lack of evidence demonstrating safe access and escape routes, the proposal would have an unacceptable effect on flood risk and the safety of future occupants.
19. The proposal does not comply with Article 3(1) and Schedule 2, Part 3, Class G, paragraphs G.1(d)(ii) and W(2)(e) of the GPDO.

### **Other Matters**

20. The appellant refers to the benefit of the proposal in providing two additional flats. However, such matters fall outside the scope of the prior approval process and my determination of this appeal may rest only on the criteria set out in the GPDO.

### **Conclusion**

21. For the reasons given above the appeal should be dismissed.

*U P Han*

INSPECTOR

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<sup>3</sup> Ref Paragraph: 047 Reference ID: 7-047-20220825.

<sup>4</sup> Ref Supplemental Information, Grove House, At. Julians Friars, Shrewsbury planning application number 24/03721/pacmf

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## Appeal Decision

Site visit made on 17 April 2025

**by J D Westbrook BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 May 2025.**

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**Appeal Ref: APP/L3245/W/24/3357915**

**Brookside Leisure Park, Bronygarth, Shropshire, SY10 7LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Brookside Leisure Park against the decision of Shropshire Council.
  - The application Ref is 24/01336/FUL.
  - The development proposed is the change of use of existing Manager's House to holiday accommodation; the erection of extensions to Sports Hall to provide an indoor swimming pool & associated facilities, including green roof and enclosed glass atrium, and a new first floor Owner/Manager's Apartment; and the provision of new Manager/Customer parking served by the existing vehicular access to the south.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. It would appear that the description of the proposed development as submitted on the planning application form, and as repeated on the Council's Decision Notice refers to an earlier scheme which was refused and has since been amended. For clarification, the current scheme, as determined by the Council and subsequently appealed against, does not include a green roof or atrium, and the new parking area is served by a different access, currently unused in the context of the proposal but in existence at the western end of the appeal site.

### Main Issues

3. The main issues in this case are the effects of the proposed development on:
  - The character and appearance of the area surrounding the Leisure Park,
  - The countryside around Bronygarth, and
  - Highway safety along Bronygarth Road and roads off it around the appeal site.

### Reasons

4. The Leisure Park is sited to the west of Bronygarth Road, with access off a narrow unclassified lane that runs past the site and a small number of other properties before continuing into open countryside beyond. The Park includes a manager's house, 4 lodges, and a sports hall with two squash courts and a gym. The leisure facilities are also used as a sports club which apparently has around 70 members. A related company (Brookside Manor Estates) owns the large adjacent Brookland

Manor which is rented out for large groups and, from the planning statement accompanying the planning application, it would appear that the estate also includes an indoor swimming pool and a tennis court. The appellants also apparently own the neighbouring Mews Cottage and The Hayloft. It is unclear as to the precise relationship between the companies, the buildings and their facilities.

5. The proposed development would involve the change of use of the current three bedroom manager's house to a holiday rental property; the construction of a new, larger one-bedroom manager's dwelling above the existing sports hall; the construction of an extension containing an indoor swimming pool and sauna to the rear of the sports hall; and the construction of a new parking area to serve the manager's dwelling and extended facilities at the Sports Hall. The parking area would use an existing access from the narrow lane that runs alongside the western boundary of the site, although at the time of my inspection, the roadway within the site was not usable by anything other than large construction or farm vehicles. The parking area would, therefore, effectively require the construction of a completely new access within the site.

#### *Character and appearance*

6. The immediate surroundings of the appeal site are characterised by a small group of buildings including Pentre Newydd Farmhouse and its farmyard with agricultural buildings, along with what appear to be converted farm buildings now in residential use. These are concentrated around a sharp bend in the narrow lane that runs from Bronygarth Road into the open countryside around the appeal site. The residential properties are stone-built or grey-brick fronted, whilst the agricultural units are utilitarian and functional.
7. The proposed change of use of the current manager's house would not entail any physical or visual changes. The impact of the proposal on the character and appearance of the surrounding area would, therefore, be restricted to the structural works associated with the new manager's accommodation and the new indoor pool and gym. The existing sports hall is essentially a cube with single-storey extensions. Given the topography of the area, the building is almost entirely at or below the level of the lane that passes the southern and western sides of the building. As such, whilst it is uncharacteristic of the area, it is of very limited visibility and has very little impact on the appearance of the area.
8. The proposed managers accommodation would be built on top of the existing building. It would be 3.3 metres high and would be readily visible in the street scene. It would be a modern structure, timber-clad but with extensive glazed elements and a terrace/balcony around three sides. As such it would become a prominent and incongruous feature in the street scene, especially when seen in the context of the stone-built Oak Croft Barn to the south east, and the farmyard buildings to the south west.
9. It appears that the proposed development could include some screening planting between the managers accommodation and the road, but there is little detail on this and, although such matters could be conditioned, the accommodation would remain an incongruous feature constructed on top of the otherwise practical and plain sports building. Moreover, there can be no guarantees that such screening would remain in place or be adequate in bulk in the long term, while the visibility of the building would increase at the western end by opening up the new access.

### *Effect on the countryside*

10. The proposal would result in the change of use of the existing manager's house into a holiday let property, and the construction of a new unit of accommodation for the manager above the sports building. The need for a manager's unit of accommodation is not disputed. However, there is already such accommodation available, and the need for the new provision is based solely upon business grounds. The appellants contend that the sports building needs significant repair – especially to the roof – and that the proposal is designed to produce revenue for this purpose. However, I have no details of any business plan to support this contention and, since the sports building has apparently been in existence for around 40 years, while the Leisure Park has operated for over 20 years, it would seem reasonable to assume that provision for maintenance and repair would have been part of any relevant business plan.
11. Policy MD11 of the Council's Site Allocations and Management of Development Plan (SAMD) states that holiday let development that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside. The proposal conflicts with this policy and, if carried out, would result in an extra permanent unit of accommodation in the countryside contrary to Policy CS5 of the CS which indicates that developments will be permitted where they improve the sustainability of rural communities including dwellings to house essential countryside workers and other affordable housing/accommodation to meet a local need. No local need has been established beyond that already catered for in the existing manager's house.
12. The existing manager's house is subject to a Section 106 agreement that, if no longer required for its purpose, it should revert to a unit of affordable housing. This accords with the requirements of Policy MD7a of the SAMD, which states that If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. In this case, the dwelling is clearly suitable. The appellant contends that the agreement could again be made to apply at a time when the holiday letting itself was to cease. However, this implies that the dwelling could potentially continue to change its use any number of times before the Section 106 agreement were to be implemented. In this case, the Section 106 agreement was required for a specific policy-related purpose, and I consider that it should be implemented should the dwelling cease to be a manager's house.

### *Highway Safety*

13. The current access into the Leisure Park is from the narrow lane some 80 metres from its junction with Bronygarth Road. The access also serves the manager's house which includes the reception for the Park. From the submitted plans, it is clear that, while the existing access would be retained, an additional access would come into use at the western end of the site, to serve a new car park at the rear of the sports building and which would become the main entrance due to its direct access to the reception area. This would entail additional journeys being undertaken past Pentre Newydd Farm and farmyard, and the other houses, at a point where the narrow road makes a sharp right angle turn, and beyond into the open countryside. In addition, the point of access would be very close to a bend in the narrow road where the road condition is poor and visibility to the north is limited.

14. The Highways Authority has raised a number of concerns regarding the proposed access arrangements. These include that no traffic information has been forwarded to identify a potential change in traffic movements resulting from the increased attractiveness of the enhanced sports facilities; that there is no detail on the provision of parking for the new manager's accommodation and the parking for leisure facilities and how this would be controlled; and that visibility and layout of the access onto the unclassified lane would appear to be compromised with no layout and visibility details submitted to demonstrate the suitability of the access.
15. In the light of the above and the concerns of the Highway Authority, with which I concur, I find that the increased traffic that would be generated by the proposal, both in terms of diverted existing traffic and newly generated traffic, would have the potential to result in significant harm to highway safety along the unclassified lane. In particular, it would be harmful to safety along that section of the lane from the existing access onwards to the proposed new access and beyond, which is narrow and has restricted visibility in places.

### **Other Matters**

16. The appellants state that there is no risk of flooding from rivers. However, the planning statement also indicates that a small stream flows alongside the site, which has been culverted in the past due to problems with flooding in times of heavy rainfall. There is little detail provided of the impacts likely to be caused by the proposed extensions to the sports building and the provision of a new access and car park, on potential for localised flooding. The planning statement refers to the benefits that would accrue from a green roof and rainwater harvesting, but the green roof/atrium feature would appear to have been removed from the final amended plans.
17. The appellants have stressed that the building works will use sustainable materials and construction methods. However, the Leisure Park itself is situated in a very isolated location, distant from any settlements that offer a range of facilities and services, and with no public transport available. The existing sports facilities are available to members, of whom there are around 70, most of whom must need to travel some distance by car. The enhanced leisure facilities and the addition of a new holiday let would likely result in an increased number of journeys. On this basis, the proposal would not be of a sustainable nature and would conflict with Policies CS5 and CS16 with regard to the need for development to be appropriate to its location.
18. The main case for the appellants is the need for finance to pay for essential repairs to the sports facilities. As stated above, I would expect such matters to be dealt with by way of an ongoing business plan that takes into account likely future maintenance costs. However, there is no business plan provided to evidence the situation. The planning statement gives some information as to the potential finances available through the sister company and other property assets, and it is not possible from the evidence before me to determine whether the viability of the Leisure Park is, therefore, solely dependent on the current proposal.
19. I acknowledge that the leisure park provides sports facilities for a number of members and school groups. On this basis, it has some value to the community, although it is difficult to ascertain where the community is based, and there would not appear to be any specific letters of support for the proposal. In any case, any

benefits of the proposed enhancements of the facilities at the Leisure Park would be outweighed by the harmful effects on the character and appearance of the area; the unsustainability of the location of the park with regard to any planned expansion; and the dangers to highway safety resulting from the creation of what is effectively a new main entrance to the site on a narrow lane with poor visibility both approaching and around the site.

### **Conclusion**

20. I find that the proposed new manager's accommodation, by virtue of design, scale and siting, would be harmful to the character and appearance of the area surrounding the Leisure Park. In addition, the new accommodation, by way of its nature and unsustainable location would conflict with development policy regarding new development, and especially residential development, in the countryside. Finally, the proposed new parking and access arrangements within the western part of the site, would be likely to result in harm to highway safety along the narrow unclassified lane in the vicinity of the Leisure Park. On this basis, the proposal would conflict with a number of development Plan policies including Policies CS5, CS6 and CS16 of the CS and Policies MD7 and MD11 of the SAMD, which relate to development in the countryside, tourism, and sustainable development in general. Accordingly, I dismiss the appeal.

*J D Westbrook*

INSPECTOR

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## Appeal Decision

Site visit made on 23 April 2025

**by H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

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**Appeal Ref: APP/L3245/W/24/3358130**

**Lane End, 38 Longden Road, Shrewsbury, Shropshire SY3 7HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Glyn Jones (Berrys) against the decision of Shropshire Council.
  - The application Ref is 24/03153/FUL.
  - The development is a proposed two storey dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A copy of the Examining Inspectors letter dated 17 February 2025 in relation to the examination of the draft Shropshire Local Plan 2016-2038 has been supplied by the appellant. The letter states that the modifications required to make the draft Plan sound are significant and a recommendation is made that the Plan be withdrawn. Whilst I am unaware of whether the formal withdrawal of the plan has taken place at the time of writing, the Council's submissions do not rely on any policies of this draft Plan and no such policies are before me. I have therefore based my decision on the current adopted Development Plan.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given an opportunity to comment on the effect of these changes. This decision is based on the current Framework and has taken account of any representations made on this.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Kingsland Special Character Area of the Shrewsbury Conservation Area.

### Reasons

5. The appeal site is an irregular shaped parcel of land to the rear of properties on Longden Road. The wider land of which the appeal site is part is bound by mature trees and woodland and the topography of the land slopes downhill towards the Rad Brook. Other parcels of grassland and trees are located in close proximity to the site and these, together with the appeal site, lie within the Rad Brook Valley.
6. The appeal site is located within the Shrewsbury Conservation Area (SCA). As such, I have had regard to the statutory duty to pay special attention to the desirability of

preserving or enhancing its character or appearance<sup>1</sup>. I note that there is no formal appraisal of the SCA, and that it covers a large area. Based on the information before me, the significance of the SCA, insofar as is relevant to this appeal, is considered to derive in part, by its tranquil setting with open areas of green space and varying degrees of mature woodland landscape, which accentuates its verdant rural character. The site is located within the Kingsland Special Character Area (KSCA) of the SCA where the Rad Brook Valley, and parcels of open land within it, form an important open and green corridor that extends into Shrewsbury, making a significant contribution to the setting of the town.

7. Whilst public views of these open spaces vary, they nevertheless form a distinct corridor that follows the route of the Rad Brook and are largely devoid of built development. Notwithstanding the public visibility of all individual land parcels within this corridor, these open spaces collectively have a high aesthetic and spatial quality and contribute positively to the character and appearance of the town. The appeal site is one of these open parcels of land and is well-contained by existing mature woodland. However, it nevertheless has a sense of openness resulting from its undeveloped nature and separation from the properties on Longden Road. This, combined with the attractive verdant character of the valley, contributes positively to the significance of the SCA.
8. The appeal site is sited to the rear and some distance from the properties fronting Longden Road, which are a mix of modest detached and semi-detached dwellings that are set on a generally consistent build line and have long rear gardens. There are examples of development that extend towards the Rad Brook, such as properties on Vane Road and Red Barn Lane. However, the corridor nonetheless has a strong open and verdant character.
9. The appeal scheme proposes a substantial two-storey detached dwelling and a subterranean garage. The dwelling would be excavated into the ground so that it would sit lower than the ridge height of no 38a Longden Road to the east and, through a combination of existing and proposed landscaping, would be largely screened from the public realm. However, the design of the dwelling would directly contrast with the scale and form of properties in the immediate vicinity which are more modest in size and massing. The dwelling would be a large, two-storey detached home with a wide frontage and massing, which would contrast with the more modest dwellings on Longden Road.
10. The proposal would also be largely separated from the dwellings fronting Longden Road and would extend development into the Rad Brook Valley. This would erode the verdant and spacious character of the area that the appeal site contributes to and reduce the openness of the area by protruding into the green corridor. Whilst there might be examples of larger scale properties on the northern side of the valley, these are read in a different context to the appeal site, and this, along with the fact that a similar dwelling design may have been advanced on other sites in the wider area does not alter my findings.
11. The evidence suggests that despite the screening afforded by vegetation, there is the potential for filtered views of the dwelling to be achieved from the first floor of properties on Vane Road in addition to views from no's 38a and 40 Longden Road. Whilst it may well be the case that the proposed dwelling would only be glimpsed from these

<sup>1</sup> In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

properties and that these views would reduce over time with additional landscaping, which the appellant suggests could be secured by condition, they would nonetheless still be of a development that is inconsistent with the overall pattern and form of development in the area, resulting in a form of development which would appear as an unacceptable visual and spatial intrusion into the valley. The development would therefore result in harm to the character and appearance of the area and the SCA, which would harm its significance.

12. No boundary treatments are proposed to delineate the proposed dwelling. Nonetheless, in order to define the curtilage and prevent any domestic encroachment into the wider site it would be necessary to ensure the proposed garden is suitably enclosed. Furthermore, the suggested permitted development rights restriction for garden structures within the garden area would not address any domestic garden paraphernalia that would fall outside of the control of the planning system. The potential for such enclosures and domestic paraphernalia would further erode the rural character and openness of the area.
13. The Shropshire Green Infrastructure Strategy (July 2020) identifies the opportunity for the enhanced management of water corridors, such as the Rad Brook valley. The appellant suggests that this development would enable them to continue to manage the extent of land within the wider river valley that is in their ownership by giving them an on-site presence. They suggest that this could be secured by condition and would provide a benefit to the character and appearance of the SCA. It is also suggested that without such management, trees could suffer from disease such as Ash Dieback, reducing the verdant character of the area. However, it has not been evidenced that these maintenance responsibilities are dependent on the outcome of this appeal, nor that a condition requiring the enhancement or management of the wider land in the valley within the appellant's ownership would be capable of addressing the harm that I have identified.
14. The appellant also suggests that the positioning of the dwelling has been designed to prevent any further development on the wider parcel of land. However, I have assessed the appeal on its own merits and even if this were to be the case, it does not weigh in favour of the scheme. The application form also refers to the demolition of 38a as part of the proposal, however, this is not included within the proposed plans and therefore has not factored into my determination of the appeal.
15. My attention has been drawn to several examples of developments in the vicinity of the appeal site to support their case and I have had regard to these decisions. Two of the cases referenced<sup>2</sup> relate to dwellings approved outside of the green corridor on sites located in a different residential context, the case at the Former Builders Yard off Red Barn Lane<sup>3</sup> was on brownfield land enclosed by existing residential development and in the case at Land off Red Barn Lane<sup>4</sup> the dwelling was concluded to be a natural infill site, rounding off a small cluster of dwellings. These cases are not directly comparable to the appeal scheme and do not provide a justification for the proposal, which in any case must be considered on its individual merits.
16. Appeal decisions have also been provided for the adjacent sites to the south<sup>5</sup> and west<sup>6</sup> of the appeal site. Whilst I note that the quantum and scale of development is different in

<sup>2</sup> LPA Ref. 23/03766/FUL and LPA Ref. 24/02436/FUL

<sup>3</sup> LPA Ref. 24/01340/FUL

<sup>4</sup> APP/L3245/W/15/3069989, LPA Ref. 14/01484/FUL

<sup>5</sup> APP/L3245/A/14/2228392, LPA Ref. 14/00267/FUL

<sup>6</sup> APP/L3245/W/21/3285440, LPA Ref. 20/03270/FUL

the appeal scheme than these two cases, the contribution that the green corridor of the Rad Brook Valley makes to the overall character of the area is acknowledged by both Inspectors and supports my findings in relation to its contribution to the significance of the SCA. I have not been supplied with the details of the case referred to as application 23/01561/FUL, however, the appellant advises that this development was similarly refused due to the effects on the conservation area and landscape impacts.

17. For the above reasons, I find that the proposal would fail to preserve the significance of the Shrewsbury Conservation Area. The harm resulting from the development would be localised, and less than substantial in this instance, but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal.
18. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The proposal would provide a low energy self-build dwelling on a small windfall site at low risk of flooding with good access to services and facilities, and thus would contribute to the Government's objective to significantly boost the supply of homes. However, even taking account of the current housing land supply position, the benefits of housing delivery, to which I attach significant weight, are tempered by the fact that the provision of one unit would only make a small difference to housing supply.
19. There would also be some economic benefits during the construction phase as well as any potential Council tax that future occupiers might pay. The appellant suggests the dwelling would be constructed to the highest design quality, however there is little in the evidence to suggest the development's design would be particularly outstanding. Additional landscaping would also provide biodiversity enhancements. However, there is limited evidence before me to enable me to quantify the extent of this benefit.
20. Taken together the public benefits accruing from the proposal are limited. In the absence of any defined substantiated public benefit, I therefore conclude that, on balance, the development would fail to preserve the character or appearance of the SCA, resulting in harm to its significance.
21. In light of the 5-year housing land supply position, paragraph 11(d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists designated heritage assets (which includes conservation areas) as one such asset of importance and thus, in light of the harm I have identified to the significance of the SCA which would not be outweighed by public benefits, the proposal does not benefit from the presumption in favour of sustainable development in this instance.
22. The development would therefore fail to satisfy the requirements of the Act, paragraph 210 of the Framework and conflict with the aims of policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) and policies MD2, MD12 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These policies collectively seek, amongst other things, to ensure that development conserves and enhances the natural, built and historic environment and local character.

### **Other Matters**

23. Whilst noting the appellant's frustration over the Council's handling of the application and the pre-application advice received, I have considered the appeal proposal on its own merits.
24. The Council raised no objections in relation to trees, highway safety, biodiversity and I see no reason to take a different view. I have been presented with no compelling evidence that the proposal would result in harm to the living conditions of the occupiers of nearby dwellings and future occupiers would be provided with adequate living conditions. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters weigh neutrally rather than in favour of the proposal. I also appreciate that the proposal has some local support, however, a lack of objection does not equate with a lack of harm.

### **Conclusion**

25. For the reasons given above, the proposal conflicts with the development plan when read as a whole and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*H Whitfield*

INSPECTOR

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## Appeal Decision

Site visit made on 23 April 2025

**by H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

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**Appeal Ref: APP/L3245/W/24/3357858**

**46 Coldridge Drive, Shrewsbury, Shropshire SY1 3YT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Mottershaw against the decision of Shropshire Council.
  - The application Ref is 24/01205/FUL.
  - The development proposed is a new dwelling (C3).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The address on the decision notice differs from that on the application form. There is no evidence that the appellant agreed to the change in address. I have therefore used the address from the application form in the banner heading above.
3. The Council has ticked that part of the site is subject to a Tree Preservation Order on its questionnaire. However, the Officer Report confirms that the mature Oak tree was removed in 2022 with the agreement of the Council<sup>1</sup>, subject to the planting of a replacement tree in the first planting season following its removal. I did not observe any trees on the appeal site during my site visit.
4. The Council's Statement of Case refers to the examination of the draft Shropshire Local Plan (2016-2038) which took place in October 2024. I have not been supplied with a copy of the draft Local Plan. However, the Council has summarised the concerns raised by the Examining Inspectors, and I am advised that the Council's intention is to withdraw the Plan from examination. Whilst I am unaware of whether the formal withdrawal of the plan has taken place at the time of writing, the Council's submissions do not rely on any policies of this draft Plan and no such policies are before me. I have therefore based my decision on the current adopted Development Plan.

### Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

6. The appeal site relates to a broadly rectangular piece of land to the rear of a parking court off Coldridge Drive which is part of the wider Herongate estate. The land lies to the south-west of 46 Coldridge Drive (No 46) and has been enclosed by a close

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<sup>1</sup> LPA Reference: 22/01896/TPO

boarded fence. Residential properties abound the site on three sides and a footpath lies to the east which connects Coldridge Drive to Farmlodge Lane, which affords public views towards the appeal site. Properties to the south of the site off Farmlodge Lane are typically larger two-storey detached dwellings. However, properties on Coldridge Drive in the vicinity of the appeal site are predominately two-storey, short, terraced blocks or semi-detached dwellings with narrow frontages and varied garden sizes. These are occasionally interspersed with one and a half storey terraced blocks which typically feature gable fronted dormer windows cut into the eaves and cat-slide roofs to the rear.

7. There is a general regularity to the pattern of surrounding development. Properties are typically set back behind small front gardens or parking spaces on a broadly uniform alignment, albeit with staggered façades and varying ridge heights. Moreover, there is a general consistency of material palette and architectural detailing in the street scene where the terraces have narrow projecting gables, decorative timber porch canopies and chimneys. Overall, despite some variation, the area has a relatively uniform character and cohesive appearance, and this is clearly perceptible upon visiting the site, despite an absence of any character appraisal of the area having been undertaken by the Council.
8. In contrast, the appeal scheme proposes a one and a half storey, wide gable fronted detached dwelling with a steep pitched roof. The dwelling would be set back considerably from the adjacent terrace containing No 46, positioned to the rear of the parking court. Whilst the footprint of the dwelling and provision of a smaller house-type would not be uncharacteristic, the one and a half storey design with a wide gable frontage and steep pitched roof would directly contrast with surrounding development. The design of the dwelling also fails to incorporate architectural features that are characteristic of other properties in the street scene, as outlined above. The positioning of the dwelling at the rear of the parking court would also fail to respond to the surrounding pattern of development. This, coupled with the contrasting design, would result in an alien and incongruous form of development that would be an obvious anomaly, detracting from the quality of the area.
9. I note the appeal site is not publicly accessible and given the dwelling would be tucked behind No 46 which is at the bottom of the turning head, it would not be highly prominent in views to vehicles travelling along the road. However, the development would be clearly open to view by cars using the parking court and pedestrians using the footpath to the east which links Coldridge Drive with surrounding streets. Moreover, whilst there may be a greater variety of development and examples similar to the appeal scheme in the wider estate (which has incrementally developed over time), or within the town more generally, this is not reflective of the character of development immediately surrounding the site and the context within which this new dwelling would be viewed.
10. The appellant suggests that provision of a 2-bed dwelling with a smaller amenity space and at a lower price range would reflect the character of properties on Coldridge Drive. Whilst this may be the case, this does not overcome the harm I have identified as a result of the uncharacteristic design, form and positioning of the development. Nor does the assertion that the design has sought to preserve the living conditions of neighbouring properties. In addition, the absence of an adopted design guide for residential development or a character appraisal of the estate, weighs neither for, nor against, the scheme.

11. Therefore, for the reasons given above, I conclude that the development would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (the Core Strategy) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev Plan), insofar as they seek to secure high quality design that respects and enhances local distinctiveness, and development that takes account of the character and appearance of the surrounding area and responds appropriately to its surrounding context. The development is also contrary to paragraphs 131 and 135 of the National Planning Policy Framework (the Framework) where they seek to secure high quality design that is sympathetic to local character.

### **Other Matters**

12. Reference has been made to the dwelling being affordable and for local people to rent, which the appellant states is in high demand. However, there is no substantive evidence before me to demonstrate this demand and how the proposed dwelling would align with the local housing need. Furthermore, there is no mechanism before me that would secure the dwelling for only local people to rent.
13. The dwelling would incorporate renewable energy technologies, sustainable building materials and construction techniques and would be designed to comply with building regulations in respect of accessibility. However, there is little in the evidence to suggest the development would be particularly innovative, or that it would go beyond the requirements of the development plan or other governing legislation in this regard and therefore these benefits are given limited weight in favour of the proposal. Furthermore, the availability of utility services connecting to the site is a neutral factor.
14. I note the appellant states the site has no viable alternative use and the development would improve the site's current untidy appearance. However, I am not persuaded that there would not be a less harmful way of repurposing the land and securing the same benefits.
15. I also note the appellant's concerns over the Council's handling of the application and how it has conducted its overall planning balance. However, this has no bearing on my consideration of this appeal and I have determined the case on its planning merits.

### **Planning Balance**

16. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence indicates that the current supply is 4.73 years, which is a modest shortfall. Nonetheless, in this circumstance, paragraph 11(d) of the Framework is engaged. The evidence does not indicate that paragraph 11(d)(i) applies to the proposal. Therefore, I shall consider the proposal against the test in paragraph 11(d)(ii).
17. The development would result in harm to the character and appearance of the surrounding area, contrary to the aforementioned policies of the Core Strategy and SAMDev Plan, to which I attach significant weight. This is sufficient to bring the development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.

18. The development would provide a dwelling in an established residential area of Shrewsbury, reasonably close to services and facilities and would make efficient use of underutilised land. As a 2-bed dwelling on a smaller plot, the development could also cater for those seeking smaller units of accommodation. The development would therefore make a small but beneficial contribution to the choice of homes in the area and the supply of housing land; as well as providing social and economic benefits during construction and after occupation. Additional landscaping, including the planting of an Oak tree, would also provide minor biodiversity benefits. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. However, the contribution that would be made by a single dwelling would be modest and, therefore, the weight attached to these benefits is limited.
19. Overall, whilst there is a shortfall in the five-year housing land supply, in the specific circumstances of this case, the adverse impact of the development would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework, when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

### **Conclusion**

20. The proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

*H Whitfield*

INSPECTOR



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## Appeal Decision

Site visit made on 6 May 2025

**by R Morgan BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

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**Appeal Ref: APP/L3245/W/25/3358745**

**Land adjacent to White House, Coopers Lane, Porth-y-Waen, Oswestry SY10 8LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr T Dunkerley against the decision of Shropshire Council.
  - The application Ref is 24/04199/PIP.
  - The development proposed is construction of between 2 No. and 4 No. dwellings.
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### Decision

1. The appeal is allowed and permission in principle is granted for the construction of between 2 No. and 4 No. dwellings at land adjacent to White House, Porth-y-Waen, Oswestry SY10 8LY in accordance with the terms of the application, Ref 24/04199/PIP.

### Preliminary Matters

2. The proposal is for permission in principle, which is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages. The first stage establishes whether a site is suitable in principle, and the second, 'technical details consent', stage is when the detailed development proposals are assessed. Full planning permission is only secured if and when both stages have been passed.
3. This appeal is concerned with the first, permission in principle stage. The Planning Practice Guidance (PPG) advises that the only matters to be considered at this stage are location, land use and the amount of development. I have assessed the appeal accordingly.
4. According to the PPG, the amount of development must be expressed as a range in any grant of permission in principle. In this case, the proposal is for between 2 and 4 dwellings. I have treated the proposed site layout plan, which shows how 4 dwellings could be accommodated, as being indicative.

### Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

## Reasons

### *Location*

6. The Council's approach to the location of new housing development is set out in Policy CS1 of the Core Strategy 2011. In order to accommodate growth to help make more sustainable, balanced, vibrant and self-reliant places, residential development over the plan period will be focussed in the larger towns and key centres, with around 35% of residential development within the rural areas. Policy CS1 explains that rural development and investment will be located predominately in community hubs and community clusters. Outside of the identified settlements, within the wider rural area, new development will be strictly controlled in accordance with Core Strategy Policy CS5.
7. Schedule MD1.1 of the Site Allocations and Management of Development Plan 2015 (SAMDev), provides a list of community cluster settlements, which includes the Llanyblodwel, Porth-y-Waen Dolgoch, Llynclys and Bryn Melyn cluster. According to SAMDev Policy S14.2(viii), this cluster will provide future housing growth of around 15 dwellings during the period to 2026. This growth is intended to help meet a need for affordable housing, to allow young people to stay in the area. The Policy goes on to say that no specific sites are allocated, but that sustainable development on suitable sites may be acceptable within the established development boundaries of the community cluster.
8. The appeal site is an area of undeveloped land on Coopers Lane, on the edge of the small settlement of Porth-y-Waen. The site is immediately adjacent to, but outside of, the development boundary for the community cluster. The site is therefore treated as countryside for the purposes of the development plan. The proposed construction of open market housing here would not comply with the requirements for development in the countryside set out in Core Strategy Policy CS5.
9. Policy MD3 of the SAMDev, which is concerned with the delivery of housing development, is also relevant. Part 3 of Policy MD3 says that additional sites outside a settlement development boundary may be acceptable in circumstances where a settlement housing guideline appears unlikely to be met, subject to the other considerations set out in part 2 of that policy.
10. The planning officer's report suggests that, at the time of writing, there was a shortfall of 3 dwellings against the housing guideline figure for the Llanyblodwel and Porth-y-Waen community cluster. More recent information in the latest Five Year Housing Land Supply Statement, published in February 2025 and provided as part of the appeal, suggests that the shortfall may now be 4 dwellings<sup>1</sup>.
11. The plan period ends in 2026, which is not far off. Other permissions within the community cluster may have been granted recently, but on the basis of the information provided, there is uncertainty as to whether the guideline housing figure of 15 additional homes will be delivered within the plan period. That said, whilst questions remain about this matter, it has not been clearly demonstrated that the appeal proposal is needed to achieve the community cluster housing figure. I am therefore unable to conclude that the proposal meets the exception for

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<sup>1</sup> Annex 1, Table 12: Housing Commitments and Completions in SAMDev Plan Community Hubs and Community Clusters

development on sites outside of settlement boundaries, set out in part 3 of SAMDev Policy MD3.

12. There is no suggestion that the appeal proposal would contribute to any affordable housing need, but as there would be less than 5 houses, the requirement for on-site affordable housing in Core Strategy Policy CS11 would not apply. SAMDev Policy S14.2(viii) does not explain how small-scale developments would be expected to contribute towards the community cluster objective of providing affordable housing to assist young people to stay in the area. However, relevant factors could include the scale, type and tenure of housing to be provided, which would be considerations for the second, technical details consent stage.
13. To conclude, the proposal would be unacceptable in terms of its location. The proposed development of between 2 and 4 market houses outside of the settlement boundary would conflict with the overall strategy for the scale and distribution of development set out in Core Strategy Policy CS1 and SAMDev Policy MD1. The proposal would not meet any of the criteria for development which might be acceptable in the countryside, contained in Core Strategy Policy CS5 and SAMDev Policy MD7a. In the absence of further information, it has not been clearly demonstrated that the exception for development outside of settlement boundaries, in Part 3 of SAMDev Policy MD3, would be met either.
14. At this first, permission in principle stage, I have identified no conflict with the requirements for meeting Shropshire's diverse housing needs contained in Core Strategy Policy CS11 and the Type and Affordability of Housing Supplementary Planning Document 2012. However, this does not outweigh the policy conflict referred to above.

#### *Land use and amount of development*

15. The site could be used for other purposes appropriate within a rural area, but the proposed development would be consistent with the surrounding residential uses. Notwithstanding my comments about the acceptability of the location, the proposed land use would be acceptable here.
16. The submitted plan shows how four houses could be accommodated on the site, although the final number of units would need to be established at technical details consent stage. In principle, the amount of development proposed is acceptable.
17. The proposed land use and amount of development are acceptable, but the development in this location does not comply with development plan policy, as explained above. The requirements for permission in principle are not, therefore met.

#### **Other Matters**

18. The site forms part of a modest sized rectangular field, which slopes up from the thick boundary hedge along the roadside to an area of woodland above. It is distinctly rural in character, and marks the limit of existing built development on this side of Coopers Lane.
19. There is existing development immediately opposite the appeal site, on the other side of the narrow lane. Development on the appeal site would relate fairly well to existing residences, but nonetheless, the proposed development of between 2 – 4 houses would elongate built form along this side of the road.

20. A development of 3 houses is currently under construction very close by, just across the lane. That site is within the settlement boundary, but the cumulative effect of two new developments, quite close together, would further increase the sense of built form, eroding the rural character of this part of Porth-y-Waen.
21. The extent to which the proposal would impact on the rural character of the area would depend on the number, form and scale of houses built, as well as the extent and appearance of soft and hard landscaping. It may be possible to deliver a sensitive scheme here, which minimised its visual impact. That said, the creation of new built form on the site, with one or more accesses and associated hardstanding for parking, would inevitably erode the rural character of the area to some extent.
22. I note local residents' comments about the scale and appearance of other developments which have been approved nearby. However, this is an application for permission in principle, and such matters would need to be addressed at the second, technical details consent stage.
23. Neighbouring residents have highlighted other potential impacts of the scheme, including surface water drainage and the effect on wildlife. These important matters would need to be addressed at the technical details stage.
24. The neighbouring occupier has explained that their septic tank is located on the appeal site, and has provided details of their legal rights to access the site for this use. This is a civil matter between the appellant and neighbour, but from the information provided it seems that the septic tank, and associated infrastructure, does not occupy the whole of the site. If the tank remained in situ, it could limit the amount of the site which could be developed, and therefore the quantum of houses which could be built on the site, but would not necessarily preclude development from taking place, on part of the site at least. This matter, and any implications for the site layout, would be a matter for the technical details stage.

### Other considerations

#### *Planning policy*

25. The most important policies for determining the appeal are those directly relevant to the acceptability of new housing development in this location, namely Core Strategy Policies CS1, CS5 and SAMDev Policies MD1, MD3, MD7a and S14.2(viii).
26. The development plan predates the National Planning Policy Framework (the Framework). However, the adopted spatial strategy for the borough, in which development is targeted towards larger settlements with better access to services and facilities, is consistent with national policy. In the rural area, the policy of supporting limited development in community hubs and clusters, where it reflects local needs, is consistent with Framework paragraph 82.
27. However, the plan is now more than five years old, and the new standard methodology for assessing local housing need, introduced in the 2024 version of the Framework, results in a significant uplift to the housing figure for Shropshire. Consequently, the Plan's overall housing requirement figure is out of date, along with the disaggregated guideline figures for settlements, and the associated settlement development boundaries. I therefore give reduced weight to the conflict

with the policies listed above, insofar as they relate to development outside of settlement boundaries.

### *Housing supply*

28. The Council has confirmed that, based on its most recent data, it is unable to demonstrate a five-year supply of deliverable housing sites. The current housing supply figure is calculated to be 4.73 years. Whilst the Council alleges that the level of under provision is small in the context of the overall need figure, I also note the appellant's comments that housing delivery in recent years has consistently been below the higher housing need figure for the borough which is required by the revised national guidance.
29. A new strategy to address the borough's housing need is necessary, but following the recent local plan examination hearing sessions, it appears that a revised local plan is now required. This is likely to be some time off. Significantly increasing supply in the near future, to meet the increased need figure, is likely to be challenging.

### **Planning balance**

30. The proposal would provide between 2-4 additional homes, in a borough with an acknowledged shortfall in supply. This would be a significant benefit.
31. I acknowledge that the benefit of providing additional housing here would be no greater than in any other locations within the community cluster, which has very limited local services or facilities. Future residents would likely drive to meet their day-to-day needs. However, the development plan does provide for new housing here, and there is uncertainty as to whether the guideline housing requirement set out in SAMDev Policy S14.2(viii) will be achieved through development of other sites within the cluster.
32. The proposal would enable the guideline housing requirement figure to be met, on a site on the edge of the settlement which relates well to existing built form. Depending on the scale and type of houses provided, the proposal could contribute to the policy objective of assisting young people to stay in the area, with associated social and economic benefits.
33. There would also be minor economic benefits relating to construction and, beyond that, future residents support for services and facilities in the local area.
34. Set against these benefits, new built development here would inevitably affect the rural character of the area. That said, the extent of any harm would depend on the detail of the scheme, including the scale and number of the homes. These matters would need to be addressed at the second, technical details stage.
35. There would be additional vehicle movements associated with construction and occupation of the homes, which would negatively impact on the tranquillity of the area. However, the amount of traffic associated with this level of development would be small in overall terms, and in any case, the development plan does provide for additional housing in this community cluster, so a certain amount of extra vehicle movements has already been accepted.
36. Overall, I find that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework as a whole. In accordance with Framework paragraph 11, permission in principle should therefore be granted.

**Conditions**

37. There is no scope to impose conditions when granting permission in principle. Any necessary conditions would need to be imposed at the technical details stage.

**Conclusion**

38. For the reasons set out above, the appeal is allowed and permission in principle for between 2 and 4 houses is granted.

*R Morgan*

INSPECTOR



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## Appeal Decision

Site visit made on 28 May 2025

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2025

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**Appeal Ref: APP/L3245/W/24/3356640**

**Field west of Haughmond Quarry, Land south of B5062, Uffington, SY4 4WR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Opdenenergy UK 10 Ltd against the decision of Shropshire Council.
  - The application Ref is 24/00724/FUL.
  - The development proposed is the installation and operation of a solar farm together with all associated works, equipment and necessary infrastructure.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the scheme on the settings of Haughmond Abbey and the hillfort on Haughmond Hill, local landscape quality, the living conditions of nearby residents and wildlife, and the benefits of the scheme.

### Reasons

*The effect on the setting of Haughmond Abbey*

3. The solar farm would occupy an arable field at the foot of Haughmond Hill. The remains of Haughmond Abbey, a Grade I listed building and a scheduled monument, are situated a short distance to the north, on the other side of the B5062. The abbey is a good example of an Augustinian monastery, and enough is left of the historic site to allow an interpretation of the various functions of the building complex.
4. The abbey is located on rising ground at the foot of wooded Haughmond Hill, and in its prime it would have been prominent when seen from the west. Today, though much reduced, it still has a visual presence which can be appreciated from the minor road that leads northwards from Uffington and from the footpath that passes north westwards from the village towards and through the site. Contrary to the conclusions of the submitted Historic Environment Desk Based Assessment, these are not inconsequential or minor views; they have significance because they allow the location of the abbey to be appreciated and understood in the landscape. From these viewpoints the abbey is seen in an open, green setting against the backdrop of the wood on Haughmond Hill. The proposed solar farm would appear within this scene as an alien and incongruous feature in close proximity to the abbey.
5. In addition, a higher level panorama of the abbey complex, with open land spreading out beyond the abbey to the west, may be appreciated from the rocky

outcrop at the north eastern end of the abbey grounds, and from the adjacent public footpath. These are also important viewpoints for appreciating the layout of the abbey and its relationship to the wider landscape. From here, a slice of the solar farm would appear behind the abbey walls and would be visible through the large west-facing abbey window. It would be an intrusive and disruptive element in the attractive panorama and would be harmful to the abbey's setting.

6. The attractive setting of the abbey is an important contributor to its significance. Great weight should be given to the conservation of designated heritage assets, including their settings, and in this case the scheme would have a harmful effect on the significance of the abbey because of the unfortunate intrusion into its landscape setting. There would be no direct physical impact on the abbey ruins, so the harm (using the parlance of the National Planning Policy Framework) would be in the category of less than substantial, at a medium level, but this nonetheless carries considerable weight.

*The effect on the setting of the hillfort at Haughmond Hill*

7. Owing to topography and tree cover, there is little direct intervisibility between the univallate Iron Age Hillfort on Haughmond Hill and the appeal site. Other features on and near the edge of Shrewsbury, including the Battlefield Enterprise Park and the solar farm near Sundorne, are more noticeable from the hillfort. However, the scheme would have a negative effect on an appreciation of the landscape setting of the hillfort when looking towards the hill from the lower land to the west, since it would occupy the rising field right up to the edge of the woodland hanger that crowns the hill. For this reason the scheme would cause less than substantial harm to the significance of the heritage asset, at a lower level.

*The effect on local landscape quality*

8. The impact on local landscape quality would be as discussed above in connection with heritage assets. Contrary to the conclusions of the Landscape and Visual Impact Assessment, the solar farm would appear as an intrusive feature on rising ground below Haughmond Hill, particularly noticeable in the landscape from the viewpoints referred to above. It is appreciated that the boundary hedges around the solar farm would be supplemented, but the additional planting would not be sufficient to mitigate the harm.

*The effect on residents' living conditions*

9. The inverters and transformers would be a minimum of 200 metres from the nearest residential property and would not harm residential living conditions as a result of noise. The local planning authority no longer pursues an objection on this basis. However, certain representations have expressed concern over the close proximity of the solar panels to 8 Haughmond Fields. The panels would come close to the house on three sides and in my assessment they would have an overbearing impact on living conditions by severely encroaching into the current open outlook around the property. The unfortunate impact of this insensitive arrangement would not be sufficiently mitigated by the narrow belt of proposed planting adjacent to the house plot.

### *The effect on wildlife*

10. From the available survey evidence, skylarks are likely to use the site for breeding and this would be disrupted by the solar farm. A condition has been suggested that would prevent development being commenced until alternative provision has been made. However, the details of how this would be achieved, where it would take place, what would be required, are not adequately developed so there is insufficient certainty that such a condition would deliver a successful outcome.

### **The scheme's benefits and impacts**

11. The solar farm would have an output of 25 MW, sufficient to supply 7,500 homes per year and helping substantially to reduce CO2 emissions. There would also be an increase in biodiversity of greater than 10% and the site would be restored after 40 years. It is recognised that there is an urgent need for new energy generating capacity, and renewable energy in particular. In this regard the proposal would be in accordance with Policy CS8 of the Shropshire Core Strategy 2011 which encourages the provision of renewable energy infrastructure. In addition, Core Strategy Policy CS5 allows for development in the countryside which improves the sustainability of rural communities and brings local economic and community benefits.
12. However, it is important to ensure that proposals for renewable energy are located in suitable places in the landscape and are sensitively sited in relation to heritage assets. Core Strategy Policy CS5 states that development proposals should be on appropriate sites which maintain countryside character; Core Policy CS8 states that particular attention will be given to the potential for adverse impacts on landscape character and natural and heritage assets; whilst Core Strategy Policies CS6, CS17 and Policies MD2, MD12 and MD13 of the Shropshire Site Allocations and Management of Development (SAMDev) Plan 2015 seek to protect the quality of the natural and historic environment.
13. For the reasons discussed above, the scheme would have a detrimental effect on the setting and significance of Haughmond Abbey. The ability to appreciate fully this ancient and unique site would be spoiled by the extensive spread of modern manufactured solar panels within its landscape setting. Although the scheme would be temporary, 40 years is a considerable length of time. The harm to the significance of the abbey over this period would not be outweighed by the public benefits of the scheme. Added to this, the scheme would have an adverse effect on the landscape, the setting of Haughmond Hill Hillfort and the living conditions of residents adjacent to the scheme and the conditions for ground breeding birds. For all these reasons, the scheme would be contrary to the objectives of Core Strategy Policies CS5, CS6 and CS17 and SAMDev Plan Policies MD2, MD12 and MD13.

### **Conclusion**

14. I have considered all the other matters raised, but they do not alter the balance of my conclusions. For the reasons given above the appeal is dismissed.

*Jonathan Bore*

INSPECTOR

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