

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

Date: Monday, 11 August 2025

**Committee: Northern Planning Committee**

**Date:** Tuesday, 19 August 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 holding Socially Distanced 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 Service Director – Legal, Governance and Planning

**Members of the Committee**

Julian Dean (Chairman)  
Mark Owen (Vice Chairman)  
Andy Davis  
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  
Jamie Daniels  
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 - 4)**

To confirm the Minutes of the meeting of the North Planning Committee held on 15<sup>th</sup> July 2025, attached, marked 2.

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, 13<sup>th</sup> August 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 to the West and South of Cedars Drive, Shrewsbury, Shropshire (24/04065/FUL) (Pages 5 - 30)**

Erection of 38 dwellings, including associated works and landscaping.

## **6 Land West Lyth Hill Road, Bayston Hill, Shrewsbury, Shropshire (24/00765/FUL) (Pages 31 - 68)**

Hybrid planning application seeking (a) full planning permission for the creation of 114 dwellings, open space and infrastructure with access from Lyth Hill Road and (b) outline planning permission for up to 4no. serviced self-build plots

## **7 Appeals and Appeal Decisions (Pages 69 - 106)**

## **8 Date of the Next Meeting**

To note that the next meeting of the Northern Planning Committee will be held at 2.00 pm on Tuesday 16<sup>th</sup> September 2025, in the Council Chamber, The Guildhall, Shrewsbury.



## Committee and Date

Northern Planning Committee

19<sup>th</sup> August 2025

## **NORTHERN PLANNING COMMITTEE**

### **Minutes of the meeting held on 15 July 2025**

**In the The Shrewsbury Room, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8H  
2.00 - 2.45 pm**

**Responsible Officer:** Emily Marshall

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

### **Present**

Councillors Julian Dean (Chairman), Mark Owen (Vice Chairman), Andy Davis, Rosemary Dartnall, Greg Ebbs, Adam Fejfer, Gary Groves, Ed Potter, Rosie Radford and Carl Rowley

### **15 Apologies for Absence**

No apologies for absence were received

### **16 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Northern Planning Committee held on 17 June 2025 be approved as a correct record and signed by the Chairman.

### **17 Public Question Time**

There were no public questions received.

### **18 Disclosable Pecuniary Interests**

Members were 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.

### **19 Land Adjacent Former Tern Hill Quarry, Tern Hill, Market Drayton, Shropshire (24/03087/EIA)**

The Principal Planning Officer introduced the which was an application for full planning permission for mineral extraction of sand and gravel to form a northwest extension of the former Tern Hill Quarry with phased restoration using imported inert material to reinstate agricultural land after operations with solar development; site management, access and associated infrastructure

In accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, the Committee Solicitor read a statement from Councillor Sarah Planton on behalf of Stoke upon Tern Parish Council against the proposal

Simon Hargreaves, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

**RESOLVED:**

That in accordance with Officer recommendation delegated authority be 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.

**20 Proposed Residential Development Land Adjacent Holmleigh, 34 Shrewsbury Road, Hadnall, Shropshire (25/00908/FUL)**

The Principal Planning Officer introduced the which was an application for full planning permission for the erection of 2 dwellings and associated landscaping.

Councillor Laura Tarburton made a statement in opposition to the application on behalf of Hadnall Parish Council in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

David Humphreys, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees. He confirmed that the applicant recognised that they would not be able to connect to the public sewer and that they would be installing a treatment plant as an interim solution.

**RESOLVED:**

That in accordance with Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1.

**21 Riverside Shopping Centre, Pride Hill, Shrewsbury, Shropshire (25/02137/AMP)**

The Principal Planning Officer introduced the application which was an application for Non Material Amendment for amendments to the approved staircase and lift shaft between the park area and Frankwell foot bridge, the relocation of internal plant equipment, addition of bullnose ends to steps and the relocation of 1 no. new tree attached to previously approved planning permission reference 24/03681/VAR - Variation of condition no. 2 (approved drawings) attached to planning permission 23/05402/FUL (as amended by 24/03682/AMP).

**RESOLVED**

That in accordance with Officer recommendation permission be granted due to the proposed amendment being considered non-material when having regard to the effect of the original permission.

## 22 Appeals and Appeal Decisions

### **RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the northern area as at 15 July 2025 be noted.

## 23 Date of the Next Meeting

### **RESOLVED:**

That it be noted that the next meeting of the Northern Planning Committee will be held at 2.00 pm on Tuesday 19 August 2025 at The Guildhall, Frankwell Quay, Shrewsbury.

Signed ..... (Chairman)

Date: .....

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Committee and date
Northern Planning Committee
19th August 2025

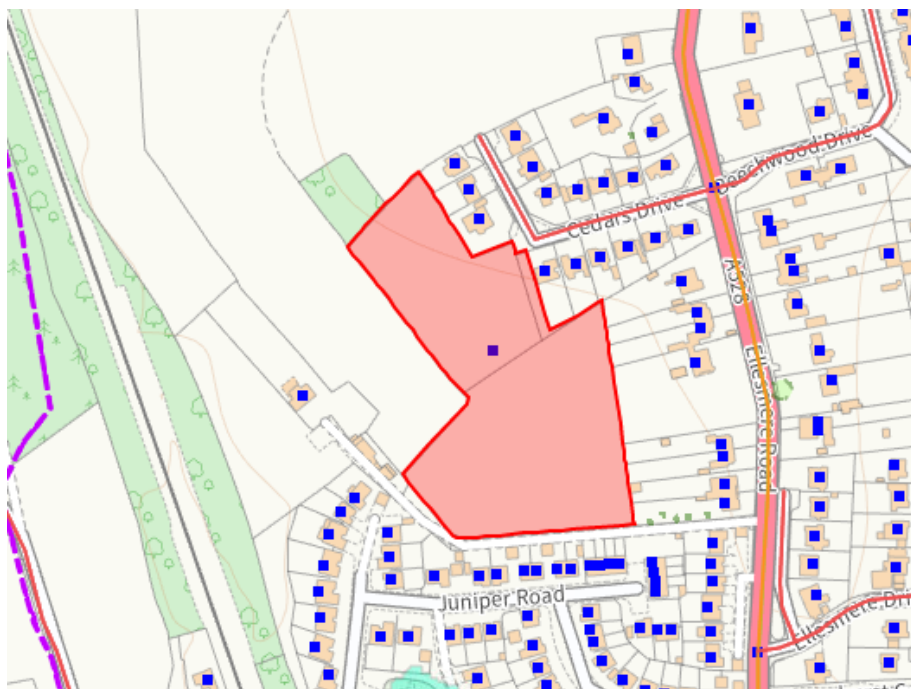
## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 24/04065/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of 38 dwellings, including associated works and landscaping		
<b><u>Site Address:</u></b> Proposed Residential Development Land to the West and South of Cedars Drive, Shrewsbury, Shropshire		
<b><u>Applicant:</u></b> Mr Luke Webb		
<b><u>Case Officer:</u></b> Sara Robinson	<b><u>email:</u></b> <a href="mailto:sara.robinson@shropshire.gov.uk">sara.robinson@shropshire.gov.uk</a>	

**Grid Ref:** 349166 - 314287



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**Recommendation:- Grant Permission** subject to a Section 106 agreement, and the conditions set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 38 affordable homes on land south of Cedars Drive, Shrewsbury.
- 1.2 The proposed scheme has been reduced from that previously withdrawn under application reference 24/01887/FUL. The application was withdrawn for the following reasons;
- The Transport Statement needs to take into account the traffic generated by all of the approved residential development proposals in the vicinity of the site, as well as that generated by the draft allocated site in the ELP, to the north.
  - Further assessment needs to be undertaken in regard to the justification/rationale given for the contributions put forward by the applicant. It needs to be demonstrated what improvements are required to the highway network and why.
  - Site layout in regard to design and layout, to ensure the design and layout and highway aspects are not looked at in isolation.
- 1.3 A revised Transport Assessment has been submitted as part of this application in order to address the concerns previously raised in relation to Highways and have been assessed by SC Highways.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site adjoins the development boundary of Shrewsbury. The proposed development site extends off of Cedars Drive to the east, to the south is Juniper Road, whilst to the north and west is agricultural land. The agricultural land is allocated for residential development under the draft plan under reference SHR173.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council and local member comments are contrary to officer recommendation. The application went before the Chair and Vice Chair of the planning committee at the agenda setting where it was agreed that the determination of the application should be by committee.

### 4.0 Community Representations

The comments provided below have been summarised. Full comments can be found on the Shropshire Council Website.



## 4.1 Consultee Comment

### 4.1.1 SC Archaeology (Historic Environment) - 11th June 2025

Please see comments from 06/12/2024;

It is advised, with regard to Policy MD13 of the Local Plan and Paragraph 200 of the NPPF (December 2024), that the archaeological desk-based assessment by Border Archaeology provides sufficient information about the archaeological interest of the proposed development site.

Given the results of the assessment, and in relation to Policy MD 13 of the Local Plan and Paragraph 211 of the NPPF (December 2024), it is advised that a phased programme of archaeological work should be made a condition of any planning permission for the proposed development. This should comprise an initial geophysical survey followed by targeted trial trenching. Subject to and informed by the results, this should then be followed by further mitigation as necessary.

### 4.1.2 SC Ecologist - 23rd June 2025

No objection:

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The Biodiversity Net Gain Assessment prepared by BWB (March 2025) shows a net loss on site of -2.31 (-42.53%) habitat units and -0.09 (-3.51%) hedgerow units.

Justification has been provided as to why a net gain in habitat and hedgerow units cannot be achieved on site. The justification provided is considered suitable to follow the mitigation hierarchy. A unit deficit of 2.86 habitat units and 0.36 hedgerow units will be purchased from a suitable habitat bank. Proof of the purchased units will need to be submitted to the LPA, along with the Biodiversity Gain Plan.

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of bat boxes/integrated bat tubes and bird boxes will enhance the site for wildlife by providing additional roosting habitat.

### 4.1.3 SC Learning & Skills - 18th June 2025

Shropshire Council Learning and Skills reports that current forecasts indicate the need for additional school place capacity. This development will 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 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 CIL developer contributions

### 4.1.4 SC Green Infrastructure Advisor - 9th July 2025

**LS034-P-005F Site Layout:**

- It is noted the new layout shows a surfaced path in the POS that will allow inclusive access for all. This is a positive addition.
- It is noted in the south POS; there is still a 'potential link path' shown which would link the POS to the adjacent track. This was previously ruled out by the developer as unfeasible - as the track adjacent is in private ownership. This should be removed from the revised landscape details plan.

**GL2460 LP 01 Landscape Details:**

- A revised version of this plan is required to reflect the new path layout, and to improve the LAP design as per previous comments. These items can be dealt with as a condition.

**4.1.5 SC Conservation (Historic Environment) - 10th June 2025**

We have no comments relevant to historic environment matters with this re-consultation.

**4.1.6 SC Landscape Consultant - 23rd June 2025**

Previously we requested a landscape strategy or detailed landscape information. Further information has been submitted.

We have reviewed these plans and found that they contain an appropriate level of information for the soft landscape proposals, including plant species, sizes, numbers and densities, and methods of cultivation and planting.

Implementation timetable for the soft landscape required, could be Conditioned as part of any grant of consent.

Previous comments requested clarifications to the relationship between tree root protection areas and various features on the landscape plans, and other plans. This has been addressed to some degree, with a revised AIA submitted. The more recent AIA has additional information provided, particularly in the sections relating to Below Ground Constraints, Excavation within RPAs and Fence Installation within RPAs, which gives reassurance with regard to retention of existing vegetation.

If the application is recommended for approval, we suggest that landscape conditions be applied to any grant of planning permission with suitable wording.

**4.1.7 SC Affordable Houses - 17th June 2025**

This affordable housing scheme is supported. The proposal includes an approximate mix and sizes of housing. All proposed dwellings meet Nationally Described Space Standards. The tenure split should be 70% social rented and 30% shared ownership which should be annotated on a block plan. The affordable dwellings should be transferred and managed by a Registered Provider. Planning permission should be subject to a S106 Agreement to ensure affordability in perpetuity and allocation in accordance with Council Policy.

#### 4.1.8 SC Regulatory Services - 23rd June 2025

Environmental Protection acknowledges receipt of the Phase II Ground Investigation Report prepared by Georisk Management Ltd (Report No. 23248/2, dated November 2024), submitted in support of the application.

The report concludes that, while the majority of soil samples are below relevant human health screening criteria, elevated concentrations of lead were identified in topsoil at two locations (WS6 and TP6). These exceed the Category 4 Screening Level (C4SL) for 'residential with home-grown produce' but not for 'residential without home-grown produce' or 'public open space'. Further assessment is required to determine the suitability of this material for reuse.

To ensure that any risks to future site users are appropriately managed, a condition is recommended to be attached to any grant of permission.

#### 4.1.9 SUDS - 4th July 2025

The submitted exceedance flow routes are acknowledged and have been reviewed with Shropshire Council's Flood Risk and Management Team.

The correspondence submitted on 26 June 2025, including the drainage information, is acknowledged.

The proposals are unlikely to significantly increase flood risk and therefore are acceptable.

#### 4.1.10 SC Trees - 16th April 2025

The Arboricultural Impact Assessment has been completed to an acceptable standard and provides a clear overview of the proposed impacts and mitigation measures. The categorisation of the trees is appropriate, and the proposed losses are considered minor and can be mitigated through new planting. Construction within RPAs and required pruning is acceptable subject to adherence to recommended practices and the preparation of a detailed Arboricultural Method Statement.

Further investigation is required in relation to the retaining wall near T8 to confirm that no significant root damage will result. This should be addressed before final planning approval is granted if no alternative design solution is feasible.

#### 4.1.11 West Mercia Constabulary -16th December 2024

Security Concerns

Garden Security (Plots 9–18):

Lack of closed board fencing raises concerns about vulnerability.

Recommendation: Install robust defensive barriers (walls or fencing) at least 1.8m high.

Alternative: Defensive planting may be acceptable, but requires further details and a risk assessment.

Pedestrian Links to Adjacent Land:

Two proposed pedestrian links could lead to anti-social behaviour (ASB) and provide escape routes for offenders.

Recommendation: Close off access from the estate to the adjacent open land to prevent unauthorised movement.

Design Recommendations

Secured by Design (SBD) Award:

Encouraged for the development to enhance crime prevention through environmental design and physical security.

Website for guidance: [www.securedbydesign.com](http://www.securedbydesign.com)

Policy and Strategy Alignment

Shropshire Core Strategy & Local Plan:

#### 4.1.12 SC Highways - 31/07/2025

Shropshire Council as Local Highway Authority raise no objection to the granting of consent in relation to the above-mentioned application, subject to the suggested highway contribution of £10,000 for pedestrian and cycle improvements within the vicinity of the site. £5000 bus infrastructure improvements. It is recommended that both contributions are secured through a Section 106 agreement, and paid prior to the commencement of works on site.

In relation revised drawing no. LS034-P-005G, we would raise no objection to the proposed layout. Where possible, we would advise that the level of parking for some plots (plots 1, 2, 21 and 24) should be increased in the event the layout is subject to further revision. Specifically Plots 1 and 2 which are located at the entrance to the site and on street parking may create an obstruction.

In relation to any conditions attached to any permission granted, In accordance with previous comments submitted, it is recommended that a planning condition is placed upon any permission granted that requires a construction management plan to be submitted prior to commencement and a further condition relating to the construction of the estate road.

#### 4.1.13 SC Rights of way - 26th November 2024

There are no Public Rights of Way shown on the Definitive map within this area therefore we have no comments to make.

### **Public Comments**

#### Shrewsbury Town Council

The Town Council in principle is supportive of schemes for affordable housing but this must be a sustainable development. Members have concerns regarding accessibility on to the road network and there needs to be assurance from the developer regarding traffic numbers and likely impact on the highway given the extent of the development on to Ellesmere Road over recent years and the potential cumulative impact increased traffic has. It is a concern that there are no comments from SC Highways yet on this

proposed development which is essential.

Members question the inclusion of the small amount of Public Open Space which appears from the drawings provided only to be accessible over a private drive. This should not be dependent on an easement for grant of access. Members are also disappointed to see there are no EV charging points or solar panels on this site.

#### Local Member

My main objection is the increased traffic accessing and egressing from Cedars Drive. 38 properties will almost treble the amount of vehicles using this narrow quiet Cul-de-sac.

At the very minimum a totally new access road should be constructed. If this is not possible then permission should not be granted.

#### Public Representations

Following the display of a site notice for the period of 21 days, over 50 public representations of objection were received at the time of writing this report. One public representation is in support whilst the remainder are in objection.

The reason in support is summarised below;

##### 1. Urgent Need for Affordable Housing

- The supporter emphasises the acute shortage of affordable, good-quality housing in Shrewsbury, particularly for younger people and those affected by the ongoing housing crisis.

##### 2. Location Benefits

The proposed development is seen as well-located, offering proximity to local amenities and accessibility by both walking and driving.

##### 3. Perspective on Objections

While acknowledging local safety concerns, the supporter notes that many objections come from individuals with secure housing who may not fully appreciate the severity of the housing crisis and its impact on those without stable accommodation.

The reasons of objection are summarised below;

#### 1. Highway Safety and Traffic Impact

- Cedars Drive is considered too narrow for increased traffic and construction vehicles, with existing issues of pavement parking and poor visibility.
- Residents anticipate queues, noise, and pollution from increased vehicle movements, with 80 parking spaces proposed.
- Ellesmere Road is described as extremely busy and dangerous to cross or join, with limited traffic calming measures. Speeding is common despite signage and a zebra crossing.
- The development is seen as non-compliant with NPPF paragraph 115, which states that development should be prevented if it has an unacceptable impact on highway

safety or causes severe residual cumulative impacts on the road network.

## 2. Pedestrian and Cyclist Safety

- Footpaths are described as narrow, uneven, and inaccessible for disabled users and families.
- Ellesmere Road lacks safe cycling infrastructure and is described as unpleasant and unsafe for walking or cycling due to narrow pavements and heavy traffic.
- Insufficient active travel provision.
- Proposed pedestrian links raise safety, ownership, and anti-social behaviour concerns.

## 3. Drainage and Flood Risk

- Repeated flooding has been reported at the rear of properties on Ellesmere Road, affecting garages and access routes. The site is a natural runoff area, and development is feared to increase flood risk.
- Objectors question the adequacy of proposed drainage solutions and the capacity of the existing sewer network. Residents also report reduced water pressure since the construction of Lime Tree Meadow, suggesting the water main is inadequate for further development.
- Concerns are raised about the lack of joined-up drainage and flood prevention measures across multiple developments in the area, including Lovells (Pension Way), Redrow (Juniper Road), Mara Homes, and the proposed Cedars Drive site.
- Reported issues and risks include: damage to garages, gardens, fences, and foundations; pollution spread; car damage; congestion from relocated vehicles; and significant anxiety among residents. Risks identified include harm to vulnerable individuals, increased pollution, stagnant water attracting pests, and mental health impacts from prolonged stress.

## 4. Pressure on Local Infrastructure

- Local services (healthcare, education, transport) are described as overstretched. Concerns are raised about school capacity, with Shropshire Council estimating the need for additional places (4 early years, 12 primary, 6 secondary, 4 post-16, and 1 EHCP). Greenfields Primary School is already over capacity by 37 pupils.
- Public transport is infrequent, with no Sunday or bank holiday service, and no town bus serving Ellesmere Road. The proposed £15,000 contribution is seen as inadequate.
- The site is considered too far from the town centre for walking, especially for elderly or mobility-impaired residents.
- The cumulative impact of nearby developments (approx. 2,000 dwellings) is cited as unsustainable.

## 5. Environmental and Amenity Impacts

- Construction is expected to cause noise, disruption, and loss of amenity.
- The Biodiversity Net Gain strategy is criticised for not meeting the 10% target and

omitting key habitat losses.

- Concerns are raised about the accuracy and enforcement of ecological assessments. The meadow is described as one of the last remaining greenfield sites in the area, supporting a wide range of wildlife including bats, birds, frogs, toads, newts, and wild rabbits. Residents report a noticeable decline in wildlife since the Redrow development.

#### 6. Impact on Elderly and Long-Term Residents

- Fears include home devaluation, ambulance access issues, and the psychological toll of prolonged disruption.
- Long-term residents express distress over the loss of peace and community character.
- Residents cite incalculable health impacts from construction noise, traffic, and stress, particularly for those already in poor health.

#### 7. Procedural and Consultation Concerns

- Objections cite poor timing of consultation (e.g. 25th December), lack of updated site notices, and inadequate engagement.
- Allegations include unauthorised site activity and misleading documentation.
- The Statement of Community Involvement is criticised as inaccurate and unrepresentative.

#### 8. Policy and Strategic Concerns

- The site lies outside the development boundary and is not allocated in the Local Plan (2026–2038). Objectors question why it is now being considered for development.
- The previous application was deemed viable only if the North West Relief Road (NWRR) proceeded. As this is no longer the case, objectors argue the proposal remains unsustainable.
- Residents highlight that hearings into Shropshire's long-term housing plan have been suspended, and question how planning proposals can proceed before this is resolved.
- The justification that the site adjoins an existing development is seen as insufficient to override its location outside the development boundary.

## **5.0 THE MAIN ISSUES**

- 5.1 Whether the provision of 100% affordable housing is acceptable in this countryside location that is directly adjacent to the built-up area of Shrewsbury, and whether there is a sufficient provision of public open space, as well as the potential highways implications of the proposed development.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

#### Adopted Local Development Plan

- 6.1.1 Core Strategy Policy CS1 seeks to steer new housing to sites within regional centres, market towns, other 'key centres' and certain named villages, whilst policy CS11 permits exception sites on the edge/outside of these identified settlements. Policy CS5 seeks to control development within the open countryside subject to exception sites which include;

*"...dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing / accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12;"*

- 6.1.2 The application site is located adjacent to the development boundary of Shrewsbury which is identified as the regional centre. Although the proposed development is located outside the development boundary, the proposed site adjoins the Shrewsbury development boundary and is for 100% affordable housing. Policy CS11 of the Shropshire Core Strategy (CS) states;

*"To meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. This will be achieved by:*

*....Permitting exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity."*

- 6.1.3 The provision of 100% affordable dwellings on the edge of Shrewsbury (the regional centre) is a benefitting factor, however the criterion needs to be met which includes; suitable scale, design, tenure, and prioritisation for local people and arrangements to ensure affordability in perpetuity, which will be discussed in the report below.

### 6.1.4 Draft Local Plan

Comments from the Inspectors on the local plan examination were received on the 17<sup>th</sup> February 2025 indicating that modifications required to make the Plan sound were significant and would require a significant amount of further supporting evidence and testing as part of the examination process. Unfortunately, the Inspectors consider that the timetable to undertake the work is unrealistic and have recommended that the local plan examination is withdrawn. The Council will not be continuing with the current draft Local Plan and have agreed for it to be withdrawn and not proceeded with, however the Cabinet decision continues to attach weight to the evidence base elements to the draft Local Plan.



#### 6.1.5 NPPF & Five Year Housing Land Supply

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. The new standard methodology for Shropshire has resulted in an increased requirement of 1,994 dwellings per annum which for the five year period 2024/25 to 2028/29 equates to a local housing need of 9,970 dwellings. With an additional 5% buffer of 499 the total requirement is 10,469.

6.1.6 The deliverable housing land supply on the 1st April 2024 was 9,902 and there is therefore a shortfall of 567 dwellings. Shropshire Council is therefore currently unable to demonstrate a five year supply of deliverable dwellings with only 4.73 years of supply.

6.1.7 Footnote 8 and 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. Footnote 8 indicates that where a Council cannot demonstrate a five year supply of deliverable housing sites, it means planning policies most important to the decision will be considered out of date.

6.1.8 The effect of this is that the tilted balance, as set out in paragraph 11 (d) of the NPPF, is engaged. Paragraph 11(d) of the NPPF states:

*d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

*ii. 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.*

6.1.9 This does not change the legal principle in Section 38(6) of the Planning and Compulsory Purchase Act (2004) that decisions on planning applications are governed by the adopted Development Plan read as a whole unless material considerations indicate otherwise. Paragraph 11(d) of the NPPF requires the decision maker to apply less weight to policies in the adopted Development Plan and more weight to the presumption in favour of sustainable development as a significant material consideration, described as the tilted balance.

6.1.10 Paragraph 11(d) highlights several important considerations to determine if a proposal is genuinely sustainable. Notably it:

- Directs development to sustainable locations.
- Expects efficient use of land.
- Requires well designed places.
- Maintains requirement for provision of affordable housing.

- Other policies in the NPPF are also relevant to determining sustainability of proposals.

6.1.11 The tilted balance has therefore been engaged in this instance.

## 6.2 Siting, scale and design

6.2.1 The proposed scheme has been reduced from that previously withdrawn under application reference 24/01887/FUL. The revised scheme shall feature a total of 38 affordable residential dwellings, comprising;

- 4 x 1-bed flats
- 2 x 2-bed bungalows
- 13 x 2-bed houses
- 17 x 3-bed houses
- 2 x 4-bed houses.

6.2.2 The design of the scheme will retain the local character of the area and existing residential properties. The dwellings are proposed to be of a conventional design with pitched roofs and symmetrical frontages. The dwellings are proposed to be finished in a mix of brickwork and render under a slate roof. The proposal would see higher housing density to those of the surrounding housing developments; however the proposal is for 100% affordable housing which results in smaller plots to ensure their affordability in perpetuity. The density is therefore considered to be acceptable on a development of this nature.

6.2.3 The layout of the scheme is well informed by the context in which it sits. The development positively addresses all green edges and areas of public open space, providing natural surveillance and a considered transition between green spaces and proposed homes. The layout and housing design provides sufficient separation distances are proposed throughout with regards to directly facing habitable rooms within dwellings.

6.2.4 All of the properties meet the minimum national design space standards. The development proposes a mix of single storey and two storey dwellings which is in keeping with its surroundings and the design of the properties are considered to complement the existing built-up area.

## 6.3 Affordable Housing

6.3.1 The proposed development will be 100% affordable. The SC Affordable Housing Officer has requested that the tenure split should be 70% social rented and 30% shared ownership which has been annotated on a block plan. The affordable dwellings should be transferred and managed by a Registered Provider. Planning permission should be subject to a S106 Agreement to ensure affordability in perpetuity and allocation in accordance with Council Policy.

6.3.2 The applicant has confirmed that they are satisfied to provide the tenure as requested by SC Affordable Housing and for this to be secured through a S106 agreement.

#### 6.4 Visual impact and landscaping

- 6.4.1 The proposal seeks to retain the existing mature trees and hedgerows along the boundary which assists in screening the proposed development. The site is located on the edge of the development boundary of Shrewsbury and Officers do not consider that the proposed development would result in an unacceptable visual or landscape impact within the built-up area.

#### 6.5 Public Open Space

- 6.5.1 The proposed development would result in an area of approximately 3180m<sup>2</sup> of Public Open Space (POS) whereby Policy MD2 would require a total provision of 2790m<sup>2</sup>. Officers note that the area of SUDS is included within the calculation.
- 6.5.2 However, policy MD2 identifies that an acceptable form of development should be capable of:  
*“Providing adequate open space of at least 30sqm 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.  
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.”*
- 6.5.3 The proposed area of POS does include the SUDS basin, however an area of local area for play (LAP) is included within the southern element of the POS. The layout and surfacing of the paths within the areas of POS have been amended in order for these areas to be more accessible.
- 6.5.4 The SC Green Infrastructure Officer had raised some concerns in relation to the POS proposed as part of the scheme. The proposed development has since been amended in order to address the concerns raised by the GI Officer. The proposed amendments have sought that the POS is accessible. Although the Officer had advised that the site allow access to Juniper Drive to the south, this would require crossing a private access drive. The Officer has since agreed that this proposal should be omitted. The proposal allows for hard surfaced access of the POS as well as access to the adjacent draft allocated site. The LAP design is still outstanding; however this shall be secured through an appropriately worded condition.
- #### 6.6 Highways
- 6.6.1 Cedars Drive is subject to a 30mph speed limit and has a 5m carriageway width. It is a no through road which serves 16 dwellings and forms a priority junction with the A528 Ellesmere Road. There are 1.8m wide footways either side of the carriageway on Cedars Drive.
- 6.6.2 SC Highways note that a contribution is proposed, however they advised that further review of the extent of improvements between the site and local facilities/services must

be undertaken to justify the level of contribution and consideration to developer implementing infrastructure rather than providing a contribution. A contribution is also proposed for a bus stop where SC Highways have again requested further review of the extent of improvements to the bus stops to be undertaken to justify the level of contribution and consideration given to direct delivery of infrastructure.

- 6.6.3 The LHA consider the sustainability of the site as reasonable however, a walking audit must be undertaken as well as improvements to bus stops.
- 6.6.4 The Transport Statement confirms that the applicant will submit a Construction Traffic Management Plan by way of a pre-commencement planning condition. The LHA consider that this would be acceptable and have recommended an appropriately worded pre-commencement condition to be attached to any grant of permission.
- 6.6.5 Following the submission of further details SC Highways have confirmed that they are satisfied with proposed contribution of £10,000 for pedestrian and cycle improvements within the vicinity of the site. £5000 bus infrastructure improvements. These contributions will be secured through a Section 106 agreement, and paid prior to the commencement of works on site. In relation to revised drawing no. LS034-P-005G, Highways raise no objection to the proposed layout.
- 6.6.6 Subject to the inclusion of appropriately worded conditions being attached to any grant of permission and the contributions being secured through a S106 agreement the proposed development complies with the relevant planning policies in relation to highways safety.

## 6.7 Other Matters

- 6.7.1 SC Tree Officer reviewed the Arboricultural Impact Assessment and is satisfied that it has been completed to an acceptable standard and provides a clear overview of the proposed impacts and mitigation measures. The categorisation of the trees is appropriate, and the proposed losses are considered minor and can be mitigated through new planting. Construction within RPAs and required pruning is acceptable subject to adherence to recommended practices and the preparation of a detailed Arboricultural Method Statement. However, the Officer had raised concerns in relation to the retaining wall near T8. The block plan has since been amended to remove the retaining wall which were proposed near T8.
- 6.7.2 West Mercia Police had raised concerns in relation to safety and the potential for anti-social behaviour. However, the applicants are experienced in providing affordable housing sites which meet the regulations required for registered landlords. If the applicants are satisfied that the gardens meet their own regulations, Officers are satisfied that the development would meet the advisory for security purposes A landscape condition will be attached to any grant of permission would secure the retention of the mature boundaries.

## 7.0 CONCLUSION

- 7.1 The application is considered following publication of the revised National Planning Policy Framework in December 2024 and the adoption of a new national standard method for calculating housing need, intended to significantly boost housing delivery across England. Further to this and the recent uplift in local housing need for Shropshire, the Council is unable to demonstrate a five year supply of deliverable dwellings. The Council's policies on the amount and location of residential development are no longer regarded as up-to-date and a need has been identified to support sites beyond the boundaries of designated settlements in order to supplement the County's housing targets.
- 7.2 As such the tilted balance, as set out in paragraph 11 d) of the NPPF, is engaged and the decision maker is required to apply less weight to policies in the adopted Development Plan and more weight to the presumption in favour of sustainable development as a significant material consideration.
- 7.3 The site adjoins the development boundary of Shrewsbury and proposes 100% affordable housing and therefore complies with Core Strategy policy CS11.
- 7.4 The layout, scale design and appearance of the development as amended is acceptable and would have no adverse impact on local or residential amenity and would enhance the character and appearance of the locality.
- 7.5 On balance, therefore it is the judgement of Officers that there are no material considerations of sufficient weight that would demonstrably outweigh the presumption in favour of sustainable development. The recommendation is therefore one of approval.
- 7.6 Planning conditions are proposed to deal with certain aspects of the design and finishes. Subject to the use of these conditions, as well as a S106 agreement to secure the Highways contributions, Biodiversity Net Gain, and Affordable Housing, the scheme will result in a high quality and well considered development that accords with best practice, the requirements of the approved design code and adopted planning policies as well as Paragraph 11 d of the NPPF (December 2024).

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

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice.

However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## **8.2 Human Rights**

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

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

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

## **8.3 Equalities**

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

## **9.0 Financial Implications**

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

## **10. Background**

### **Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:

### **Central Government Guidance:**

National Planning Policy Framework

**Shropshire Council Core Strategy (February 2011):**

CS1 : Strategic Approach  
 CS2: Shrewsbury Development Strategy  
 CS5: Countryside and Green Belt  
 CS6 : Sustainable Design and Development Principles  
 CS7: Communications and Transport  
 CS11: Type and Affordability of Housing  
 CS17 : Environmental Networks  
 CS18 : Sustainable Water Management

**Site Allocations and Management Development Plan (December 2016):**

MD2 : Sustainable Design  
 MD3 : Delivery of Housing Development  
 MD12 : Natural Environment

**RELEVANT PLANNING HISTORY:**

PREAPP/22/00460 Erection of 49no. affordable dwellings PREAIP 5th October 2022

24/01887/FUL Erection of 44No dwellings, including associated works and landscaping WDN  
 28th August 2024

**11. Additional Information**

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SLRRJUTDL6S00>

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 Benedict Jephcott
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 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. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds, badgers, great crested newts and hedgehogs as provided in Sections 4 and 5 of the Ecological Impact Assessment (BWB, October 2024).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species, badgers, which are protected under the Protection of Badgers Act 1992, birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended) and hedgehogs which are a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act.

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

4. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan 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.  
Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 192 of the NPPF.

5. No development shall take place until a construction management plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be submitted in support of the application and shall provide for:

- i. A construction programme including phasing of works;
- ii. A 24-hour emergency contact number;
- iii. Expected number and type of vehicles accessing the site:
  - Deliveries, waste, cranes, equipment, plant, works, visitors;
  - Size of construction vehicles;
  - The use of a consolidation operation or scheme for the delivery of materials and goods;
  - Phasing of works;
- iv. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
  - Programming;
  - Waste management;
  - Construction methodology;
  - Shared deliveries;
  - Car sharing;
  - Travel planning;
  - Local workforce;
  - Parking facilities for staff and visitors;
  - On-site facilities;
  - A scheme to encourage the use of public transport and cycling.
- vi. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- vii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- viii. Locations for storage of plant/waste/construction materials;
- ix. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- x. Arrangements to receive abnormal loads or unusually large vehicles;
- xi. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- xii. Any necessary temporary traffic management measures;
- xiii. Measures to protect vulnerable road users (cyclists and pedestrians);

- xiv. Arrangements for temporary facilities for any bus stops or routes;
- xv. Method of preventing mud being carried onto the highway;
- xvi. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan shall be adhered to throughout the construction period

Reason: In the interests of safe operation of the adopted highway in the lead into development during the construction phase of the development

#### 6. (a) Site Investigation and Risk Assessment

No development (excluding site enabling works) shall commence until an updated risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall be based on the submitted Phase II Ground Investigation and shall include further assessment of topsoil in the vicinity of WS6 and TP6 to confirm its suitability for reuse, particularly in proposed private garden areas. The risk assessment shall be undertaken in accordance with authoritative UK guidance.

#### (b) Remediation Scheme

If the updated risk assessment submitted under (a) identifies any contamination posing unacceptable risks to human health or the environment, or identifies materials unsuitable for use in private garden areas, then a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to further development (excluding site enabling works). The scheme shall include a plan for validation and verification, and once approved shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

#### (c) Verification of Remediation

Prior to first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The report shall confirm that any necessary remediation measures identified under (b) have been completed in accordance with the approved scheme, and shall include validation results relating to the reuse or disposal of topsoil from WS6 and TP6.

#### (d) Unexpected Contamination

In the event that previously unidentified contamination is found at any time during the development, this must be reported in writing immediately to the Local Planning Authority. No further development shall be carried out until a risk assessment has been submitted in accordance with condition (a), and where necessary, a remediation scheme has been submitted and approved in accordance with condition (b). Development shall then proceed in accordance with the approved details.

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.

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. Within six weeks prior to the commencement of development, a site walkover shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

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

9. No development shall take place (including ground works and vegetation clearance) until a landscaping plan of the onsite and offsite gains, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

1. (a) Tree Protection Plans showing the location of tree protection fencing, based on the most recent Arboricultural Impact Assessment, by BWB Consulting shall be submitted to and approved in writing by the local planning authority.

(b) Tree protection fencing shall be installed before any development of the Site commences.

2. Hard Landscape details and specification of all hard surfaces, as shown indicatively in Site Layout Plan LS034-P-005F shall be submitted to and approved in writing by the local planning authority.

3. An implementation timetable for Soft Landscape proposals as shown in GL2460 LP 01B shall be submitted to and approved in writing by the local planning authority.

4. (a) A landscape management and maintenance plan for the landscape proposals (as shown in plans GL2460 LP 01B and GL2460 SP 01) shall be prepared and submitted. The landscape management and maintenance plan shall be submitted prior to development commencement and shall be followed for a minimum of five years following planting.

(b) 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.

(c) The proposed landscape plan shall include the revised path layout and surfacing.

(d) The proposed landscape plan shall include an improved LAP design.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in accordance with planning policy.

10. Prior to commencement 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.

The scheme shall be fully implemented in accordance with approved details.

Reason: In the interests of highway safety.

11. 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 (whichever is the sooner).

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

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

12. Prior to the occupation of the site, the vehicular (and pedestrian) access to the site, and parking spaces shall be constructed and laid out in complete accordance with approved plan; LS034-P-005G.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

13. Prior to first occupation / use of the buildings, the makes, models and locations of wildlife enhancements 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 12 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 12 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 12 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 6 invertebrate bricks/hotels of integrated or external design, suitable for pollinators.
- A minimum of 4 hedgehog domes (standard design) to provide refuge for hedgehogs.
- A minimum of 1 hibernaculum, to provide 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%20%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 192 of the NPPF.

14. 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 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.

15. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The 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 08/23 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.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 classes A, AA, B and C shall be erected, constructed or carried out.

Reason: To ensure that the dwelling remains of a size which is "affordable" to local people in housing need in accordance with the Council's adopted affordable housing policy

### **Informatives**

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

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

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

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

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

#### 5. Nesting birds informative

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

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

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

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

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

#### General site informative for wildlife protection

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat

piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

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

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

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

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Committee and Date

Northern Planning Committee

19<sup>th</sup> August 2025

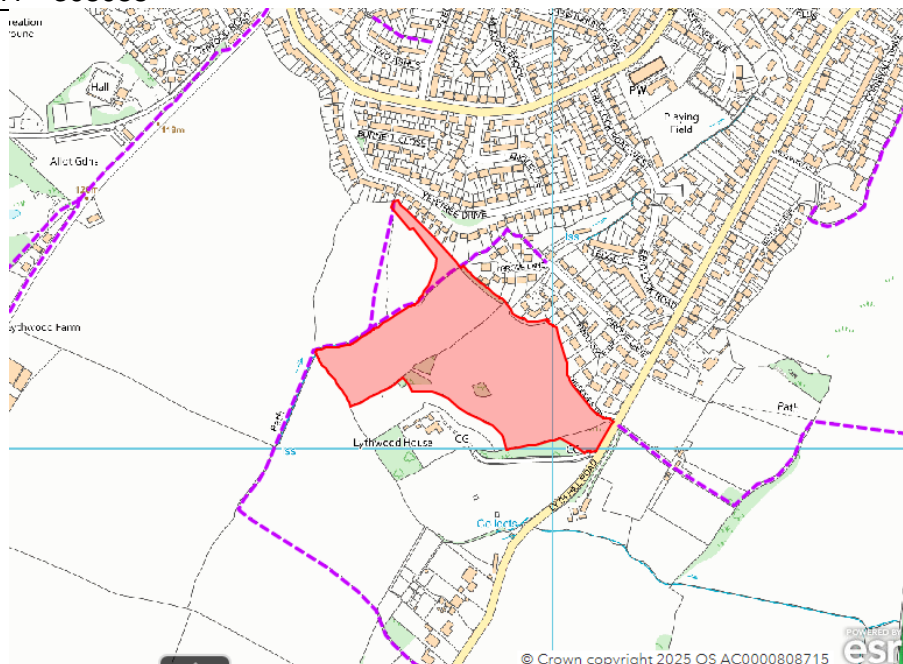
## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 24/00765/FUL	<b><u>Parish:</u></b>	Bayston Hill
<b><u>Proposal:</u></b> Hybrid planning application seeking (a) full planning permission for the creation of 114 dwellings, open space and infrastructure with access from Lyth Hill Road and (b) outline planning permission for up to 4no. serviced self-build plots		
<b><u>Site Address:</u></b> Land West Lyth Hill Road Bayston Hill Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Redrow Homes Midlands		
<b><u>Case Officer:</u></b> Kelvin Hall	<b><u>email:</u></b> <a href="mailto:kelvin.hall@shropshire.gov.uk">kelvin.hall@shropshire.gov.uk</a>	

**Grid Ref:** 347941 - 308088



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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 conditions, to cover the matters set out in Appendix 1.**

### **1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for residential development on land off Lyth Hill Road, Bayston Hill. It has been submitted in 'hybrid' form, i.e. with one element for full planning permission and the other for outline planning permission. The 'full' element proposes the construction of 114 dwellings. The 'outline' element is for four self-build plots. This outline element seeks permission for the principle of the development only, with detailed matters such as appearance and layout being reserved for future approval.
- 1.2 Full application  
The proposed houses would be a mix of detached, semi-detached and short terraces. They would be a range of sizes between 1- and 5-bedroom dwellings. A range of different house designs are proposed. External materials would include red multi-brick with brown and/or grey roof tiles, with render on some properties. Architectural detailing would vary across the units and would include: brick headers; porch canopies; bay windows; 'heritage'-style variants to standard designs. There would be a mix of attached and detached garages. Four of the units would be bungalows. These would be positioned at the northern part of the site, adjacent to existing properties along Amblecote Drive. The layout includes mixed housing densities across the site.
- 1.3 The site would be accessed from Lyth Hill Road to the east. This would lead to a tree-lined primary street, which would link to secondary and tertiary streets. Vehicle cul-de-sacs would generally link into pedestrian pathways which would provide connectivity throughout the site to areas of landscaped open space and play facilities.
- 1.4 The proposed layout is shown below:



#### 1.5 Outline application

The application also seeks outline permission for four serviced self-build plots. These would be located at the eastern side of the site. Permission for the principle of this element of the development is being sought at this stage. Full design details of these would need to be submitted for approval at the reserved matters stage.

#### 1.6 Pre-application consultation

The submitted Statement of Community Engagement sets out the steps that were taken by the applicant to consult on the proposals prior to formal submission. These included pre-application discussions with selected stakeholders including National Highways and the local highways authority; publicity with residents; pre-application advice from the planning authority; and consultation with the Parish Council.

1.7 The planning application is accompanied by a series of detailed technical reports, including: Landscape and Visual Impact Assessment; Ecological 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 at the southern side of Bayston Hill, a large village to the south of Shrewsbury. The site extends to approximately 6.2 hectares, and is currently agricultural land. Trees and hedgerow border the site to the north-west and north-east. The houses forming the southern extent of the village lie immediately to the north and east. Other land surrounding the site is undeveloped and principally in agricultural use. Vehicle access to the site would be gained from Lyth Hill Road to the east.

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

- 3.1 The application was discussed at an agenda-setting meeting, as the officer recommendation is contrary to the views of the Parish Council. It was agreed that the Parish Council have raised material reasons for their views and that it would be appropriate for the application to be determined by Planning Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

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

##### **4.1.1 *Bayston Hill Parish Council* Objects.**

*- Within the adopted Local Plan, policy S16.2 provides the development strategy for the settlement. It specifies that Bayston Hill has a residential development guideline of 50-60 dwellings to 2026 and that “development by infilling, groups of houses and conversion of buildings may be acceptable on suitable sites within the development boundary identified on the Policies Map”. No sites are allocated for development at Bayston Hill within the adopted Local Plan.*

*Within Bayston Hill, over the period from 2011/12 to 2021/22, 65 dwellings have been completed. As of 31<sup>st</sup> March 2022, 7 dwellings were committed on sites with Planning Permission or Prior Approval. In addition, 22/02517/FUL bring forward a further 23 dwellings. As completions already achieved exceed the residential development guideline of 50-60 dwellings within the adopted Local Plan, this residential development guideline has been achieved.*

*- This area is a greenfield site and next to a well-used and loved country park, with the current climate and food crisis it should remain green and available for agricultural use. In addition to this Shropshire Council has ambitious plans for nature recovery and this plan is in contradiction of these proposals.*

*- Serious traffic concerns for Lyth Hill, already exacerbated by on street parking making it a single lane in a number of areas and it services a 90-place nursery which makes it very busy morning and afternoon. Little Lyth junction will be even more unsafe with vastly increased traffic. Frequent closures on the A49 already cause Little Lyth Hill to become a dangerous “rat run”. The main junction at A49/Lyth Hill is already over capacity and has tail backs daily and requires traffic light control.*

*- Overdevelopment – it is clear from the plans that the density is not in keeping with the village and is out of character.*

*- Infrastructure – the village does not have a Secondary School and the Primary School is already at capacity. The GPs surgery is at capacity, evidenced by the failed recent push to have it relocated out of the village. The bus service has been cut to an “on demand” service that is sparse.*

- *There has been no public consultation. The Statement of Community Engagement that was uploaded to the Planning Portal on April 8<sup>th</sup> is the same document that was used for a previous speculative application. Given the time that has elapsed between the applications, large portions of the report are invalid. The Parish Council requests that a full public consultation is undertaken.*

- *Drainage and flooding. The area is well known for flooding and has done so several times this winter. Just this last weekend (April – 5-7<sup>th</sup> 2024) water was cascading down both Lyth Hill and Yew Tree Drive. There is no adequate mitigation for this in the new design.*

Comments 15/5/24: *Additional comment in response to comments made by the National Highways Authority as a statutory Consultee for this application.*

*Bayston Hill Parish Council declared a Climate Emergency in 2021 and has established a Carbon Neutral Working Group to develop plans and actions to help the Parish meet this aspiration. This application does not in any way help the parish to achieve this goal but increases the likelihood of failure considerably by introducing estimated 1493.4 CO<sub>2</sub>e per year based upon the Impact Climate Tool. There is little evidence that this is going to be offset in any significant way and this is further supported by the comment below in the National Highways Authority Consultation comments for this application.*

*The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport. National Highways Planning Response (NHPR 24-02) February 2024 modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.*

- *Walking distances for this development are at the preferred maximum or in excess of this.*

- *PROW should not be assumed to be suitable all year round for routine public use.*

- *On-road cycling is already precarious due to the already very busy nature of Lyth Hill Road and the amount of on street parking that is undertaken*

- *We do not currently have a regular and reliable bus service for the village.*

*For the above reasons and the concerns tabled by the National Highways Authority we cannot agree with the statement below as the summary for the Travel plan submitted by the developer.*

*Summary 3.27 The above review demonstrates that the site is readily accessible by a variety of modes of transport that have the potential to reduce reliance upon the private car. It is therefore considered that residents will have a real choice about how they travel and that the proposals therefore accord with the guiding principles of the NPPF*

#### 4.1.2 **SC Planning Policy** Supports the principle of the development.

##### Background

*These additional Planning Policy comments are intended to set out the changes to the policy context as a result of the amended NPPF, December 2024 and withdrawal of the Draft Shropshire Local Plan (2016-2038).*

##### The Adopted Plan

*The starting point for decision making remains the adopted local plan, which currently consists of the Core Strategy (2011) and Site Allocations and Management of Development Plan (SAMDev Plan) (2015).*

*The relevant planning policies of the adopted local plan which were highlighted in the original planning policy comments and won't be repeated in detail within this response, it is important to note they remain of relevance for the consideration of this planning application.*

##### Local Plan Review (2016-2038)

*When the original Policy comments were submitted the Draft Shropshire Local Plan (2016-2038) had been submitted for examination with the Planning Inspectorate and stage one public hearing sessions had been carried out. In October 2024 the second stage of public hearing sessions began. Following receipt of Inspectors letters in January 2025 (ID47) and March 2025 (ID48) which raised soundness and timetabling concerns, it is now recommended that this plan be withdrawn and no further work is being undertaken. At the full Council meeting held 17<sup>th</sup> July 2025 it was formally agreed to withdraw the draft local plan (2016-2038) in accordance with Section 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012.*

*The Cabinet decision of 12<sup>th</sup> February 2025 resolved to allow material weight be given to the evidence base supporting the 'withdrawn' draft local plan. It is important to note this decision does not introduce new planning policy, rather seeks to provide a positive and pragmatic approach for the delivery of sustainable development in Shropshire in the period before the Council has a newly adopted Local Plan. All planning decisions will continue to be made in accordance with national planning legislation and guidance.*

*In this instance Bayston Hill was intended to remain a Community hub (draft policy SP2, S16.2) with the evidence base re-enforcing the case that Bayston Hill is a sustainable location.*

*The site subject to this application was proposed to be included within the development boundary for Bayston Hill and allocated for residential development within the draft Shropshire Local Plan (allocation reference BAY039). Consideration should be given to the draft site guidelines (Schedule 16.2(i)) and relevant draft policies highlighted within the previous policy comments which would assist with the creation of a sustainable development.*

##### National Planning Policy Framework and Housing Land Supply

*The National Planning Policy Framework (NPPF) and 'standard methodology' for assessing Local Housing Need were amended on 12<sup>th</sup> December 2024. The amended NPPF and new standard methodology result in an increased Local Housing Need for Shropshire of 1,994 dwellings per year (compared to 1,070 dwellings previously). This has an immediate and direct implication for Shropshire's housing supply which in turn has implications for decision making.*

*The most recent Five-Year Housing Land Supply Statement using the new 'standard methodology' was published 13<sup>th</sup> February 2025 with a base date of 31<sup>st</sup> March 2024. This assessment concludes that whilst a very significant supply of deliverable housing land exists in Shropshire of 9,902 dwellings, this falls around 567 dwellings short of a five year housing land supply, based on the new Local Housing Need, constituting a 4.73 years' supply of deliverable housing land. As such the Council considers it is currently unable to demonstrate a five year housing land supply.*

*Implications for decision making:*

*Footnote 8 and 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.*

*Footnote 8 of the NPPF indicates that where a Council cannot demonstrate a five year supply of deliverable housing sites, it means its planning policies most important to the decision will be considered out of date.*

Paragraph 11(d) of the NPPF states: "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. 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."

This does not change the legal principle, set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, that decisions on planning applications are governed by the adopted Development Plan read as a whole, unless other material considerations indicate otherwise. Rather paragraph 11(d) requires the decision maker to apply less weight to policies in the adopted Development Plan, and more weight to the presumption in favour of sustainable development as a significant material consideration, when reaching a decision. It is for this reason that it is commonly referred to as the 'tilted' balance.

Importantly, the 'tilted' balance approach maintains the general principles of good planning, in that development should be genuinely sustainable in order to be approved. Indeed, paragraph 11(d) of the NPPF specifically highlights several

important considerations for the Council before concluding whether a proposal is genuinely sustainable. Notably it directs development to:

- *sustainable locations;*
- *ensures it makes efficient use of land;*
- *secures well designed places; and*
- *provides affordable housing.*

*Other policies of the NPPF will also be relevant in determining the sustainability of proposals.*

*The extent of the shortfall of the five year housing land supply is a further material consideration that should be considered by the decision maker. In Shropshire, whilst a shortfall is acknowledged, this is relatively small in the context of the total required supply (567 dwellings of a required 10,469; with the five year supply some 0.27 years short).*

*In applying paragraph 11(d) of the NPPF Planning policy would make the below observations:*

- *Sustainable location: Bayston Hill is a designated hub within the adopted development plan and has a range of services and facilities including a nursery, primary school, regular public transport connections, shops, play area, medical centre. The site is as such located on the edge of a sustainable settlement considered capable of accommodating residential development.*
- *Efficient use of land: The site was proposed to be allocated to provide around 100 dwellings (BAY039). The evidence base for the withdrawn draft location plan concluded that this was a suitable location to contribute towards the growth of Bayston Hill in a sustainable manner. It is acknowledged the scheme would result in 18 dwellings more than the proposed site guidelines, which would result in a slightly higher density development than that set out within the draft site guidelines for this proposed allocated site. However the sites development guideline of 100 dwellings is not an upper limit. In circumstances such as this where proposals result in the site provision figures being exceeded, focus should be on whether the development constitutes high quality design, informed by consideration of compliance with the relevant adopted development plan policies, draft site guidelines and policies within the draft Local Plan.*
- *Secures well-designed places: This is specific to the scheme and will depend on the detail of the proposals, attention is drawn to plan policy CS6 and MD2 which encourages proposals to contribute to and respect local distinctiveness, valued character and existing amenity value.*
- *Provision of affordable housing: The expected affordable housing contribution in this location is 20% which would equate to a contribution of 23.6. The proposals indicate the provision of 28 affordable dwellings which is a slight over provision.*

Previous comments:

The above comments update the Planning Policy team's previous comments. Those previous comments were made prior to changes to the NPPF which resulted in the Council no longer being able to demonstrate a five year housing land supply; and



prior to the proposed withdrawal of the draft Local Plan. The comments continue to have some relevance, and those relevant parts can be summarised as follows:

- *The site was proposed to be allocated for residential development in the Draft Shropshire Local Plan*
- *A previous application for residential development on this site was refused in 2017, with the reasons being that the provision of housing outside of the Development Boundary contrary to the Development Plan and was unjustified in the context of there being a 5 year housing land supply [at that time] and that the site was not in a sustainable location; that the development exceeded the settlement guidelines and would result in the loss of higher quality agricultural land*
- *Notwithstanding adopted Development Plan policies, Bayston Hill is considered to be a suitable location for sustainable development, given that it is identified as a Community Hub in the Local Plan*
- *The settlement guideline for new housing in Bayston Hill, as set out in the Development Plan, is for 50-60 dwellings to 2026; the guideline relies on windfall development within the identified Development Boundary and any affordable housing on appropriate exception sites; the proposed development does not conform with the adopted Development Plan*
- *Housing completions in Bayston Hill already exceed the above guideline*
- *In relation to housing development which was granted at Meole Brace on appeal in 2021; the weight that the inspector gave to the fact that the site was a draft allocation was limited; the Inspector found that the proposals made provision of material considerations which resulted in significant economic, social and other benefits which when considered cumulatively were concluded to weigh in the balance in favour of approval despite the development being contrary to the adopted development plan*
- *In the draft Local Plan [now being withdrawn], it was proposed that Bayston Hill would continue as a Community Hub and would provide around 200 houses; the draft allocation indicated around 100 dwellings for this site, alongside the following site-specific factors:*
  - *'The development will incorporate an appropriate access and make any necessary improvements to the local and strategic road network, informed by consultation with Highways England and an appropriate Transport Assessment (including consideration of cumulative impact).*
  - *A review of traffic speeds along Lyth Hill Road will be undertaken and any necessary interventions implemented.*
  - *A footpath will be provided along the sites eastern road frontage and continue up to Grove Lane.*
  - *Strong and significant natural site boundaries will be provided and green infrastructure corridors, including effective native planting, will form an intrinsic component of this development. The watercourse running along the sites northern boundary will be appropriately buffered and form a green infrastructure east-west corridor. The main hedgerow within the site will form the focus for a north-south green infrastructure corridor.*
  - *Trees and hedgerows on the site will be retained and enhanced and if possible, the watercourse will be deculverted. A central green space/pocket park suitable for recreational use by residents and connected to the green*

*links will be provided.*

- *The site will incorporate appropriate sustainable drainage and attenuation ponds, informed by a sustainable drainage strategy. Any residual surface water flood risk will be managed by excluding development from the affected areas of the site, which will form part of the Green Infrastructure network. Flood and water management measures must not displace water elsewhere.'*
- *Commentary on policies that were being proposed as part of the draft Local Plan [which is to be withdrawn]:*
- *The proposed housing mix accords with [previously proposed] draft policy DP1(2)*
- *The proposal accords with part 3 of [previously proposed] draft policy DP1 in that all of the affordable dwellings would achieve the nationally described space standards. In addition, with the exception of one house type, all of the open market dwellings would also comply with the space standards*
- *The proposal accords with part 5 of [previously proposed] draft policy DP1 in exceeding the requirement that at least 5% of the dwellings would be built to M4(3) (Wheelchair user dwellings) standard and a further 70% of the dwellings to be built to M4(2) (accessible and adaptable dwellings). The current proposal provides for 5% and 83.3% respectively.*
- *The dwellings would be built to Future Homes Standard, with homes fitted with air source heat pumps. An option to incorporate solar PV panels into the design of the dwellings will also be available. Low embodied carbon materials are proposed to be used within the construction*
- *The review of BNG provision as requested by the Council's Ecology team is acknowledged*
- *This draft policy seeks the delivery of good quality, accessible and well-maintained open space as an essential part of new development. Paragraph 5 of the draft policy confirms there is a preference for open space provision to form an integral part of opportunities to improve green infrastructure networks in line with draft policy DP14 (green infrastructure). It is proposed that open space provision be located appropriately within the site to offer best opportunity for access to all residents. Fragmented parcels of open space are proposed to not be acceptable.*
- *There would be an over-provision of open space in relation to the expectation of the [previously proposed] draft Local Plan policy DP15, and this would be a welcome and positive material consideration in favour of the proposal*
- *The Planning Policy team stress that the application would need to be considered in relation to the draft Local Plan as a whole.*

#### 4.1.3 **SC Affordable Housing** No objection.

*The proposal seeks full planning permission for 114 dwellings of which 28 are proposed to be affordable and thereby proposing 24.56% of the total provision. Adopted planning policy currently requires 20% affordable housing for the site area. The proposed tenure split is indicated as 70% affordable rented (20 dwellings) and 30% shared ownership (8 dwellings). This tenure split reflects the requirements set out in the Supplementary Planning Document and responds to evidence which supports this tenure split.*

*The affordable dwellings meet Nationally Described Space Standards and either M4(2) or M4(3). A schedule of affordable housing dwellings should be provided and indicating on a plot by plot basis the number bedroom number and affordable tenure. Such a schedule should be annexed to a S106 agreement if the development is supported. There will be an expectation that the affordable dwellings are transferred to a Registered Provider and allocated in accordance with Council Policy. The affordable dwellings should be transferred to a Registered Provider before 50% of the open market dwellings are occupied.*

The Affordable Housing team's comments below were made prior to changes to the NPPF which resulted in the Council no longer being able to demonstrate a five year housing land supply; and prior to the proposed withdrawal of the draft Local Plan. The comments continue to have some relevance, and those relevant parts can be summarised as follows:

*In relation to the draft Local Plan [which is now to be withdrawn]:*

- *Previously-proposed draft Local Plan policy DP2 Self Build & Custom Build Housing encourages 10% of dwellings on larger sites to be made available as serviced self-build plots*
- *Previously-proposed draft Local Plan policy DP3 sought to increase the affordable housing rate in this area from 15% to 20%. The proposal would over-provide on both of these rates*
- *The affordable housing mix provides for 1,2,3 and 4 bed provision, the balance of which is considered acceptable*
- *The proposed market housing mix is compliant with that which was to be required under draft Local Plan policy DP1 re size, and meeting M4(3) (wheelchair user dwellings) and M4(2) (accessible and adaptable dwellings) standard*

#### 4.1.4 **SC Archaeology** No objection.

*The results of a pre-determination trial trench evaluation has been provided in support of the application. Officers confirm approval of the report by Headland Archaeology. No further archaeological mitigation is required.*

*Recommendation: With regards to the requirements of Policy MD13 of the Local Plan and Paragraph 200 of the NPPF (December 2023), a Heritage Statement by RPS has been submitted with the planning application. This summarises the results of the previous archaeological assessments of the site as outlined above and is considered to provide sufficient information about the archaeological interest of the proposed development site to enable an informed planning decision to be made.*

#### 4.1.5 **SC Conservation** No objection.

*The updated Heritage Statement concludes there are no designated heritage assets within the site or near to the site. There is reference to a former Parish boundary and marker stone found along the north-western boundary, ref. HER Number (PRN): 35339. This non-designated heritage asset should be protected fully during any*

*associated works arising from this application.*

**4.1.6 SC Landscape** No objection.

*Following previous comments the LVIA has been amended satisfactorily to include amendments to assessments of landscape and visual sensitivity. Our recommendations have been reasonably addressed.*

**4.1.7 SC Green Infrastructure Advisor** No objection.

*Details of the LEAP play area are still required and can be dealt with by condition. Consideration needs to be made to the boundary treatment around the LEAP as the current Enclosures Plan shows a large opening onto this space. The LEAP should provide a range of play experiences and include inclusive and accessible play equipment.*

**4.1.8 SC Ecologist** No objection.

*Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17. These cover the following matters: pre-commencement badger survey; submission of a Construction Environmental Management Plan for approval; submission of a Habitat Management Plan for approval; submission of Reasonable Avoidance Measures Method Statement for great crested newt; submission of details of wildlife boxes for approval; and details of any external lighting; requirement for working in accordance with mitigation and enhancement measures.*

*The Breeding Bird Report, Bat Survey Report, and Ecological Impact Assessment provide an appropriate level of survey work. The Ecological Impact Assessment determined the site to be of negligible ecological importance, with regards to habitats present (primarily consisting of arable crop and modified grassland). Precautionary method statements have been provided with respect to amphibians, badgers and reptiles.*

*The Breeding Bird Report determined that the breeding bird assemblage of the site is typical of the present habitats and consists of common and widespread generalist species, and that the assemblage associated with the arable fields was considered of negligible nature conservation importance while that associated with the bramble scrub, woodland, and hedgerows was considered of Site nature conservation importance.*

*The Bat Survey Report (FPCR, October 2024) determined that none of the trees to be removed contained potential roosting features and therefore no further consideration with respect to bats is necessary during the felling process. The foraging and commuting surveys found a mix of unidentified Myotis species, noctules, brown long-eared bats and barbastelle foraging, with the most common species being common and soprano pipistrelle. Lesser horseshoe bats and Nathusius's pipistrelles were also infrequently recorded. It states that the anticipated habitat losses, that will*

*predominantly be of arable land of negligible value commuting/foraging habitat, will have no more than a minor impact upon foraging and commuting bats and therefore such loss is not considered to be significant.*

*The completed Biodiversity Net Gain Assessment and Statutory Metric (FPCR, August 2024) demonstrates a net gain on site of 1.85 (14.14%) hedgerow units. This will be achieved via the planting of species-rich native hedgerow with trees and enhancement of the existing native hedgerow with trees.*

*The site currently set a net loss of -1.65 (-10.98%) habitat units. The Biodiversity Net Gain Assessment (FPCR, August 2024) states; 'Based on proposing habitats that are readily achievable and common place in residential development of this type, the assessment has demonstrated proposals will lead to a net LOSS of -1.65 habitat units. This is largely due to the inevitable loss of cultivated grassland, woodland and trees to facilitate the development has limited the net gain due to the habitat not being fully compensated/offset within the scheme.' The development proposes off-site measures for securing the mandatory 10% biodiversity gain. Given the scope the development I am satisfied that this meets the BNG hierarchy, as a net gain on-site would not be feasible for the proposed development.*

*Because the BNG will be provided off-site, this will need to be secured via a S106 agreement.*

*Any external lighting to be installed on the buildings should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.*

#### 4.1.9 **SC Trees** Recommends a condition.

*The submitted Arboricultural Impact Assessment concludes that 2 individual trees (1 Category B, 1 Category C); 2 internal groups (comprising 10 Category B trees and 13 Category U trees); and 3 small group segments of G12 (equating to ~10% of its total area) are proposed for removal to facilitate the development layout. In addition, approximately 80 linear metres of hedgerow, across 5 site segments, are proposed for removal to enable road, pedestrian routes, and swale construction.*

*While this will result in a temporary reduction in canopy cover, the AIA anticipates this will be re-established and improved over time through newplanting integrated into the development's street scene and open spaces. Retention of the majority of boundary trees, alongside replacement planting, will ensure the site retains a well-treed character and maintains visual amenity and arboricultural value.*

*The AIA reasonably concludes that the impact of these removals can be mitigated through a comprehensive landscaping scheme. However, concerns are raised regarding the landscape masterplan, which places a significant number of new trees within private front gardens. These locations may not provide sufficient space for the successful long-term establishment of structural landscape trees. Furthermore, the proposed species are predominantly smaller, short-lived varieties.*

*Importantly, there is adequate separation between retained trees and proposed dwellings to ensure a sustainable and positive relationship between future occupiers and existing trees. The AIA also notes that some tree and hedgerow pruning will be required to facilitate garden construction along the north-eastern boundary. This is acceptable provided all works comply with BS 3998:2010 (Tree Work – Recommendations).*

**Recommendation:**

*The landscaping scheme should be revised to provide additional space for the planting of structural trees. Street tree planting must be supported by evidence of sufficient soil volume and growing conditions to ensure long-term viability.*

*In several locations, construction will encroach into Root Protection Areas (RPAs). The AIA states these will be managed through no-dig construction methods and an Arboricultural Method Statement (AMS). Full details of no-dig construction and RPA protection measures to safeguard the retained trees during development.*

**4.1.10 SC Regulatory Services** No objection.

**Amenity**

*Given the scale of development and close proximity of existing housing to the site there is some potential for noise and dust impact upon local residents during construction phase. It is recommended that a condition is imposed to require the submission of a construction management plan for approval which includes measures to control noise and dust impact.*

**Land Contamination**

*The Desk Study report has concluded that the risk of the site being considered contaminated with regards to human health is considered low to moderate. The sensitivity of the proposed use with regards to contamination is considered high based on the proposed residential end use. While no significant potential sources of contamination have been identified within the Site Conceptual Model it is recommended that site investigation works are undertaken to confirm the potential risk to the identified receptors are at an acceptable level.*

*A Coal Authority Report indicates that the site lies within an area which may have been affected by coal mining. In such areas, the Local Planning Authority will require a Mine Gas Risk Assessment (MGRA) to be undertaken.*

*All test results for the potential contaminants of concern in soils are below the relevant assessment criteria, and therefore no remedial action in respect of risk to human health is considered necessary.*

*Further ground gas monitoring is required having regard to current standards, to support the conclusions of the risk assessment that is based on insufficient monitoring data, and a mine gas risk assessment is required in accordance with the CL:AIRE 2021 Guidance. Therefore, if planning permission is granted, a condition must be added to require the submission of a Site Investigation Report and Mine Gas Risk*

*Assessment for approval, and the implementation of a Remediation Strategy if required.*

#### Air Quality

*Environmental Protection has reviewed the air quality report dated February 2024 ref 21754-ENV-402 Rev A and has the following comments:*

*The Air Quality assessment provided with the application carried out a simplified screening assessment in accordance with the Design Manual for Roads and Bridges (DMRB) this assessment provides a prediction of air quality levels for the year of completion both with and without the proposed development. Data from existing diffusion tube monitoring on the A49 was used to verify the results of the assessment which concluded that, with additional traffic as a result of the proposed development, the NO<sub>2</sub> and PM<sub>10</sub> concentrations would remain below the national air quality objectives and the level of change would be small (0.4ug/m<sup>3</sup> or less to the annual mean concentrations).*

*The ambient concentrations of local traffic emissions were predicted to be less than 93% of the Air Quality Assessment Level (AQAL), and the % change in concentration relative to the AQAL due to development traffic was calculated to be no more than 1%. On this basis, the development's impact on local air quality is predicted to be 'negligible' when assessed in accordance with the Land-Use Planning & Development Control: Planning for Air Quality 2017 guidance.*

*Although the proposed development is not predicted to have a significant impact on local air quality to prevent a cumulative creep in pollutant emission levels a Travel Plan has been provided to promote sustainable travel measures. It is important that this travel plan improves accessibility to Bus services to minimise additional traffic around the junction with the A49.*

*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 dust impact during some construction phases if appropriate mitigation measures are not taken. Therefore, it is important that a dust management plan is a condition of any consent granted. This can be incorporated into the Construction Environmental Management Plan (CEMP).*

#### **4.1.11 National Highways** Recommends conditions.

##### Transport

*Junction Capacity Assessments: National Highways has reviewed the development impact in line with guidance provided by Circular 01/22 and therefore has no requirement for mitigation at the junction of Lyth Hill and the A49. The evidence provided and reviewed by National Highways shows that the traffic impact on the SRN will not be severe.*

##### Construction

*Due to the scale of the development, National Highways will require further*

*information regarding construction impacts. This can be dealt with through a suitably worded planning condition.*

- 4.1.12 **Active Travel England** No objections. Has offered standing advice and encourages the consideration of this as part of the assessment of the application.

The standing advice includes advice on what matters are appropriate to consider as part of new developments, including: opportunities for active travel; pedestrian and cycling forecasts within Transport Assessments; analysis of local pedestrian, cycling and public transport infrastructure; pedestrian and cyclist access to local amenities; access to public transport; off-site transport contributions; site permeability; placemaking; cycle parking; travel planning.

- 4.1.13 **SC Highways Development Control** No objections.

*It was identified that matters previously raised remained outstanding these were as follows:*

*1) Concern with regard to the likely impact on Lyth Hill Road, and would seek confirmation from the applicant they would be willing to carry out further works than currently detailed on Drawing no. T22550-001-Rev E. or make a local highway contribution towards the implementation of the works.*

*In response to concerns raised, specifically safety on Lyth Hill Road and concerns with regard vehicle speeds, various options and mitigation measures have been considered. The introduction of formal traffic calming measures such as raised junction plateaus, between the site entrance and A49 has been considered. However, this would be subject to a feasibility study and would require the introduction of a system of street lighting. It is not considered that in view of the likely impact as a result of the development that the introduction of physical traffic calming measures would be proportionate to the scale and likely impact of the development. The option to take forward formal traffic calming measure was not considered viable.*

*The following measures have been put forward and agreed with the applicant. The applicant has agreed to provide Section 106 contribution to fund an additional Vehicle Activated Sign (VAS) on Lyth Hill Road to help reduce vehicle speeds. It is considered that the introduction of localised parking restrictions along Lyth Hill Road would regularise the parking along Lyth Hill Road. These works would be subject to statutory consultation, and therefore also subject to a Section 106 contribution. The final measure put forward would be the possible introduction of a STOP Line at the junction with Lythwood Road. These works would be subject to further consideration to establish if the criteria is met and would be subject to approval by West Mercia Police. This would be subject to consultation so would also be subject to a Section 106 contribution.*

*In view of the above, it is requested that a further Section 106 contribution of £30,000 is secured in addition to other Section 106 contributions outlined within comments submitted.*



2) The request to undertake a walking audit from the site identifying any pedestrian infrastructure improvements from the site to local facilities and bus stops within Bayston Hill (including ProWs.)

*In relation to the walking audit, Shropshire Council as Local Highway Authority do not have any further comments, other than in relation to the development, pedestrian and cyclists are likely to route along Lyth Hill Road but also Footpath 0406/11A/1 onto Grove Lane/Yew Tree Drive, the footpath is in a reasonable state of repair but consideration could be given to providing wayfinding signage within the development. It is recommended that these works are subject to a planning condition attached to any permission granted.*

Layout

*The principle of the proposed layout of the development is acceptable from a local highway authority perspective. It is considered that the areas identified to be put forward for future adoption are acceptable in principle subject to Section 38 technical details being submitted being submitted and approved.*

*Any proposed trees within the highway boundary will be subject to a commuted sum payment, along with any other non-standard materials, subject to Shropshire Council's commuted sum at the time of application. The service strip adjacent to Plot 36, should be retained for highway purposes and not transferred to a management company. Consideration should be given to how the visitor spaces are going to be maintained so can be used by all, they do not appear to have been included in the areas to be transferred to the management company.*

Proposed site access

*Details of the proposed access to the site are acceptable in principle. It is recommended that prior to commencement details are submitted for approval and works completed prior to the occupation of the first dwelling.*

Section 106 contributions

*Passenger Transport contribution of £136,800 payable prior to first occupation and any unspent contribution returned within 10 years.*

Framework Travel Plan

*It is recommended that a condition is placed upon any permission granted that requires a Travel Plan to be submitted and approved prior to the occupation of the first dwelling and annual surveys submitted for 10 years following the first occupation. A travel plan monitoring contribution of £10,000 will be required to be secured through the Section 106 agreement.*

*Recommended conditions to cover the following matters to be submitted for approval: engineering details of access; estate street phasing and completion plan; engineering details of drainage, street lighting and construction; construction management plan; Travel Plan.*

4.1.14 **SC Rights of Way** No objections.

*Public footpath 11/11A has been accurately identified and considered within the planning application.*

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

*The inclusion of the flood alleviation area in the west of the site is acknowledged and considered betterment, with regards to the collapsed downstream culvert. However, the plans show that area to the north, closer to the existing culvert, has been allocated for self-build plots. The applicant will need to indicate what infrastructure provision has been included, to enable these plots to discharge surface and foul water flows without causing flood risk. The applicant should confirm that appropriate provision has been accounted for within the site wide drainage calculations or indicate an appropriate drainage strategy for these plots.*

- 4.1.16 **SC Waste Management** No objection.

Standard comments provided which are summarised as follows:

- *Adequate storage space is required for fortnightly collections; space of three wheelie bins could be required*
- *Highway should be suitable to facilitate safe and efficient collection of waste*
- *Vehicle tracking is preferred to demonstrate that vehicles can access and turn on the estate*
- *Particular concern regarding any plots which are on private drives that vehicles would not access*
- *Bin collection points need to be identified*

- 4.1.17 **SC Learning and Skills** No objection.

*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 CIL agreement.*

## 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 Approximately 485 public objections have been received. The matters raised are summarised below.

### Infrastructure and Services

- Local GP surgery and dental practice already at/beyond capacity.

- Primary school full; no local secondary school; concerns about school transport and capacity.
- Shops and amenities: parking already limited; concerns about further strain.
- Public transport: regular bus service discontinued; on-demand service seen as inadequate; car dependency expected to increase.

#### Traffic, Access, and Road Safety

- Lyth Hill Road described as narrow, with significant on-street parking.
- Road already busy due to country park, nursery, and residents.
- Junction with A49 considered dangerous and over capacity; long queues, poor visibility.
- Concerns about increased congestion, pollution, and risk of accidents.
- Pedestrian and cyclist safety: lack of pavements, narrow footpaths, hazardous for children, walkers, cyclists, horse riders.
- Anticipated disruption and hazards from construction traffic.

#### Drainage, Flooding, and Environmental Impact

- Existing problems with surface water flooding, overwhelmed drains, and field runoff.
- Scepticism about adequacy of proposed drainage solutions.
- Site is valued as agricultural land and greenfield; loss seen as detrimental to biodiversity and village character.
- Concerns about destruction of habitats, loss of mature trees/hedgerows, negative impact on wildlife (including protected species).
- Doubts about biodiversity net gain calculations and mitigation.
- Development seen as contrary to climate emergency declarations and nature recovery strategies.

#### Overdevelopment and Planning Policy

- Proposed number of dwellings considered excessive and out of character.
- Density seen as more appropriate for urban settings than a semi-rural village.
- Development exceeds local plan housing numbers; outside designated development boundary.
- Village has already met/exceeded housing allocation.
- Fears of setting a precedent for further greenfield development and urban sprawl.

#### Consultation and Process

- Consultation with residents and parish council was insufficient or inadequate.
- Consultation materials were misleading or not widely distributed.
- Concerns about transparency: use of online forms to generate support, lack of up-to-date/complete documentation on planning portal.

#### Social and Community Impact

- Fears of eroding village sense of community, increased noise/pollution, reduced access to green spaces.
- Concerns about negative impact on property values.
- Loss of green space and increased urbanisation seen as detrimental to mental

health and wellbeing.

#### Specific Technical and Design Concerns

- Criticism of proposed housing density, proximity to existing properties, lack of green buffers.
- Concerns about suitability of walking routes, especially for disabled residents; lack of safe pedestrian infrastructure.
- Questions about capacity of existing water, sewage, and electricity infrastructure.

4.2.3 Approximately 20 public representations of support have been received, on the following grounds:

#### Supportive Comments

- Development could help meet local housing needs, provide larger family homes, support economic growth.

4.2.4 **Councillor Bernie Bentick (Local Member for adjacent Division of Meole)** Objects.

- Only material difference from the application that was refused in 2017 is the access road to the A49; should be refused for the same reasons
- Vehicular entry to and from Bayston Hill via the A49 is difficult and dramatically worse at peak times, plus long tailbacks to A49/A5 bypass junction
- Impact on flooding in area
- Impact local infrastructure including school and GP surgery which are at capacity
- Shopping arcade is poorly maintained by its owners and in need of renovation
- Public transport is already insufficient for Bayston Hill residents (Route 27) and the new Connect On-Demand service does not have the capacity to serve all of Bayston Hill and Lyth Hill
- Air quality is already poor at existing entry/exit points to Bayston Hill and any further developments are likely to worsen this
- Shrewsbury's drains and sewage system has been subjected to recent dramatic increase in demands, with possible reaching of capacity
- The housing density of the proposed development is completely incongruous with existing housing stock and is clearly a sprawl at the edge of a traditional village into open countryside. There is no need for an expansion of this size in Bayston Hill.

If Shropshire Council were minded to grant Planning Consent, there should be the following Section 106 requirements:

- new traffic control infrastructure at all entrances/exits from Bayston Hill and Lyth Hill to A49 for pedestrians, cyclists and vehicles, with cycling infrastructure at least to LTN 1/20 standards
- Constant air quality monitoring must be installed at all junctions of Bayston Hill and Lyth Hill with the A5, with commitment to achieving the 2021 WHO Air Quality standards

- An underpass/overpass of the A49 under/over the A5 must have been constructed before any new housing development is commenced
- The Bayston Hill Medical Practice must be enlarged and improved to be able to operate as a local hub, offering all the services that can be provided by a Primary Care facility. A local Primary Care and Pharmacy Service must be guaranteed for at least 10 years
- The Route 27 bus service must be subsidised (as with some other routes), with a guarantee of being maintained for at least 10 years and extended to cover all of Bayston Hill and Lyth Hill, with improved reliability and punctuality
- Shropshire Council must commission and agree to be bound by an independent report into the water supply and drainage system of Bayston Hill and Lyth Hill, to include recommendations which guarantee adequate supply and effective drainage for at least 10 years

**4.2.5 Cllr Alex Wagner (Local Member for Bowbrook Division) Objects.**

- drainage issues present a huge risk to the village
- local infrastructure is at capacity, including Oakmeadow School, dentist, pharmacy and the local GP Surgery. Learning and Skills have also indicated that additional school places will be required
- already insufficient public transport and new Connect On-Demand service does not have the capacity to serve all of Bayston Hill and Lyth Hill; would be hundreds of additional car journeys daily due to the lack of a genuine alternative. This will also impact the wish of the village to achieve Net Zero Carbon
- Air quality is already poor at existing entry/exit points to Bayston Hill and any further developments are likely to worsen this. This seriously impacts the health and wellbeing of residents in this area
- impact on Shrewsbury's drains and sewage system
- incongruous housing density; unnecessary expansion of this size
- good quality agricultural land
- impact on A49 safety

**4.2.6 Cllr Roger Evans (Cllr for Longden Division) Objects.**

- Site is outside of the agreed development boundary so is in what at present is designated as open countryside
- Lack of infrastructure within the village including doctor, school and dentist capacity which are now operating with no spare capacity to meet the additional needs of the potential new residents
- Significant over development in the village in relation to Local Plan guidelines
- Internal area within the one bedded accommodation does not meet the agreed space requirements
- Density is above that of surrounding areas
- Council has sufficient identified land to satisfy 5 year housing land supply; unnecessary development
- Drainage issues due to clay over solid rock
- Increased water flow downstream has not been properly considered
- Issues with whether transport plan is up to date

**4.2.7 Shrewsbury Ramblers**

- Further information required as to how the public rights of way would be respected, preserved and maintained
- Concern over whether the proposed drainage swale would cut across the public footpath
- Need to ensure that any subsurface works do not affect the surface of the paths

**4.2.8 Shrewsbury Civic Society (SCS) Objects.**

- Concern over use of greenfield site
- May be a precursor to further development on adjacent fields
- Application may be pre-judging a change to the Local Plan
- Overdevelopment and urban creep
- Cramped design which does not reflect local character
- No facilities being provided
- Remote from the village infrastructure
- Would exacerbate existing sewerage problems in Lyth Hill Road
- Would worsen existing traffic problems on Lyth Hill Road
- Area is very poorly served by public transport
- Impact on wildlife due to proximity to Lyth Hill Local Nature Reserve and on light pollution
- Ecological surveys need to be updated
- Clarification required on BNG matters
- Adverse impact on landscape character
- Contribution to the upkeep and management of Lyth Hill Country Park is required

**4.2.9 Shrewsbury Friends of the Earth Objects.**

- Situation unchanged since development was refused in 2017 on grounds of countryside location and higher quality agricultural land
- Re-design of site may be necessary to achieve BNG
- Removal of T40 tree is unacceptable
- Ecological surveys need to be updated
- Not sustainable development; bus service has been withdrawn; residents would be car dependant; significant number of additional cars along Lyth Hill Road; additional traffic issued at junction with A49
- Need to investigate effect on air quality; area was an Air Quality Management Area (AQMA) until 2018; reason for revoking this was wrong; no consideration for effect of extra traffic on nearby roads; precautionary approach is required
- Drainage system may not deal with problem of areas that would be gardens being waterlogged; need to take climate change into account in modelling

**4.2.10 CPRE Shrewsbury District Objects.**

- Situation unchanged since previous refusal in 2017 on grounds of countryside location and loss of higher quality agricultural land
- Loss of valued amenity and wildlife habitats from loss of higher quality agricultural land
- Detrimental impact on character of the area; requirement for greater amenities in terms of medical and school services
- Overdevelopment and air quality impacts; bus service has recently been

- withdrawn; severe impact from additional delays and air quality from additional vehicle movements, including at A49 junction which would be hazardous
- size of the development is large in proportion to current local housing density
- loss of trees and nature conservation
- proposal to remove tree T40 is unacceptable. The bat survey is outstanding

#### 4.2.11 **Shropshire Swift Group**

- Swift bricks need to be included at the recommended level of 1 brick per residential unit
- Insufficient mitigation for the loss of wildlife and destruction of trees

### 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 where the overall area of the development exceeds 5 hectares. The selection criteria for screening Schedule 2 developments are set out in Schedule 3 of the 2017 Regulations. Planning Practice Guidance on Environmental Impact Assessment provides further advice in relation to screening. The proposed development has been considered in relation to these. The proposed development does raise land-use impacts and these have been considered as part of the planning process. However, in terms of EIA, it is not considered that the proposed development would be likely to have significant effects on the environment by virtue of its characteristics; its location; and the type and characteristics of the potential impact. On this basis, the Council adopts a Screening Opinion that EIA is not 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 local policies which seek to direct new market housing to identified settlements.

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 Paragraph 11(d) states that, where planning policies that are the most important for determining the application are out-of-date, planning permission should be granted unless:

- (i) there is a strong reason for refusing the development due to its effect on assets of particular importance, or
- (ii) 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.

6.2.6 Further discussion on this is provided in subsequent sections of this report.

6.2.7 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 advised that they had a number of concerns over the soundness of the draft Plan. In response to this, at its meeting on 17<sup>th</sup> July 2025, the Council agreed to withdraw the draft Local Plan. 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.

6.2.8 Proposed site allocation



The draft Local Plan had proposed that the application site is allocated for residential development of around 100 houses. The draft allocation set out the following expectations:

- Appropriate access and any necessary improvements to the local and strategic road network, informed by consultation with Highways England and an appropriate Transport Assessment (including consideration of cumulative impact)
- A review of traffic speeds along Lyth Hill Road and any necessary interventions implemented
- A footpath to be provided along the sites eastern road frontage and continue up to Grove Lane
- Strong and significant natural site boundaries to be provided and green infrastructure corridors, including effective native planting, will form an intrinsic component of this development. The watercourse running along the sites northern boundary will be appropriately buffered and form a green infrastructure east-west corridor
- The main hedgerow within the site will form the focus for a north-south green infrastructure corridor
- Trees and hedgerows on the site will be retained and enhanced and if possible, the watercourse will be deculverted
- A central green space/pocket park suitable for recreational use by residents and connected to the green links will be provided
- The site will incorporate appropriate sustainable drainage and attenuation ponds, informed by a sustainable drainage strategy. Any residual surface water flood risk will be managed by excluding development from the affected areas of the site, which will form part of the Green Infrastructure network. Flood and water management measures must not displace water elsewhere.

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

#### 6.2.10 Self-build plots

The proposal to provide four serviced self-build plots is acceptable in principle and reflects the policy that was intended to form part of the draft Local Plan which encourages such plots on larger residential developments. The self-build element can be secured through a Section 106 agreement.

#### 6.2.11 Planning history:

Outline planning permission for residential development at this site was refused in 2017 (ref. 17/02561/OUT). The reasons for refusal were as follows:

*It is considered that the Council can demonstrate a 5 year housing land supply (5YHLS) which is supported by a full and objective assessment of housing need in Shropshire. The adopted Core Strategy and adopted SAMDev Plan are therefore considered up to date and relevant policies are given full weight. The application site lies in a countryside location outside the development boundary of Bayston Hill where open market residential development is strictly controlled. There is sufficient prospect of housing guideline numbers being met in Bayston Hill such that the development of additional sites outside of its boundary is unjustified according to MD3. The*

*development is therefore in an unsustainable location and contrary to the requirements of CS3, CS4, CS5 of the Core Strategy and MD1, MD3, MD7a of the SAMDev Plan. The development substantially exceeds the guidelines of S16.2(ii) and would also result in the loss of higher quality agricultural land, contrary to the NPPF and CS6. There are no other material considerations, including the enhanced proposal of 25% affordable housing which would outweigh the conflict with the development plan.*

- 6.2.12 The current planning policy position is significantly different to what it was in 2017. The Council can no longer demonstrate a 5 year housing land supply, and as such the adopted Development Plan policies for housing can no longer be considered to be up-to-date. In addition, since 2017, the Council has submitted its draft Local Plan for examination which has included the application as a proposed allocation for housing development. Whilst the current position does not alter the starting point for decision making which is the adopted Development Plan, paragraph 11(d) of the NPPF is now relevant, and this is discussed further in the planning balance section 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 submitted Landscape and Visual Impact Assessment (LVIA) has been reviewed by the Council's landscape consultant. Following revisions to this, no significant concerns have been raised by the consultant. The retention of site boundary vegetation would help to assimilate the development into the existing settlement fringe, and the additional landscape planting that is being proposed would soften the overall appearance of the development. The LVIA assesses the likely impacts on landscape character as Moderate to Minor Adverse upon completion of construction, reducing to Minor Adverse at year 15 once the landscape planting has become established. The extension of the village settlement would result in adverse visual impacts on users of public rights of way, albeit that these would be localised. The LVIA states that the visual effects on adjacent housing would be Moderate to Major Adverse at year 15. However Officers consider that the buffer distances between existing housing and proposed dwellings are appropriate. Taking account the advice of the Council's landscape consultant, Officers consider that adverse landscape and visual effects are likely to be limited in geographical extent and not unacceptable, and that the mitigation put forward is appropriate.

- 6.3.3 The proposal does provide for the removal of some trees from the site, and also a

section of hedgerow to facilitate the construction of the site access. The majority of the existing hedgerow along the north-eastern boundary of the site closest to existing dwellings would be retained. The application as originally submitted proposed the removal of a Category B (moderate quality) oak tree (T40) from the north-eastern boundary of the site. The plans have been amended which show that this would now be retained. As noted by the Council's Tree Officer there would be temporary loss of tree cover due to the proposed tree removals. However, the overall longer term impact would be beneficial due to the amount of additional tree and hedgerow planting proposed throughout the site. The Officer has confirmed that, importantly, adequate separation has been proposed between retained trees and proposed dwellings. A detailed landscaping scheme can be agreed as part of a planning condition, and this would ensure that plants are managed and maintained.

#### 6.3.4 Design and layout

The mix and range of housing is reflective of the Local Housing Need Survey for Bayston Hill and aligns with the direction of proposed policy, as noted by the Council's Planning Policy team. The plot designs include garaging and a mix of frontal and side parking. The plot sizes and levels of private amenity space are appropriate. The variety of house designs would provide visual interest in terms of materials and features whilst retaining a sufficiently cohesive streetscene. Modifications to specific elements of the layout have been made in order to address specific issues that have arisen as part of the planning process, and it is considered that the layout is now acceptable.

6.3.5 Allocated parking would be provided at a minimum rate of 1 space per 1- and 2-bed house; 2 spaces for other units. There would also be visitor spaces provided across the site. The units would have space for waste and recycling bins, and a cycle storage shed. Bin collection points have been identified on the plans. The layout would provide connectivity throughout the development to maximise opportunities to use public open spaces. It would also provide a connection to a path into the adjacent estate to provide an alternative sustainable route into the village.

6.3.6 Affordable housing: Policy CS11 of the adopted Core Strategy requires that all new open market housing development makes appropriate contributions to the provision of local needs affordable housing. The prevailing rate for this area would have been 15%. The draft Local Plan, which is being withdrawn, proposed that this rate is increased to 20%, based upon updated viability evidence. As noted in paragraph 6.2.7 above, Cabinet agreed in February 2025 that material weight be given to the evidence base supporting the draft Local Plan. It is therefore appropriate that a rate of 20% is applied to the current application. The application proposes that 28 of the 114 dwellings would be affordable, which amounts to 24.6%. In summary, the proposed development provides a 4.6% overprovision in affordable housing. This represents a significant benefit of the scheme and should be given significant weight in the planning balance.

#### 6.3.7 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.

6.3.8 Based upon the number of bedspaces, policy MD2 would indicate that the development should provide approximately 1 hectare of open space. The proposed development would provide approximately 1.3 hectares, i.e. an overprovision of 0.3 hectare. This open space does not include the attenuation pond or the drainage swale. It is considered that this represents a benefit of the proposal which should be given moderate weight in the planning balance. In addition to the area overprovision, the public open space being provided is of an appropriate type and design, providing linkages through the site for the benefit of residents. The play areas would be well-located in relation to housing which would provide natural surveillance for security and safety purposes. Based on discussions with the Council's Green Infrastructure Advisor it would be appropriate to impose a condition to require that precise details of open space are submitted for approval, to ensure that minor design detail can be agreed.

6.3.10 Agricultural land quality considerations

The NPPF advises that the economic and other benefits of the best and most versatile agricultural land should be recognised when making planning decisions. In addition, the NPPF also states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Core Strategy policy CS6 requires that development makes the most effective use of land and safeguards natural resources including high quality agricultural land.

6.3.11 The submitted Agricultural Land Classification report confirms that 40% of the application site comprises Grade 3a agricultural land, with the remainder being Grade 3b. The 'best and most versatile' (BMV) agricultural land is that which falls within Grades 1, 2 and 3a. The current application would result in the loss of approximately 2.3 hectares of BMV agricultural land. This loss is a negative element of the current proposal.

6.3.12 A previous application for residential development on this site was refused in 2017 (ref. 17/02561/OUT). The decision notice cited the loss of higher quality agricultural land, contrary to the NPPF and policy CS6 as being one of the reasons for refusal. The officer report stated that 'overall this weighs against the economic benefits'. The current application is being considered in the context of a significantly changed planning policy situation, particularly in relation to the lack of a five year housing land supply and the requirement that applications are considered under a 'tilted balance'. This is considered further in the planning balance section below.

6.3.13 Sustainable design matters:

The sustainable design features of the proposed development include the following:

- The use of air source heat pumps rather than gas; this would be expected to

- reduce the CO<sub>2</sub> emissions from heating and hot water by around 84%
- The provision of electric car charging points to all properties
- The provision of noise insulation to windows which exceed Building Regulation requirements by 3dB
- the addition of larger than standard patio doors to improve daylight and solar gain
- the use of concrete roof tiles which have a significantly lower embodied energy value than clay tiles
- the use of aircrete concrete blocks which use recycled materials such as pulverised fuel ash
- the use of sustainable drainage solutions such as attenuation to reduce the impact on watercourse
- the provision of cycle sheds to all properties.

6.3.14 The above sustainable design and construction principles are acceptable in relation to the requirements of planning policy.

#### **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

Existing hedgerow would be retained along the north-eastern boundary of the site and additional trees and hedgerow planting in selected locations. Clearly the development would be visible from some properties adjacent and close to the site. However the buffer distances along with the existing and proposed vegetation would ensure that there would be no unacceptable impacts on residential outlook.

##### 6.4.3 Noise and dust

The construction of the development has the potential to result in adverse levels of amenity due to noise and dust. It would be appropriate for a construction management plan to be agreed in order to ensure that such impacts can be minimised. This is in line with the recommendations of the Council's Environmental Protection Officer. The submitted noise assessment does not identify any particular issues in respect of amenity of new occupants based upon the existing noise climate in the area. Further consideration of this in relation to the self-build plots can be undertaken at reserved matters stage.

##### 6.4.4 Air quality

The Air Quality Assessment (AQA) predicts that the impact of the development on local air quality would be 'negligible' and this conclusion is accepted by the Council's Environmental Protection Officer. The Travel Plan would work towards the promotion of sustainable travel measures and this, in combination with the financial contribution towards passenger transport improvements, would help to reduce the level of pollutant increases.

#### **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.

- 6.5.2 The Council's Archaeology team have advised that the trial trench work that has been undertaken on the site is satisfactory and that no further archaeological investigations are necessary. The Heritage Statement confirms that there are no designated heritage assets in the area. The proposal would not impact on any designated heritage assets and a condition can be imposed to required that measures are implemented to protect a marker stone which is on the boundary of the site and which is deemed to be a non-designated heritage asset.

## **6.6 Highways and travel considerations**

- 6.6.1 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. Detailed discussions have taken place between National Highways and the Council's highways team and the applicant regarding the potential highways implications of the proposed development.

### **6.6.2 Proposed access**

The proposed two-way site access would have satisfactory visibility splays and is of an acceptable design and geometry. It would have a footway which would link to the proposed footway along Lyth Hill Road.

### **6.6.3 Highways network and capacity**

The site can be accessed either from the north or from the south. The route to the south of the site connects with the A49 via minor roads of approximately 1 mile in length and would not be the preferred route for day-to-day vehicle movements due to the limited highway width and its alignment and surface. The principal route to and from the site would be to/from the north via Lyth Hill Road.

- 6.6.4 Lyth Hill Road/A49 junction: The analysis presented in the submitted Transport Assessment states that the proposed development would generate less than one additional vehicle trip on the local highway network every minute in any peak hour (0800-0900; 1700-1800). The Assessment has looked at capacity in future years when all of the houses would be fully occupied, and in combination with other committed development. It recognises that there are existing delays at the Lyth Hill Road/A49 junction, but does not categorise these as 'severe'. National Highways (in their role as highways authority for the A49 trunk road) have assessed possible options and have concluded that mitigation at the junction is not required.

- 6.6.5 Lyth Hill Road: The Council's Highways team acknowledge the impact that the proposal would have on Lyth Hill Road due to the additional vehicle movements. They have concluded that a requirement for the applicant to provide physical traffic calming measures would not be proportionate to this impact. However, a number of alternative mitigation measures have been agreed. These include a requirement for the applicant to contribute to an additional Vehicle Activated Sign to help reduce speeds; and a contribution towards the provision of parking restrictions along the highway. It is

considered that these contributions are necessary to make the development acceptable and subject to these,

**6.6.6** Active and sustainable travel considerations

The site is located within walking and cycling distance of a range of services and facilities within Bayston Hill, including shops, takeaways, public houses and a school. The planning application proposes to construct a footway along Lyth Hill Road from the site access point to the existing footway, approximately 100 metres away. This would provide safe pedestrian connectivity for future occupants and also those of Beddoes Drive adjacent to the site. In addition the proposed development includes a connection from the site to the existing footpath network through the village. This would provide an alternative, shorter route to village facilities. The development would also provide a link to the wider public right of way network to the south-west. The proposal provides appropriate pedestrian connectivity to the local area which includes services and facilities. In addition to the above, it is considered appropriate for the applicant to contribute towards promoting the use of the Connect On Demand bus service which is a bookable service.

**6.6.7** Travel Plan: A Travel Plan has been submitted and this sets out the measures proposed to encourage sustainable travel choices and reduce the reliance on the private car. The proposals are acceptable in principle and it is considered that a detailed Plan should be submitted for approval to agree targets, and set out what information would be conveyed to residents such as the use of the Connect on Demand bus service. In order to ensure that the effectiveness of the Travel Plan can be monitored, it is appropriate to require a Monitoring Contribution to be made, and this can be agreed as part of a Section 106 agreement.

**6.6.8** The NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account future scenarios. The concerns raised by local residents over the capacity of the area to accommodate additional traffic have been taken fully into account. The proposed mitigation measures are appropriate and proportionate for the additional traffic and, based upon the advice of the local highways authority and National Highways, it is not considered that a refusal on highways grounds could be sustained.

**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** As confirmed by the Council's Ecologist, the ecological surveys that have been undertaken are appropriate. No significant concerns have been raised as part of these and the conditions recommended can be added to the decision notice to ensure satisfactory protection during the construction period and to maintain wildlife

enhancements.

**6.7.3 Biodiversity net gain (BNG)**

The proposal will be subject to the statutory requirement to provide 10% biodiversity net gain. It is intended that this would be provided off-site and the Council's Ecologist has confirmed that this is acceptable. The applicant intends that this would be secured by reserving BNG units from the Environment Bank, a registered provider, who would be responsible for the maintenance of the land for 30 years. Confirmation has been provided that the Environment Bank has reserved an area of land to provide the required BNG.

**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**

The whole of the site is located within Flood Zone 1 which denotes land with the lowest risk of flooding. The submitted Flood Risk Assessment (FRA) identifies that most of the site drains to the north-west via a watercourse which then enters a culvert which continues into the village. A smaller section drains to the east via a field ditch which then enters a culvert under Lyth Hill Road. The proposed development would significantly increase the area of impermeable surfacing at the site, and the drainage strategy for the site focusses on managing this runoff. The overall strategy is for drainage to be attenuated. Surface water from the development would be directed to an attenuation basin to be located at the northern side of the site. This would allow for drainage to a swale which would be located along the field boundary behind Yewtree Drive. It is considered that this is preferable to drainage directly into existing watercourses. The drainage strategy allows for drainage flows to be controlled to greenfield rates.

**6.8.3** It is acknowledged that drainage issues are a significant concern to local residents, as is reflected in comments made on this application, particularly as a result of incidents of flooding that have occurred. Detailed discussions have been had with the Council's Drainage team to ensure that the strategy put forward is appropriate. The Drainage Officer has confirmed that the strategy is appropriate and considers that the part of the drainage scheme that relates to the full application would result in betterment over the existing position.

**6.8.4** In terms of the outline element of the proposal for the self-build plots, indicative plans have demonstrated that there is sufficient space in this designated area to provide these units without encroaching into the watercourse at this part of the site. Detailed designs for drainage of these properties can be dealt with at reserved matters stage.

**6.8.5** Foul drainage would connect to an existing Severn Trent Water sewer which is located on Lyth Hill Road. An on-site pumping station is being proposed to assist with gravity flows where necessary. This is appropriate.



**6.8.6**      Ground conditions

The submitted Ground Investigation reports have not identified any significant potential sources of contamination at the site. However, the Council's Environmental Protection Officer has advised that further monitoring should be undertaken and that this can be required by a planning condition. In addition, a Mine Gas Risk Assessment will be required given that the site is located in an area which may have been affected by coal mining. An appropriate condition can be imposed to require this.

**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 and is likely to be around £1.44 million for the benefit of local infrastructure. In addition to this, it is considered that financial contributions to specific matters are necessary in order to make the development acceptable. These are as referred to above, and as summarised below.

**6.9.2**      S106 agreement:

Passenger Transport £136,800

Highway improvements £30,000

Travel Plan monitoring contribution £10,000

**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 is being withdrawn but includes the site as a proposed allocation for housing. The current proposal is 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**      As is noted by the Council's Planning Policy team, Bayston Hill is a designated hub within the adopted Development Plan and has a range of services and facilities. The site is located on the edge of a sustainable settlement and is capable of accommodating residential development. This was the basis on which it was proposed to allocate the site for housing. The site would provide an acceptable layout and design. It is acknowledged that the proposal would provide more housing than was stated within the draft allocation. Nevertheless it would provide appropriate public open space of an overall size which exceeds the expectations of adopted policy. Officers consider that the proposal would make effective use of the site and would be well-designed. In addition, the proposal would provide a significant overprovision of

affordable housing compared to adopted policy. The level of overprovision of public open space and affordable housing should be given significant weight in the planning balance.

7.3 The loss of 2.3 hectares of BMV agricultural land, whilst not constituting a significant area of land, is a negative element of the proposed development. The economic and other benefits of such land is acknowledged. However, it is not considered that this loss is of such significance as to outweigh the benefits of the proposal when assessing it under the requirements of NPPF paragraph 11d. The impact of the proposal on the local highway network is acknowledged. The proposed mitigation is appropriate and the residual impact is not considered to be at a level that would justify a refusal.

7.4 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, particularly in the context of the lack of a five year housing land supply
- the provision of a range of housing types and sizes, from starter homes to larger family homes
- the provision of affordable housing at a level which is 4.6% above the policy requirement
- homes designed to support disabled and wheelchair access, and to maximise energy efficiency
- open space of approximately 30% above the policy expectation
- job creation – direct and indirect during the construction phase

7.5 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 issues raised through the planning process have been addressed through modifications to the design and other improvements and agreement on necessary financial contributions to make the development acceptable. 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.

## 10.0 Artificial Intelligence (AI)

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register

should you wish to view them in full.

## 11. 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

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD8 - Infrastructure Provision

MD12 - Natural Environment

MD13 - Historic Environment

### Relevant planning history:

17/02561/OUT Outline application for residential development and associated infrastructure with new access REFUSE 10th October 2017

## 12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9BPJQTDFXW00>

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 Teri Trickett
Appendices APPENDIX 1 – Section 106 provisions and conditions

**APPENDIX 1 – Section 106 agreement provisions and planning conditions****Section 106 agreement to secure the following matters:**

Affordable housing  
Management and maintenance of public open space  
Travel Plan and monitoring contribution  
Highways improvements contribution  
Passenger transport contribution  
Self-build development

**Proposed conditions**

Full element to be commencement within three years  
Application for approval of reserved matters within three years  
Commencement of outline element within two years of approval of last of the reserved matters  
Reserved matters to be approved prior to development in that element of the development  
Full planning permission to be undertaken in accordance with the approved plans  
Outline planning permission to be undertaken in accordance with the approved plans  
Submission of scheme of surface and foul water for outline part of permission for approval  
Submission of engineering details of proposed site access junction for approval  
Submission of details of estate street phasing and completion plan for approval  
Submission of details of engineering, drainage, street lighting and construction detail of streets proposed for adoption for approval  
Submission of Construction Traffic Management Plan for approval  
Submission of engineering details of proposed wayfinding signage for approval  
Submission of Arboricultural Method Assessment for approval  
Submission of Site Investigation Report for approval, with Remediation Strategy if required  
Submission of Mine Gas Risk Assessment for approval  
Submission of Travel Plan for approval prior to occupation of the first dwelling  
Submission of Construction Environmental Management Plan for approval  
Submission of habitat management plan for approval  
Submission of wildlife boxes for approval  
Badger inspection to be undertaken  
Submission of report demonstrating implementation of the Great Crested Newt Reasonable Avoidance Measures Method Statement  
Prior approval of any external lighting  
Working to be undertaken in accordance with the mitigation and enhancement measures set out in the Ecological Impact Assessment  
Submission of landscaping scheme for approval  
Submission of precise details of proposed equipped and informal play areas for approval  
Protection of trees other than as specifically approved for removal

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Committee and date
Northern Planning Committee
19 <sup>th</sup> August 2025

## SCHEDULE OF APPEALS AS AT COMMITTEE 19.08.2025

<b>LPA reference</b>	25/01260/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr and Mrs S Lloyd
<b>Proposal</b>	Outline planning application for 2No. detached dwellings with formation of shared access
<b>Location</b>	Proposed Dwelling to the North Of Nobold Lane Shrewsbury
<b>Date of appeal</b>	17.07.2025
<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>	25/01827/CPL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr C Foxall
<b>Proposal</b>	Application for a Lawful Development Certificate for Proposed rear extensions
<b>Location</b>	Knolls Croft Montford Bridge, Shrewsbury SY4 1HN
<b>Date of appeal</b>	18.07.2025
<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>	24/04581/FUL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Carl Elson
<b>Proposal</b>	Demolition of existing dwelling and construction of six dwellings and associated landscaping
<b>Location</b>	Oteley Bungalow Sutton Grange Drive Shrewsbury SY2 6QJ
<b>Date of appeal</b>	28.07.2025
<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>	25/01826/CPL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr C Foxall
<b>Proposal</b>	Application for a Lawful Development Certificate for Proposed side extensions
<b>Location</b>	Knolls Croft Montford Bridge Shrewsbury SY4 1HN
<b>Date of appeal</b>	18.07.2025
<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>	25/01571/TEL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	MBNL
<b>Proposal</b>	Proposed ground-based installation comprising proposed H3G/EE Valmont 25m high phase 7.2 streetworks pole on root foundation, proposed EE/H3G 2No. dishes to be fixed to streetworks pole, EE/H3G 3No. shared panel antennas, H3G 3No. panel antennas, EE 3No. panel antennas, EE/H3G GPS Node, EE Wiltshire and EE unilateral cabinet, H3G Bowler and H3G unilateral cabinet, EE/H3G Mk5B Link AC cabinet, EE/H3G wrap-around cabinet and 11No. bollards surrounding the telecommunications installation. The installation of ancillary equipment for the purposes of telecommunications development.
<b>Location</b>	Shirehall Staff Car Park London Road Shrewsbury
<b>Date of appeal</b>	29.07.2025
<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>	

# APPEALS DETERMINED

<b>LPA reference</b>	25/00117/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<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>	09.04.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	08.07.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/04214/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Reuben Wrisdale
<b>Proposal</b>	Erection of part first floor extension and part two storey rear extension
<b>Location</b>	Llwyntidman Lodge Maesbrook Oswestry
<b>Date of appeal</b>	10.04.2025
<b>Appeal method</b>	FAST TRACK
<b>Date site visit</b>	
<b>Date of appeal decision</b>	09.07.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/03864/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Robin Heap of Zest Eco Ltd
<b>Proposal</b>	Siting of 2.no fast EV chargers together with ancillary electrical equipment
<b>Location</b>	Shaw Road Shrewsbury
<b>Date of appeal</b>	17.03.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	17.06.2025
<b>Date of appeal decision</b>	21.07.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>

<b>LPA reference</b>	24/04670/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr C Payne
<b>Proposal</b>	Erection of a terrace of 3no dwellings following demolition of existing buildings
<b>Location</b>	Site Of Stone Merchants Salop Road Oswestry Shropshire
<b>Date of appeal</b>	08.04.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	17.6.25
<b>Date of appeal decision</b>	21.7.25
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/00748/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	JS Construction
<b>Proposal</b>	Outline application for the erection of six dwellings
<b>Location</b>	The Parklands Cockshutt Shropshire
<b>Date of appeal</b>	06.11.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	29.4.25
<b>Date of appeal decision</b>	22.7.25
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>

<b>LPA reference</b>	24/01210/FUL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Hengoed Park Ltd
<b>Proposal</b>	Creation of 25 assisted living bungalows and communal area within courtyard
<b>Location</b>	Hengoed Park Residential Home Hengoed Oswestry SY10 7EE
<b>Date of appeal</b>	09.01.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	08.07.2025
<b>Date of appeal decision</b>	06.08.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>

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## Appeal Decision

Site visit made on 17 June 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

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**Appeal Ref: APP/L3245/D/25/3363445**

**Sutton House, 11 Old Rose Drive, Shrewsbury, Shropshire SY2 6FJ**

- 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 Sonia Abbas against the decision of Shropshire Council.
  - The application Ref is 25/00117/FUL.
  - The development proposed is the erection of extensions, installation of 2 No. dormer windows and erection/alteration to brick boundary wall.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description above is taken from the decision notice which is more concise than the planning application form and adequately describes the proposal.
3. During my site visit I saw that some construction works have taken place at the appeal property, however, it is not clear whether these are in accordance with the submitted plans. For the avoidance of doubt, I have determined the appeal based on the submitted plans.

### Main Issues

4. The main issues are the effect of the proposed development on:
  - the character and appearance of the host building, having regard to its significance as a non-designated heritage asset, and;
  - the living conditions of neighbouring occupiers with particular regard to privacy and noise.

### Reasons

#### *Character and appearance*

5. The appeal property is a large detached traditional brick farmhouse located at the junction of Old Rose Drive and Thorn Croft. The Council's evidence explains that the farmhouse and boundary walling was set aside as part of a recent residential development in the surrounding area. The farmhouse is now surrounded by modern, predominantly detached, two storey houses. There is some variation in the appearance of the new houses in the vicinity of the site, but it is evident they have taken design cues from the farmhouse in terms of their materials and window details. The appeal building is three storeys high and, although it has a larger scale and mass than the adjacent houses, it integrates well with its surroundings.

6. The Council identifies the building as a non-designated heritage asset (NDHA) with reference to its Historic Environment Record entry. Developed in the late 18th or early 19th Century, its significance and special interest derive from its historical role as part of the, now redeveloped, Sutton Grange farmstead. Architectural interest comes from its brick construction and relatively uncomplicated appearance which is typical of this type of historic farmhouse.
7. Paragraph 216 of the National Planning Policy Framework (the Framework) confirms that the effect on the significance of a non-designated heritage asset should be taken into account in determining an application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The building's front elevation is characterised by a regular window arrangement, which, along with the simple roof design, gives a horizontal emphasis to the front elevation. The submitted plans show an existing single storey porch to the front elevation, which is also shown on the submitted photographs, although this feature was not visible at the time of my site visit.
9. The scale and design of the proposed three storey, projecting central bay to the front of the building would be at odds with the existing uncomplicated appearance of the building. The gable and elongated dormer windows at the top floor would break the eaves line on the existing roof and detract from the existing horizontal emphasis. This forward extension would unacceptably dominate the front elevation and appear as an incongruous addition to the existing building.
10. I have had regard to the images submitted of other farmhouse properties characterised by gables and dormer windows. However, I have not been provided with details of their locations, nor how they came to exist. In any event, they do not justify the appeal development in light of the harm I have found.
11. The two storey addition proposed to the southwest side of the building would further complicate the building's appearance and detract from its current simple form. The relatively blank gable end would also appear at odds with the front elevation of the building which is characterised by its regular fenestration.
12. The proposed rear first floor balcony and its ornate enclosure would also not be in keeping with the traditional farmhouse appearance and would represent another incongruous addition to the building.
13. It is proposed to render both the front extension and the rear façade of the existing building. Whilst render is featured on some of the surrounding new houses, such extensive use on the appeal building would unacceptably detract from its appearance as a traditional brick farmhouse.
14. The Council's reasons for refusal raise no objection in relation to the boundary wall. Based on the evidence before me, including the observations I made on site, I find no reason to conclude otherwise.
15. Taking all of the above into account, the proposed extensions, balcony and extensive use of render would erode the character of the host building and would unacceptably alter its farmhouse appearance. Furthermore, the proposal would detract from the architectural significance of this NDHA. As such it would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework:

Adopted Core Strategy (2011) (the CS) and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). Taken together these policies require, amongst other things, development to be of high quality design which conserves and enhances the built and historic environment, taking account of local context and character, avoiding harm to or loss of the significance of NDHAs. The proposal would also not accord with paragraph 216 of the Framework, which calls for a balanced judgement of any harm against the significance of the NDHA.

### *Living conditions*

16. The rear elevation of the appeal building currently has three windows in the upper floors which allow oblique views to the rear gardens and rear elevation windows of 1 and 3 Thorn Croft. As such, the neighbouring properties currently experience some level of overlooking from the appeal building.
17. The proposed balcony would create an accessible space at first floor level which would allow direct lines of sight to the neighbouring properties, resulting in a significant increase in the opportunity for overlooking. This would be exacerbated by the fact that the appeal building is sited at a higher level than the neighbouring properties.
18. The use of the balcony also has the potential to cause noise and disturbance to neighbouring occupiers. Due to its elevated and unobstructed position, sound is likely to travel more freely compared to noise generated in the rear garden, where a tall boundary wall helps to contain it to some extent.
19. The proposal would therefore cause harm to the living conditions of neighbouring occupiers. As such, it would conflict with Policy CS6 of the CS which requires development to safeguard residential amenity.

### **Other Matters**

20. I appreciate that the building is in need of refurbishment in order for it to be used as a house and that there is support from local residents for the building to be brought back into use. I also acknowledge the appellant's intention to improve the energy efficiency of the building, although it has not been demonstrated how the appeal proposal would achieve this. Whilst the general improvement of the housing stock is a benefit, one dwelling would make a limited contribution to the housing supply. These considerations therefore attract limited weight in favour of the proposal.

### **Conclusion**

21. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

*A O'Neill*

INSPECTOR

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## Appeal Decision

Site visit made on 17 June 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

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**Appeal Ref: APP/L3245/D/25/3363733**

**Llwyntidman Lodge, Maesbrook, Shropshire SY10 8QB**

- 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 Reuben Wrisdale against the decision of Shropshire Council.
  - The application Ref is 24/04214/FUL.
  - The development proposed is described as: 'Erection of part first floor extension, part two rear storey extension'.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description in the banner heading above is taken from the planning application form. It is clear from the plans and evidence submitted that, as described, the development proposed is reliant upon extensions and alterations which would be implemented under permitted development rights. I noted during my site visit that these extensions and alterations have not been implemented. I have therefore based my decision on the submitted proposed plans.

### Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the host building, having regard to its significance as a non-designated heritage asset.

### Reasons

4. The site is located at the junction of two roads and its boundaries are defined by mature trees and vegetation. The host building is a detached two storey dwelling, which was originally built as a tollhouse, but which has been altered and extended from its original form.
5. The Council identifies the building as a non-designated heritage asset (NDHA) with reference to its entry in the Historic Environment Record. Its significance and special interest derive from its historical use as a tollhouse as part of the turnpike system. It is understood that the building originally had an octagonal footprint, but previous alterations and extensions have changed this. However, architectural interest is retained in its triple faceted east elevation and central chimney stack which remain from the original structure.
6. Paragraph 216 of the National Planning Policy Framework (the Framework) confirms that the effect on the significance of a non-designated heritage asset should be taken

into account in determining an application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7. The building would be extended to the north and west with an 'M' type roof. It is suggested that this type of roof follows local context, although this has not been evidenced. Notwithstanding, the proposed roof form does not relate well to the roof line of the existing building, particularly when viewing the east elevation, which incorporates the original part of the tollhouse. From this view, there would be an awkward relationship between the roof of the extension and the existing pitched roof. As a result, the east elevation would have a confused appearance with the extension appearing unrelated to the existing building.
8. The overall height of the extension would only be marginally lower than the original building. Combined with its overall size, the mass of the extension would dominate the existing building. Consequently, despite the use of sympathetic materials, it would not have a subservient appearance.
9. It is the appellant's case that the significance of the building as a NDHA has already been altered and could be further lost through extensions and alterations which could be implemented through permitted development rights. It is also suggested that the building has negligible importance based on the historical evidence provided by the Council and the relatively short-lived era of turnpiking the highways. I am also mindful that the tollhouse's original triple faceted elevation and chimney stack would be retained, and that it is proposed to reinstate the tollhouse door and dormer window.
10. Nevertheless, based on the evidence before me including my own observations, whilst the original tollhouse building has been altered, it does retain a discernible historical and architectural significance. The design and scale of the proposed extension would overwhelm the original part of the building and detract from the remaining original features. As a result, there would be harm to the significance of the NDHA.
11. While I acknowledge that the site is largely screened from the public highway by mature trees and boundary vegetation, this does not alter my conclusion that the proposed extension would cause harm to the character and appearance of the building, and therefore to its significance as a NDHA.
12. Taking all of the above into account, the proposed development would cause harm to the character and appearance of the host building and would negatively affect its significance as a NDHA. As such it would conflict with Policies CS5 and CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). Amongst other things, these policies require development to be of high quality design which conserves and enhances the built and historic environment, avoiding harm to, or loss of the significance of NDHAs and taking account of local context and character, including scale and proportion. The proposal would also not accord with paragraph 216 of the Framework, which calls for a balanced judgement of any harm against the significance of the NDHA.

### **Other Matters**

13. Reference is made to Llwyntidman Farmhouse and Llwyntidmon Hall, both Grade II listed buildings located in proximity to the appeal site. Mindful of the statutory duty set

out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the setting of these buildings.

14. The significance and special interest of Llwyntidman Farmhouse stem primarily from its architectural interest as a surviving example of a 17th Century farmhouse and barn constructed of timber framing with brick infill and limestone rubble. The structure's later additions demonstrate rural domestic and agricultural evolution. The significance and special interest of Llwyntidmon Hall stems from its architectural interest as a late 16th or early 17th Century timber framed farmhouse, remodelled in brick in the 18th Century.
15. The appeal site is separated from Llwyntidman Farmhouse by a series of fields defined by mature trees and vegetation. Llwyntidmon Hall is separated from the site by roads also lined with mature trees and vegetation. Views between the appeal site and the two listed buildings are largely obscured and this would not change as a result of the appeal proposal. As such, this proposal would not affect the significance of the two listed buildings. I note the Council had no concerns in this regard either. Nevertheless, this lack of harm weighs neutrally and does not amount to consideration in support of the appeal nor does it alter my overall conclusions on the main issue.
16. I appreciate that the proposal is acceptable in relation to ecology, flooding, drainage, highways and living conditions and that undeveloped land would be retained around the building. Nevertheless, the lack of harm in these matters do not outweigh the harm I have found to the significance of the NDHA.
17. My attention has been drawn to the Historic Building Record for another tollhouse in a different location. It is suggested that this tollhouse is more important than the appeal property due to its location, but that it was allowed to be demolished. However, the example building has a different appearance and site context to the appeal building and as such, the two are not directly comparable. In any event, the demolition of another tollhouse, does not justify the appeal proposal, in light of the harm I have found.
18. It is stated that the appellant and their family are currently living in temporary accommodation which they are outgrowing and that the appeal dwelling is currently uninhabitable. However, it has not been demonstrated that the needs of the appellant could not be met without harm to the significance of the NDHA.
19. I understand that this is a revised scheme following discussions with the Council. However, I have dealt with the proposal on the basis of the plans and evidence before me.

## **Conclusion**

20. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

*A O'Neill*

INSPECTOR

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## Appeal Decision

Site visit made on 17 June 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

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**Appeal Ref: APP/L3245/W/25/3362473**

**Shaw Road, Shrewsbury, Shropshire SY2 5XP**

**Grid Ref Easting: 351377, Grid Ref Northing: 313185**

- 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 Robin Heap of Zest Eco Ltd against the decision of Shropshire Council.
  - The application Ref is 24/03864/FUL.
  - The development proposed is the siting of 2.no fast EV chargers together with ancillary electrical equipment.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the siting of 2.no fast EV chargers together with ancillary electrical equipment at Grid Ref Easting: 351377, Grid Ref Northing: 313185, Shaw Road, Shrewsbury, Shropshire SY2 5XP in accordance with the terms of the application, Ref 24/03864/FUL, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing numbers: ZST-0000-01, ZST-0000-02, ZST-0000-03, ZST-0000-09, ZST-0000-07-03, ZST-0000-12, ZST-0100-02, ZST-0500-03.

### Preliminary Matters

2. The description of development in the banner heading above is taken from the appeal form, which is the same as the decision notice. This is different to the application form, but it adequately describes the proposal and omits wording which is not a description of development.
3. As only the easting and northing co-ordinates of the appeal site were used for the address on the planning application form, for clarity I have also included the descriptive address used in other documents submitted by both main parties.

### Background and Main Issues

4. The Council's reason for refusal refers to local amenity, but it has not been explained precisely what is meant by that. Based on the information submitted, including the third party representation, I have taken this to mean the effect of the proposal on the availability of public parking spaces.

5. Therefore, the main issues relevant to this appeal are the effect of the proposal on:
- highway safety; and,
  - the availability of public parking spaces.

## **Reasons**

### *Highway safety*

6. The appeal site comprises an area of vehicle parking within the public highway on Shaw Road, in a predominantly residential area. Belvedere Primary School is located a short distance from the appeal site at the junction of Shaw Road and Tenbury Drive.
7. There is currently space for 8 vehicles to park at the site. The spaces are not subject to any usage restrictions. Two electric vehicle (EV) chargers are proposed to serve 4 spaces and the siting of the feed pillar would result in the loss of one existing space. I have not been provided with details of a mechanism to ensure that the parking would be available for all vehicles or limited solely to electric ones. However, it would be reasonable to assume that users who do not have an EV would be discouraged from using bays marked as EV charging points. Therefore, up to of 5 parking spaces would likely be displaced as a result of the proposal.
8. The National Planning Policy Framework (the Framework) states that development should only be 'prevented or refused on highways grounds if there would be an unacceptable impact on highway safety' (paragraph 116). Within this context, Paragraph 117 of the Framework requires, amongst other things, for development to 'be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.
9. It is suggested that the reduction in the amount of parking spaces would increase demand for on street parking, to the detriment of highway safety. It is also suggested that this would be exacerbated at times when vehicles travel to the primary school. However, these points have not been further substantiated and I note these concerns have not been borne out in the Highway Authority's representation.
10. On street parking in this part of Shaw Road is unrestricted. During my site visit, I saw a small number of vehicles parked on the highway in the vicinity of the site. There were infrequent vehicle movements and vehicles were generally travelling at, or below the 30 mile per hour speed limit. The presence of parked vehicles did not, in my judgement, adversely impact the safe movement of vehicles along the highway.
11. Based on the information provided and my own observations, I am not persuaded that any additional demand for on street parking, arising from the proposal, would have an unacceptable impact on highway safety. The proposal would, however, provide convenient access to EV charging in an area where there is currently limited provision of publicly accessible EV charging points, in line with paragraph 117 of the Framework.
12. For the above reasons, I find that the proposal would not be harmful to highway safety. As such, it would not conflict with paragraph 116 of the Framework. I also find no conflict with Policies CS6 and CS8 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (the CS) or Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015). Together

these policies seek to ensure there is sufficient infrastructure capacity and that infrastructure meets identified needs.

#### *Availability of public parking spaces*

13. In the vicinity of the appeal site, some properties have their own driveways and there are some off street parking areas adjacent to groups of properties. It is stated that the parking spaces at the appeal site are used as an additional parking area by residents of Shaw Road and Frith Close, however as noted above, their use is not restricted to occupiers of any properties.
14. It is suggested that there is limited parking available in the area and the reduction in the number of available parking spaces would be detrimental to neighbouring residents. I appreciate that some properties near the appeal site may not have space to create their own parking areas. However, the impact of the reduction in public parking spaces on neighbouring occupiers has not been further articulated. I note that this concern is also not raised by the Highway Authority.
15. During my site visit, 4 of the existing 8 spaces were in use. Whilst I acknowledge that the occupancy of the spaces is likely to fluctuate, I have not been provided with any evidence of supply and demand for parking in the area. As such, it has not been demonstrated that there is a lack of parking available to residents.
16. Based on the information before me, I am not persuaded that the reduction in parking spaces available at the appeal site would adversely affect neighbouring occupiers in any significant way. Consequently, I find no conflict with CS Policy CS6 which, amongst other things, seeks to ensure all development safeguards residential amenity.

#### **Other Matters**

17. The Highway Authority does not support the proposal on the basis that the Council is unlikely to grant permission for the installation of private apparatus within the highway boundary. However, this is not a matter for me to consider in a S78 appeal.
18. I note the Highway Authority also objects to the enclosure of the highway. However, the submitted plans show the proposed barriers would be located adjacent to the charging apparatus and, as such, the proposal would not result in the enclosure of highway land.

#### **Conditions**

19. In addition to the standard timescale condition, I have also imposed a condition requiring that the development is carried out following the approved plans, for the avoidance of doubt and in the interests of certainty.

#### **Conclusion**

20. For the reasons given above the appeal should be allowed.

*A O'Neill*

INSPECTOR

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## Appeal Decision

Site visit made on 17 June 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

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**Appeal Ref: APP/L3245/W/25/3363251**

**Site Of Stone Merchants, Salop Road, Oswestry SY11 2RJ**

- 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 Chris Payne against the decision of Shropshire Council.
  - The application Ref is 24/04670/FUL.
  - The development proposed is the erection of a terrace of 3 x 2-bed dwellings following demolition of existing buildings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of the proposal has been amended in the banner heading above to omit wording that is not a description of development.

### Main Issues

3. The main issues relevant to this appeal are the effect of the proposal on:
  - the character and appearance of the area including the Oswestry Conservation Area (CA); and,
  - the living conditions of future occupiers, with particular regard to noise and disturbance.

### Reasons

#### *Character and appearance*

4. The appeal site is located at the corner of Salop Road and Stewart Road within the Oswestry CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a CA.
5. The Oswestry CA covers the main commercial centre and medieval core of the town as well as groups of buildings along the radial roads leading from the original market centre. The significance and special interest of the CA, insofar as it relates to the appeal site, is demonstrated in the built development on Salop Road which is one of the radial roads. Salop Road was developed in the 1820's with examples of good quality Georgian architecture remaining in the street scene.
6. In the vicinity of the appeal site, Salop Road has both residential and commercial uses, including the Black Lion public house which is located to the south of the

appeal site. Stewart Road is characterised by predominantly two storey, late 19th Century residential properties, although they are not included within the CA boundary.

7. I am aware that planning permission has previously been granted for 3 dwellings on this site. However, I understand that the scale and design of the current proposal differs from what was previously approved. Consequently, there is concern that the scale and massing of the proposed building would not be in proportion with other buildings in the CA on Salop Road.
8. There is variety in the form and appearance of buildings on Salop Road but the public house and the buildings opposite the site on the other side of Salop Road are of a modest scale with two storeys and shallow pitched roofs. The proposed building would have a considerably larger scale and mass than these buildings, by virtue of the size of its footprint and its overall height resulting from its more steeply pitched roof.
9. I acknowledge that the building on the opposite corner of Salop Road and Stewart Road to the north of the appeal site is of a larger scale with a steeper roof pitch. However, given the proximity of the site to the public house building, and when viewed in context with the buildings on the opposite side of Salop Road, the scale and massing of the proposed building would not be appropriate.
10. The appeal proposal would also result in a large blank elevation facing Salop Road, devoid of any fenestration or architectural details. This would be at odds with the prevailing character of this part of Salop Road and the CA which is characterised by buildings with active frontages which include window and door openings.
11. The front elevation of the proposed dwellings would be seen in the context of the street scene of Stewart Road. There is some variation in the appearance of existing dwellings on Stewart Road, however they have common features such as single storey bay windows and relatively simple roof designs with chimneys. There is also a generally consistent front building line, with the existing dwellings set back a short distance from the footway. These features combine to give a sense of order and rhythm to the street scene.
12. The proposed projecting gables on the front elevation would appear incongruous within the existing street scene, as this feature is not characteristic of Stewart Road. Additionally, the proposed dwellings would be positioned directly adjacent to the footway, forward of the established building line, which would disrupt the order of the street scene.
13. Moreover, the built form would dominate the site, resulting in limited outdoor amenity space, particularly for two of the dwellings. This would be inconsistent with the prevailing pattern of development in the area, where residential properties typically benefit from more generous rear gardens.
14. Finally, whilst chimneys are not present on all buildings in the vicinity of the site, they are a prevalent feature in the local vernacular including within the CA. The lack of chimneys within the proposal would further the incongruous appearance of the building in the context of its surroundings.
15. The proposed development would therefore harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the

Oswestry CA harming its significance as a whole. As such it would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). Together these policies require, amongst other things, for development to respect local distinctiveness, reflect locally characteristic architectural design, including scale and proportion and to conserve and enhance the historic environment, avoiding harm to the significance of designated heritage assets.

### *Living conditions*

16. As one of the main routes into Oswestry town centre, Salop Road is heavily trafficked. At the time of my visit, during early afternoon on a weekday, there were frequent vehicle movements along Salop Road, with only occasional short gaps in traffic flow. Whilst I appreciate my observations were only a snapshot in time, I have no reason to believe that what I experienced was not typical of circumstances at this site. The level of noise generated by these frequent vehicle movements would likely affect the living conditions of future occupiers, particularly in the property which would be sited closest to Salop Road.
17. The Black Lion public house has a surface car park and uncovered garden area adjacent to the appeal site. Paragraph 200 of the National Planning Policy Framework (the Framework) expects new development to integrate effectively with existing businesses and requires applicants to provide suitable mitigation. I have not been provided with operational details, but it is reasonable to expect that noise would be generated from the public house and its outdoor areas. This noise is also likely to affect the living conditions of future occupiers.
18. The appellant suggests that noise would be mitigated through the use of acoustic insulation and triple glazing secured through the Building Regulations process. However, there is no technical information before me in relation to noise levels at the appeal site. As such, I do not know whether the suggested mitigation measures would be suitable to safeguard against the noise generated in the vicinity of the site.
19. Thus, without substantive evidence to the contrary, I find the proposal would harm the living conditions of future occupiers with particular regard to noise and disturbance. As such, it would conflict with CS Policy CS6 which requires all development to safeguard residential amenity.

### **Other Matters**

20. The proposal would contribute to housing supply in a sustainable location where the re-use of previously developed land is supported. There would be some economic uplift in the local economy during the construction process and from the future spending of occupiers. I also note the appellant's intention for the dwellings to be energy efficient, although it has not been demonstrated how the appeal proposal would achieve this. However, the contribution of 3 dwellings to the housing supply would be minimal. As such, these benefits only attract limited weight and do not outweigh the harm I have found in relation to the main issues of this case.
21. I note that no objections have been received from neighbours. However, the lack of objection does not equate to a lack of harm.

22. Concerns regarding the manner in which the planning application was considered by the Council fall outside the scope of this decision. Furthermore, it is not the role of an Inspector to suggest amendments to an appeal proposal.

### **Planning Balance**

23. Taking all of the above into account, I find the harm to the CA to be less than substantial. Paragraph 215 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
24. The Framework supports the development of under-utilised land, and the provision of housing is a clear public benefit that carries considerable weight. However, the weight I give to this is lessened by the fact that the proposal would not provide adequate living conditions for future occupiers. Furthermore, three dwellings would make a minor contribution to the overall supply of housing and as described above, the associated benefits would be limited. Therefore, all these benefits combined, including economic benefits associated with construction and local expenditure do not outweigh the great weight that should be given to the designated heritage asset's conservation, as required by the Framework.

### **Conclusion**

25. I therefore conclude that the proposal would fail to satisfy the requirements of the Act, paragraph 215 of the Framework, and it would not be in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

*A O'Neill*

INSPECTOR



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## Appeal Decision

Site visit made on 29 April 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

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**Appeal Ref: APP/L3245/W/24/3352860**

**Land off The Parklands, Cockshutt, Ellesmere SY12 0LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by JS Construction against the decision of Shropshire Council.
  - The application Ref is 24/00748/OUT.
  - The development proposed is described as 'Outline application for the erection of six dwellings'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for outline application for the erection of six dwellings at Land off The Parklands, Cockshutt, Ellesmere SY12 0LN in accordance with the terms of the application, Ref 24/00748/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration. Therefore, I have had regard to the Proposed Site Plan<sup>1</sup>, which shows the layout of the development, as indicative only.
3. The Council's second refusal reason relates to the lack of a legal agreement to secure financial contributions towards affordable housing and to mitigate the effects of the development upon Cole Mere, which forms part of the Midlands Meres and Mosses Phase 2 Ramsar site. However, a unilateral undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 has been submitted as part of the appeal to secure the relevant financial contributions. I shall return to these matters later in my decision.
4. The Council has confirmed that the reference to Policy S17 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, adopted December 2015 (SAMDev Plan), in the first refusal reason was made in error and should in fact refer to Policy S8 of the SAMDev Plan.
5. The appeal submissions indicate that the draft Shropshire Local Plan was submitted for examination in September 2021. However, following the stage 2 hearing sessions, examining Inspectors have expressed concern regarding the soundness of the plan. I therefore consider that limited weight should be given to the emerging policies in the draft Local Plan at the current time. For these reasons, my determination of this appeal is made against the current development plan policies.

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<sup>1</sup> dwg. no. 77052/RJC/003

## Main Issues

6. The main issues are:

- whether the development would be in a suitable location, with particular regard to the development strategy;
- whether the proposal would make adequate provision for affordable housing; and
- the effect on the European site.

## Reasons

### *Location*

7. The appeal site comprises vacant land, which forms part of a larger parcel of land located close to but beyond the development boundary for Cockshutt, as defined in the SAMDev Plan.
8. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy, adopted March 2011 (the CS) sets out the Council's strategic approach to the location of new development within the plan period. It highlights the rural areas will become more sustainable through a rural rebalance approach, whereby development in these areas will be located predominantly in community hubs and clusters and will contribute to social and economic vitality.
9. Policy CS4 of the CS indicates that, development outside community hubs will not be allowed unless it meets policy CS5. Policy CS5 allows for development proposals on appropriate sites which maintain and enhance countryside vitality and character, where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small scale economic development and dwellings to meet a local need.
10. Cockshutt is identified as a community hub. Policy S8.2(i) of the SAMDev Plan sets out a housing guideline of around 50 additional dwellings over the period to 2026 in Cockshutt, to be delivered through the development of the allocated sites, infilling, conversions and small groups (up to 5 dwellings) on suitable sites within the development boundary. As the appeal proposal would exceed the threshold of 5 units and would not comprise the types of sites considered suitable for development, it would fail to accord with the provisions of Policy S8.2(i) of the SAMDev Plan.
11. Policy MD7a of the SAMDev Plan seeks to control new market housing in the countryside outside of settlements including community hubs such as Cockshutt, unless specific criteria are met, none of which apply to the appeal proposal.
12. While not referred to in the Council's refusal reason, its submissions allege conflict with Policies MD1 and MD3 of the SAMDev Plan. Collectively, these policies support sustainable development in community hubs, including windfall development, having regard to specific policies in the CS and SAMDev Plan. In addition, Policy MD3 supports additional sites outside the settlement development boundaries that accord with the settlement policy, where a settlement housing guideline appears unlikely to be met.



13. The appeal site, which lies immediately opposite the dwellings at The Parklands, is currently free from built development. It is clearly located beyond the built form of the settlement, the edge of which is defined on this side of the road by the residential properties in The Parklands, which runs perpendicular to the adjoining highway, known locally as Park Lane. Despite being a short distance from the existing built form, which includes nearby residential development on the opposite side of Park Lane, due to its open and undeveloped nature and its close relationship with the adjoining agricultural land, the site contributes positively to the semi-rural character of the edge of the settlement. The introduction of residential development on the site, which is currently open, would inevitably change its character and appearance.
14. Nonetheless, due to the size and position of the site, the proposal would not protrude significantly beyond the dwellings at the end of the row at The Parklands or the rear boundaries of the dwellings on the other side of Park Lane. Furthermore, the site is relatively well contained in the wider landscape by existing trees and hedgerows to much of the site boundaries. Thus, notwithstanding the projection into undeveloped land, subject to detailed matters including scale, position within the plot, orientation and design of the dwellings, which would form part of a subsequent reserved matters application, a scheme for residential development would not unduly encroach into the countryside or appear at odds with the semi-rural character of the site and its immediate environs.
15. Consequently, there is no clear evidence before me that a scheme could not be designed that would complement the character and appearance of the area, including the rural edge of the village and the surrounding landscape. Taking these factors into account, the proposed residential development in this location would not harm the character and appearance of the area.
16. The site is located a short distance from the facilities and amenities within the settlement, which include a primary school, pub, church and village hall, from which a small convenience shop and weekly post office operates, as well as public transport links to Shrewsbury and Ellesmere. While I acknowledge the absence of a continuous footpath between the entrance to The Parklands and Shrewsbury Road, and that the route is devoid of streetlights, the traffic travelling along this stretch of Park Lane is likely to be doing so at low speeds, given its configuration and rural nature. Taken together, these factors, along with the relatively modest travel distance, are unlikely to deter cyclists or pedestrians from accessing amenities within the main part of the settlement. Future residents of the proposed development would therefore benefit from access to some services and amenities to meet day to day needs, by means other than the private car.
17. Therefore, the proposal would not conflict with those aims of Policy CS6 of the CS, which require development likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Furthermore, it would not conflict with Policy MD12 of the SAMDev Plan and Policy CS17 of the CS which, among other things, seek development which protects and enhances local character and contributes to local distinctiveness.
18. The provision of additional housing may be capable of providing community and economic benefits, particularly in the current circumstances where the Council has confirmed that it cannot demonstrate an adequate supply of housing land.

Furthermore, the delivery of housing in a location where there is accessibility to services and amenities could benefit from support from CS Policies CS1, CS4 and CS5, having regard to the policy aims in relation to achieving a rural rebalance.

19. However, the proposal would conflict with Policies MD7a and S8.2(i) of the SAMDev Plan, by virtue of the location of the development beyond the development boundary of Cockshutt and given the housing target for the settlement has almost been met. Consequently, this would give rise to conflict with Policies MD1 and MD3 of the SAMDev Plan. Having regard to these factors, I find that the proposal would not be in a suitable location having regard to the development strategy, when considering the development plan as a whole.
20. The Council's first refusal reason also alleges conflict with Policies CS9 and CS11 of the CS, which require development that provides additional dwellings to help deliver more sustainable communities by making contributions to local infrastructure and help to balance the size, type and tenure of the local housing stock. However, it is not clear from its submissions as to the conflict which would arise in that regard by virtue of the location of the development.

#### *Affordable housing*

21. CS Policy CS11 requires all new open market housing development to make appropriate contributions to the provision of local needs affordable housing, having regard to the current prevailing target rate and the viability of developments, taking into account Policy CS9 in respect of infrastructure contributions. The Council indicates that it is satisfied that the submitted UU would secure an appropriate financial contribution towards off-site affordable housing provision.
22. Thus, the proposal would make adequate provision for affordable housing; and in that regard would accord with Policy CS11 of the CS.

#### *European site*

23. The appeal site is within the Zone of Influence (Zol) of Cole Mere, which forms part of the Midland Meres and Mosses Phase 2 Ramsar site and is a Site of Scientific Interest. The Ramsar site is designated for its natural or near natural wetland, which includes a range of habitats from open water to raised bog, rare wetland plants and invertebrates, including several rare wetland species. Increased recreational pressure, predominantly from additional visitors is likely to give rise to significant adverse effects upon the structure, function and integrity of the site and having an impact upon the aim of bringing it to a favourable condition. There is, therefore, potential that the proposed residential development at the site, in combination with other development, could result in adverse effects on the integrity of Cole Mere.
24. The Council advises that recreational pressures could be mitigated through the provision of visitor management measures including improved signage, visitor infrastructure maintenance, car park improvements, and visitor monitoring, so as to avoid such adverse effects. This is to be funded through developer contributions towards the implementation of the onsite mitigation measures as set out in the Cole Mere Heritage Site Management Plan 2020-25.
25. Natural England indicate that it is not aware of an evidence base relating to existing or projected impacts through increased recreational pressure on the



qualifying features of the Cole Mere and have not been party to the setting up of the payment mechanism. However, the Council has clarified that any impact on the site could be mitigated by the measures set out, which would be sufficient to avoid an adverse impact on the integrity of Cole Mere in relation to its specified qualifying features. This appears to be the Council's established approach to dealing with this matter, and previous Inspectors have concurred with this. Consequently, there is no reason why such an approach should not be accepted in this case.

26. The UU submitted as part of the appeal would secure the appropriate financial contribution. Following appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (the regulations), I am, therefore, satisfied that adverse effects on the integrity of Cole Mere by future occupiers of the proposed development could be mitigated. In that regard, the proposal would accord with Policy CS17 of the CS which seeks to ensure development does not adversely affect environmental assets and Policy MD12 of the SAMDev Plan which sets out measures by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

### **Other Matters**

27. While I acknowledge concern expressed by interested parties regarding flooding in the locality, there is no compelling evidence that the proposal would exacerbate flooding in the area, including flooding of the existing highway, subject to a suitable planning condition to ensure the provision of an appropriate drainage system to serve the development as part of a reserved matters application. Moreover, there is no substantive reason to find the proposal would lead to unacceptable pressure on the local water supply, wastewater infrastructure, or electricity supply.
28. The Highway Authority has raised no objection to the proposal in principle on highway safety grounds, including visibility at the Shrewsbury Road and Park Lane junction. While I recognise there would be a shortfall in the forward visibility splay at the entrance to the site, which also includes land beyond the application site boundary, given that traffic at this point is likely to be moving slowly, and the carriageway is wide enough so that 2 cars can pass, it is not critical that forward visibility, which may be obstructed at times by parked vehicles, is maintained. On this basis, there is no clear reason why the proposed development could not be served by an access point in the area shown.
29. Providing the development is carried out in accordance with the submitted Preliminary Ecological Appraisal<sup>2</sup> (PEA), including the precautionary and enhancement measures therein, which can be secured by a suitable planning condition, the proposal would safeguard protected species and biodiversity interests. In addition, the appellant has submitted a Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate which confirms the appellant's intention to enter the District Level Licensing scheme. In light of this and subject to a mitigation licence being obtained from Natural England for the works, the Council indicate that it is satisfied that the impacts of the development on great crested newts can be fully addressed in accordance with the regulations. Based on the evidence before me, I have no reason to reach a different conclusion.

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<sup>2</sup> Preliminary Ecological Appraisal by Arbor Vitae dated 27 November 2023

30. Furthermore, I have had regard to my duties under Regulations 9(1) and 9(3) of the regulations and having considered the three tests, in light of the proposed mitigation, I have no reason to doubt that a mitigation licence would not be issued. There is no particular evidence that the mitigation proposed would not be effective and could not be secured by conditions.
31. It is suggested that work has taken place on the site including clearance and felling of trees. However, there is nothing before me to indicate the trees were protected or the works to remove them were unauthorised.
32. My attention is drawn to the Cockshutt Parish Plan, which sets out a preference for small developments of smaller size housing which are financially accessible to local, young and elderly people. While the proposed number of units would exceed that suggested, I am not aware of any specific policy requirement in that regard, or that there is no demand for larger properties. Moreover, the size of the proposed dwellings is a matter for future consideration.
33. I have also been made aware of earlier schemes for residential development at the site, including a proposal for similar development which was refused by the Council and subsequently dismissed at appeal in 2016<sup>3</sup>. The Inspector in that case found that the proposal would result in an unjustified encroachment of built development into the countryside. However, given my observations on site regarding the present site context, for the reasons set out above I have reached a different conclusion.

### **Planning Balance**

34. The proposed development would conflict with the development strategy and would not be in a suitable location having regard to the development plan as a whole. However, the Council has confirmed that it cannot demonstrate an adequate supply of housing land<sup>4</sup>, with the current number of years supply being 4.73. In such circumstances paragraph 11 of the National Planning Policy Framework (the Framework) indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including those directing development to sustainable locations and making effective use of land.
35. The proposal would offer benefits in terms of housing supply, in a location where future occupiers of the dwellings would benefit from accessibility to services and facilities by means other than the private car. I have also found that the proposal would not give rise to harm to the character and appearance of the area.
36. Thus, in this case, the adverse impacts in terms of the technical conflict with the development plan would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would benefit from the presumption in favour of sustainable development, set out at paragraph 11 of the Framework. As Government policy, that is a material consideration of significant weight and, in this case, indicates that a decision should be made otherwise than in accordance with the development

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<sup>3</sup> Appeal Ref: APP/L3245/W/16/3151475

<sup>4</sup> Shropshire Council Five Year Housing Land Supply Statement Executive Summary dated 13 February 2025

plan. Therefore, having regard to all other relevant material considerations, I conclude that planning permission should be granted.

### **Conditions**

37. The conditions set out in the accompanying schedule are based on those suggested by the Council should the appeal be allowed. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance. In addition to the standard conditions relating to the submission and timing of the reserved matters and the commencement of the development, I have imposed a condition specifying the relevant drawings, in so far as they depict the site location, as all other matters are reserved.
38. A condition to secure details of surface and foul water drainage as part of the reserved matters application in relation to layout is necessary to ensure the development does not exacerbate the risk of flooding.
39. In order to conserve and enhance protected species, conditions are necessary to ensure the development is carried out in accordance with the details contained in the submitted PEA, and to agree details of bird and bat boxes to be installed, as well as external lighting. The Council's list of requirements in its suggested bird/bat box condition, which is overly prescriptive, is not included in order to allow the parties to agree details when the condition is discharged. I have amended the trigger point in the condition to above damp-proof course to enable the provision of integrated nesting bricks in the walls of the buildings if deemed appropriate.
40. Given that a licence is required from Natural England for the works in respect of great crested newts, in accordance with the regulations, a condition to require the licence to be obtained and submitted to the Council prior to the commencement of development is not necessary.

### **Conclusion**

41. For the reasons given above, having had regard to the development plan as a whole and all other matters raised, the appeal should be allowed.

*E Worley*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the access, appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing dwg no. 77052/RJC/001 Location Plan.
- 5) The application for the reserved matter of 'layout' shall include drainage details and plans for the disposal of surface water and foul sewage. The development shall be undertaken in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.
- 6) All works in relation to the development hereby approved shall be carried out strictly in accordance with the mitigation and enhancement measures as set out in the Preliminary Ecological Appraisal by Arbor Vitae Environment Ltd dated 27 November 2023.
- 7) Prior to any development above damp-proof course of the dwellings hereby approved, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed in accordance with the approved details prior to the first occupation of the dwellings and shall be retained thereafter in perpetuity.
- 8) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The 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.

**\*\*\*\*\*end of conditions\*\*\*\*\***



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## Appeal Decision

Site visit made on 8 July 2025

**by Rachel Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

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**Appeal Ref: APP/L3245/W/24/3357661**

**Hengoed Park Residential Home, Hengoed, Shropshire SY10 7EE**

- 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 Hengoed Park Ltd against the decision of Shropshire Council.
  - The application Ref is 24/01210/FUL.
  - The development proposed is creation of 25 assisted living bungalows and communal areas within courtyard.
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### Decision

1. The appeal is allowed and planning permission is granted for 25 assisted living bungalows and communal areas within courtyard at Hengoed Park Residential Home, Hengoed, Shropshire SY10 7EE in accordance with the terms of the application, Ref 24/01210/FUL, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The Council's third reason for refusal related to a lack of information on the ecological impact of the proposal on a nearby pond and also whether the development would deliver at least a 10% increase in biodiversity value. However, after further consideration the Council is satisfied that the presence of great crested newts in the nearby pool was considered unlikely and precautionary working measures set out in the Update Preliminary Ecological Appraisal; 2024 (BiOME Consulting) are appropriate. Evidence therefore indicates that the proposal would be acceptable with respect to impacts on ecology, including protected species. A condition requiring that the development is carried out in accordance with the precautionary working measures would be necessary in the interests of ecological protection.
3. Furthermore, the Council has advised at appeal that it considers that the biodiversity net gain (BNG) requirement does not apply in this instance. This is because the application was submitted prior to April 2024 when the statutory requirement for 10 per cent biodiversity net gain came into force. Consequently, the effect of the proposal on ecology and biodiversity net gain is not a main issue within this appeal.

### Main Issues

4. The main issues are:
  - whether the proposal would achieve acceptable living conditions for its future occupants, with particular regard to outlook, internal living space, and light; and

- the effect of the proposed development on the walled garden and Hengoes Park Residential Home as non-designated heritage assets, and on the setting of grade II listed Trewern model farm buildings.

## Reasons

### *Living conditions*

5. The proposal would result in built form along all four walls of the garden and eight units would be provided in a central block. This would achieve a relatively high density of development. Nonetheless, the units would be positioned around two rectangular gardens. Although some units would face directly onto other units, they would still have an oblique view of a rectangular garden. Planting is also proposed around part of the central block and in front of each of the other proposed living accommodation blocks. This would soften the outlook from within the proposed accommodation. Each would also look out over its own small area of covered outside space along its frontage. Consequently, the outlook for future occupants would be acceptable.
6. Each of the units would provide space for a single bed, en-suite shower room, kitchenette and a small table for meals, but on a reasonably compact scale. The amount of space per unit is said to fall well below the Nationally Described Space Standards for permanent living accommodation. However, the proposal is not to provide permanent homes for its occupants. It would instead provide adequate internal space to provide a sense of privacy and independence for occupants requiring accommodation during their rehabilitation. In addition, communal space would be available within the proposed new building that would be closest to the main house.
7. With respect to whether the proposal would provide sufficient light, each unit would be single aspect and no roof lights are proposed. However, each would have a window and a separate full height glazed opening on the front elevation. Combined with the open plan layout of each unit, this would maximise natural light inside the living space. The extent of sunlight within each of the rooms would vary depending on their orientation and position relative to other units. In any event, given that the accommodation is not to provide long term homes, and occupants would have access to other communal inside space, I find that the level of light within the accommodation would be adequate.
8. Accordingly, the proposal would achieve acceptable living conditions for its future occupants, with particular regard to outlook, internal living space, and light. It would thus accord with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (Core Strategy), and Policy MD3 of the Shropshire Council Site Allocations and Management Development (SAMDev) Plan (December 2015). Amongst other matters these seek to ensure proposals are designed to contribute to the health and wellbeing of communities, including residential amenity.

### *Historic environment*

#### *Significance*

9. The walled garden is a non-designated heritage asset. It comprises a broadly rectangular brick wall enclosing a good-sized garden space, positioned close to



Hengoed Park Residential Home (the main building). From outside the walled garden it has a pleasing simplicity of form, comprising of brick walls without ornamentation. Within the walled garden, existing accommodation is situated along the length of one of its walls. Accommodation has also been added that adjoins the outside of one of the walls, closest to the main house. However, from within the garden there remains visibility of expanses of the walled garden and a pleasant sense of enclosure around the space. Therefore, for the purposes of this appeal, its significance is primarily derived from its simple, brick form and sense of enclosure.

10. The main building is also a non-designated heritage asset. It comprises a two and three storey building which displays stone detailing and large sash windows below a shallow pitched, slate roof. Thus, insofar as it relates to this appeal its significance is primarily derived from its architectural detailing and its setting as a standalone building within substantial grounds.
11. Trewern model farm buildings are outside of the application site and are grade II listed (List Entry Number: 1307386)<sup>1</sup>. Accordingly, the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess. The farm buildings comprise a collection of buildings, of yellow brick in an Italianate style. Insofar as it relates to this appeal, the significance of Trewern model farm is primarily derived from their architectural quality and historic association with their agricultural use. The walled garden and the main building are thought to have been built at the same time as the model farm. There is therefore a historical association between them. Nonetheless, the walled garden comprises only a small part of the broad countryside setting of the model farm buildings.

### *Effect*

12. The proposal involves the replacement of a pedestrian gate in the centre of one of the long walls, with a larger opening to provide for emergency vehicles. However, the gate would comprise only a small proportion of the length of that wall. The majority of the length of that wall would remain and would appear unaltered by the proposal. Moreover, the detailed design and materials of the gate could be secured by condition to ensure its sensitive treatment. Accordingly, subject to such a condition, this new entrance could be achieved without diminishing the ability to appreciate the walled garden as a non-designated heritage asset. It would also not detract from the ability to appreciate the main building or the model farm buildings.
13. The roofs of the proposal would be visible in some views from first floor windows on the main house. However, the proposed units would be low rise, with gently sloping roofs. This would minimise their prominence. Moreover, as a kitchen garden, a more functional rather than ornamental appearance would not be unusual. Furthermore, due to the position of the garden towards the rear of the house, views of the walled garden from the house would generally be oblique. Together with timber cladding, their form and materials would be reminiscent of garden buildings. Their low profile would also minimise the extent to which the proposed buildings would be visible from the grounds outside of the walled garden.

<sup>1</sup> Described on the National Heritage List for England as 'Model farmbuildings approximately 110 metres south west of Tre-wern'.

As such, the ability to appreciate the walled garden from outside of the walls would be largely maintained.

14. From inside the garden, new buildings would extend along the majority of three of its walls and would extend into all corners of the garden. In addition, block D would be positioned centrally within the site. This would reduce the sense of space to a certain extent. A small gap would be retained between proposed blocks A, B and C and the garden wall. Also, a rectangular garden would be provided to either side of the proposed central block D, retaining some open space and uniformity of shape. Furthermore, as reasoned above, pockets of planting along the front of each block would soften the appearance of the built form from within the garden. However, as little visibility of the garden wall would remain from within the garden, the proposal would diminish the ability to appreciate the non-designated heritage asset from there.

### *Conclusion*

15. Given the degree of separation between the appeal site and Trewern model farm, the low profile of the proposed buildings, and the limited degree to which the walled garden contributes to its setting, the proposal would not result in harm to the significance of the grade II listed buildings. As it would preserve the special architectural and historic interest of the listed buildings, it thus satisfies the requirements of the Act and development plan policies insofar as relevant. Also, as the integrity of the garden wall would be largely maintained and visibility of the proposed buildings from outside of the garden would be limited, it would not harm the significance of the main building as a non-designated heritage asset.
16. However, from within the garden the reduction in visibility of the walls and reduction in the sense of space would harm the significance of the walled garden. As the effect on integrity of the wall from the outside would be limited, I find that the level of harm to the significance of the walled garden as a whole would be moderate.
17. In light of this harm, the proposal would conflict with Policy CS17 of the Core Strategy. This generally seeks to ensure that proposals are designed having regard to the character of their surroundings, including the historic environment. Policy MD13 of the SAMDev requires that where proposals are likely to affect the significance of a non-designated heritage asset, they should only be permitted where the public benefits clearly outweigh the harm. Paragraph 216 of the Framework also requires a balanced judgement to be made for development affecting non-designated heritage assets having regard to the scale of any harm and the significance of the asset.
18. The proposal would provide 25 assisted living bungalows and a communal area. This would amount to a considerable increase in accommodation available to support the needs of vulnerable people with drug and alcohol dependencies. The proposal would provide suitable, purpose-built accommodation to meet that particular need. Given the stated shortage of such accommodation, the public benefits of the proposal would be considerable. In addition, it would give rise to small economic benefits from construction and operation of the buildings.
19. Accordingly, the public benefits of the proposal would outweigh the moderate harm to the walled garden as a non-designated heritage asset. As such, it would accord with Policy MD13 of the SAMDev.



## Other Matters

20. Planning permission was previously granted for erection of 17 assisted living bungalows, of which 14 were proposed within the walled garden (the fallback scheme). The planning permission is understood to have lapsed in December 2024. Nonetheless, it appears reasonably likely that a proposal of that nature would be granted in the event of a similar scheme being submitted to the Council. Furthermore, in the event of this appeal being dismissed, I consider it reasonably likely that the fallback scheme would be developed. No substantive evidence indicates otherwise. Consequently, it amounts to a valid fallback scheme to which I attribute considerable weight.
21. Compared to the appeal proposal, the fallback scheme would provide fewer units within the walled garden and would not include a central block. As such, it would have a lesser impact on the ability to appreciate the walled garden. However, in providing fewer units, its benefits to those in need of such accommodation would also be lower. Therefore, the presence of the fallback scheme does not lead me to a different conclusion on this appeal.
22. There is local concern that the number of bungalows proposed may increase in future. Nevertheless, the appeal can only be determined in light of the proposal as submitted. Any future proposal for additional accommodation would need to be determined having full regard to its effects at that time.
23. I appreciate that instances of occupants of the appeal site approaching neighbouring houses from time to time could cause alarm to local residents. However, no substantive evidence indicates that the appeal scheme would be likely to result in this occurring on a more regular basis or to the extent that would justify increased security measures outside of the appeal site.
24. With regard to the quality of materials and their relationship with that of existing buildings, a condition is imposed to require that details of the materials to be used in the construction of the accommodation is submitted to the Council for their approval. Given the heritage interest in the walled garden, a further condition is imposed to require details of external windows and doors and any other external joinery. These are necessary to ensure the materials and design are appropriate due to its historic context. Given the self-contained nature of the proposal, a condition relating to external lighting is not necessary.
25. Concern has been raised about existing foul drainage issues, and that the proposal would exacerbate this. However, there is no firm evidence before me that the proposed drainage scheme would not adequately drain the proposal. A condition is imposed to require that the proposed foul and surface water drainage system for the appeal scheme is installed in accordance with the approved details. This is necessary to ensure the proposal is drained appropriately.
26. Although the appeal site is in a rural area and therefore accessed by rural roads, I am not persuaded that the proposal would be likely to alter travel to and from the site to the extent that it would lead to highway safety concerns. Consequently, measures to reduce traffic speeds, road conditions, or pedestrian routes in the locality would not be justified. In addition, noise from any increase in vehicles entering or exiting the site would not be so significant as to result in unacceptable harm to neighbours' living conditions.

27. As the archaeological potential of the site is considered to be low, and the proposals are confined to within the walled garden where ground levels are likely to have previously disturbed, a condition to require an archaeological watching brief is not considered necessary.
28. As set out in Preliminary Matters, the proposal is considered acceptable with respect to ecology and biodiversity. It would therefore accord with Policy CS17 of the Core Strategy and Policy MD12 of SAMDev. These include requirements for proposals to protect ecology and biodiversity assets.

### **Conclusion and condition**

29. For the reasons given and taking into account the public benefits, the proposal would accord with the development plan as a whole. Therefore, the appeal should be allowed.
30. In addition to the conditions already mentioned above, a condition specifying the approved plans is required for certainty.

*Rachel Hall*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 01; Proposed Site Plan 05 Rev G; Drainage Layout Plan HP-DL-600; Proposed walled garden Unit A plan and elevations 07 Rev E; Proposed walled garden Unit B plan and elevations 08 Rev D; Proposed walled garden Unit C plan and elevations 09 Rev E; Proposed walled garden Unit D plan and elevations 10 Rev D; Proposed communal area plan and elevations 06 Rev C; Proposed typical elevations walled garden units 12 Rev C; Proposed typical ground floor plan walled garden units 11 Rev D.
- 3) The development hereby permitted shall be carried out in accordance with the Great Crested Newt precautionary working measures set out in the Updated Preliminary Ecological Appraisal; 2024, prepared by BiOME Consulting.
- 4) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including roofs, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples and retained as such thereafter.

- 5) No installation of external windows and doors and any other external joinery shall take place until details of these shall have been submitted to and approved in writing by the local planning authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in accordance with the agreed details and retained as such thereafter.
- 6) No development above ground level shall take place until details of the proposed widening of the pedestrian access in the garden wall to form a vehicular access, to include details of the proposed gate, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 7) The development hereby permitted shall not be occupied until the drainage scheme as shown on approved plan reference HP-DL-600 shall have been completed in accordance with the approved details.

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