



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

Date: Monday, 8 September 2025

Committee: Northern Planning Committee

Date: Tuesday, 16 September 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 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

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the Northern Planning Committee held on 19th August 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, 10th September 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 The Smithfield Hotel, 1 Salop Road, Oswestry, Shropshire, SY11 2NR (25/02361/FUL) (Pages 5 - 20)

Change of use of the existing building to create a large 22-bedroom HMO

6 Proposed Care Community at Hencote, Cross Hill, Shrewsbury, Shropshire (25/01810/REM) (Pages 21 - 62)

Submission of Reserved Matters in associated with Application 25/00403/VAR dated 6th May 2025 for Continuing Care Community (Use class C2) comprising up to 164 units of Extra Care and Close Care accommodation and a 75 bed Nursing Home to include Appearance of the Development, Layout, Scale, and Landscaping (amended description)

7 The Lodge, Shrewsbury Sports Village, Sundorne Road, Shrewsbury (25/02268/DEM) (Pages 63 - 72)

Demolition of redundant dwelling

8 1 Oakfield Road, Shrewsbury, Shropshire, SY3 8AA (25/02707/FUL) (Pages 73 - 78)

Erection of single storey side extension

9 Appeals and Appeal Decisions

10 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at

2.00 pm on Tuesday 14th October 2025 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

Northern Planning Committee

16th September 2025

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 19 August 2025

**In the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ
2.00 - 3.57 pm**

Responsible Officer: Emily Marshall

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

Present

Councillors Mark Owen (Vice Chairman), Caroline Bagnall (Substitute for Rosemary Dartnall), Andy Davis, Greg Ebbs, Gary Groves, Ed Potter, Carl Rowley and Brendan Mallon (Substitute) (substitute for Brian Evans). Sam Walmsley (Substitute for Rosie Radford).

24 Apologies for Absence

Apologies for absence were received from Councillors Brian Evans (Substitute: Councillor Brendan Mallon) Adam Fejfer, Rosie Radford (Substitute: Councillor Sam Walmsley), Julian Dean and Councillor Rosemary Dartnall (Substitute: Councillor Caroline Bagnall).

25 Minutes

RESOLVED:

That the Minutes of the meeting of the Northern Planning Committee held on 15th July 2025 be approved as a correct record and signed by the Chairman.

26 Public Question Time

There were no public questions or petitions received.

27 Disclosable Pecuniary Interests

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

28 Proposed Residential Development Land to the West and South of Cedars Drive, Shrewsbury, Shropshire (24/04065/FUL)

The Principal Planning Officer introduced the application for the Erection of 38 dwellings, including associated works and landscaping and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of

Additional Letters. The Principal Planning Officer reported that since publication of the report, three further objections had been received from members of the public.

Mr Robert Mitchell on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ben Jephcott, as local ward councillor, made a statement and then left the table. Councillor Ben Jephcott took no part in the debate and did not vote on this item.

Mr Luke Webb, 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.

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

RESOLVED:

That planning permission be granted, subject to;

- A Section 106 Agreement;
- The conditions set out in Appendix 1; and
- An additional condition as set out in the Schedule of Additional Letters.

29 Land West Lyth Hill Road, Bayston Hill, Shrewsbury, Shropshire (24/00765/FUL)

The Principal Planning Officer introduced the 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 and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Councillor Rob Ruscoe, on behalf of Bayston Hill Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Teri Trickett, as local ward councillor, made a statement and then left the table, taking no part in the debate or vote on this item.

Jen Towers, 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.

In response to a question, the Principal Planning Officer clarified the situation with regards to the consultation period for the application. It was explained that the formal public consultation period had ended, however the council had recently consulted with Active Travel England who had responded to the consultation and their comments were included in the Officer's report, however the issue was with the consultation date that appeared on the website which related to the reopening of consultation with one specialist consultee and not the wider public consultation period and it had not been possible to update the webpages to reflect this.

During the ensuing debate concerns that the proposed development was of high density, particularly when compared to the density of the surrounding village. There were also concerns that the village of Bayston Hill did not have the infrastructure to accommodate a development of this density. Concerns were also expressed in relation to highways and in particular the A49 junction and for these reasons Members were minded to refuse the application.

In response, the Development Services Manager advised that deferring the application may result in the developer submitting an appeal for non-determination of the application, she also expressed her concern about the defensibility of an appeal and the associated costs arising from any appeal. The Development Services Manager advised that if the Committee were minded to refuse the application, a deferral may be a more appropriate decision to allow planning officers the opportunity to invite the developer to enter into negotiations to help mitigate some of the concerns expressed. The application would come back to the Northern Planning Committee for determination. The Council's Solicitor confirmed and supported this advice.

Having considered the submitted plans and listened to the comments made by all of the speakers and taking into account the advice issued by the Development Services Manager and the Council's Solicitor, the majority of members supported a decision to defer consideration of the application to allow planning officers to offer to enter into further discussions with the developer.

RESOLVED:

That determination of the application be deferred to allow planning officers the opportunity to open negotiations with the developer in respect of site density, open space, impact on local services and urbanisation of the village.

30 Appeals and Appeal Decisions

RESOLVED:

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

31 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday, 16th September 2025 in the Council Chamber, The Guildhall, Shrewsbury.

Signed (Chairman)

Date:



Committee and date

Northern Planning Committee

16th September 2025

Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/02361/FUL	<u>Parish:</u>	Oswestry Town
<u>Proposal:</u> Change of use of the existing building to create a large 22-bedroom HMO		
<u>Site Address:</u> The Smithfield Hotel 1 Salop Road Oswestry Shropshire SY11 2NR		
<u>Applicant:</u> Mr Jassy Sidhu		
<u>Case Officer:</u> Mark Perry	<u>email:</u> mark.perry@shropshire.gov.uk	

Grid Ref: 329180 - 329573



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

REPORT

1.0 THE PROPOSAL

1.1 The submitted application is for the change of use of the former Smithfield Hotel into a large House of Multiple Occupation (HMO) containing 22 bedrooms.

1.2 The proposal as originally submitted shows the provision of the following accommodation spread over the ground, first and second floors:

Ground floor

- 7 double bedrooms (all with ensuite)
- large communal kitchen
- communal lounge (7 sofa spaces (approx)

First floor

- 7 double rooms (all with ensuite)
- communal kitchen

Second floor

- 6 double rooms (all with ensuite)
- 2 single rooms (all with ensuite)

In addition, the existing cellar would be utilised for provide laundry facilities for the residents.

1.3 During the course of the application the applicant amended the submitted plans to detail that all of the bedrooms would have single beds and confirmed that the premises would have a maximum number of occupants of 22, one per bedroom. It is considered reasonable for the application to be considered on this basis which could then be secured by a condition.

1.4 No extensions are proposed to the building, the only alterations are the removal of an external staircase and a small number of internal changes such as new internal partitioning. The submitted plans do detail the replacement of the windows with new timber double glazed sash units. The submitted plans generally utilise the existing layout of the building from when it operated as a hotel.

1.5 The submitted site plan shows that the existing 7 off street parking spaces would be retained for the use of those living in the HMO.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is the former Smithfield Hotel, a three-storey Georgian building located at the junction of English Walls and Salop Road. Historically known as The Bear Hotel and later the Bullring Bar, the building has been vacant

since 2015. It occupies a prominent corner plot within Oswestry town centre and is considered a non-designated heritage asset. The site lies within the area identified in the adopted SAMDev plan as being the 'Town Centre' and also within what is defined as the 'Secondary Shopping Area'.

2.2 When the hotel was operational it provided 16 bedrooms of accommodation over the first and second floors with the ground floor providing a bar, dining and kitchen provision.

2.3 In 2017 the building had planning permission to be converted into 7 apartments comprising 4 x 1-bed and 3 x 3-bed apartments. A further scheme was approved in 2021 to revise the scheme to 3 x 3-bed and 4 x 2-bed units (21/02940/VAR). This planning permission was implemented by carrying out a small amount of the approved works however for reasons unknown none of the apartments were completed and the building has remained un-occupied.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The comments raised by the Town Council and local member are considered to raised material planning reasons which warrant consideration by the planning committee.

4.0 Community Representations

Consultee Comment

4.1 **Town Council-** object to the planning application.
The proposal is contrary to the objectives of policy CS6 (Sustainable Design and Development Principles) as set out in the adopted core strategy. Specifically, the proposal:

- Does not help to create sustainable places, it is not designed to a high quality;
- Is not appropriate in terms of scale and density;
- Does not contribute to the health and well-being of communities;
- Does not provide appropriate vehicular access.

Members highlighted the following material concerns:

- The proposal would result in a large HMO, it is out of keeping for the location, of high density and would represent excessive development;
- Lack of sufficient facilities for the management of waste;
- The lack of car parking on site and the unsuitability of central car park to provide parking for residents;
- Lack of outdoor amenity space;
- Suitability of the kitchen provision for the number of rooms;
- Little communal space;
- Proposal has little regard for the residents, it has been designed to provide the maximum number of bedrooms. It meets minimums standards but these do not promote good living conditions;
- Does not consider the number of people who could be living at the property and

therefore there are concerns for the safety of residents due to overpopulation.

Members also made the following points:

- There is a demand for housing for single people and a significant waiting list;
- There are better and more suitable solutions for the building;
- Concerns regarding the condition of the building

- 4.2 **Highways-** The site has an associated car park and the use of it in relation to a HMO would be a concern if unmanaged. A parking management strategy could be applied prior to first occupation to demonstrate the number of parking spaces, who they will be used by and any methods of enforcement. This would be in the interest of amenity more so than highway safety.

The local area has sufficient parking restraint to prevent on-street issues.

- 4.3 **Ecology-** No objection subject to conditions

- 4.4 **Regulatory Service-** no comments to make

- 4.5 **Drainage-** No comment as there are no proposed changes to the footprint of the building.

- 4.6 **Conservation-** No objection to the proposal from a heritage perspective and subject to a suitable conservation-led conditions which respect the visual contribution the building makes to the CA. It is considered that no harm to the character and appearance of the CA or the adjacent listed building should arise as a result of the proposal.

- 4.7 **Archaeology-** no comments to make

- 4.8 **West Mercia Police-** no response at time of writing report

Public Comments

24 representations of objection received plus a petition of 724 signatories. 2 representations of support commenting on the following issues:

Objection

Noise impact

Increase waste

Lack of outdoor space

Pressure on doctors, surgeries, schools and emergency services

Limited parking provision

Highway safety impact

Impact on the Conservation Area

Impact on tourism and retail footfall

Lack of detail of future tenants

Lack of clarity on applicant and business model

Substandard room sizes

Such accommodation occupied by single males

Preference for use as a hotel or affordable apartments

Support

Reuse of the long-vacant building in a central location

HMO is a practical re-use.

5.0 THE MAIN ISSUES

- 5.1 Whether the use of the former Smithfield Hotel as a 22 bedroom house of multiple occupation (HMO) is an appropriate reuse of the existing building taking into account the location, suitability of the accommodation proposed, amenity of the area, impact on the heritage assets and highway safety.

6.0 OFFICER APPRAISAL

- 6.1 Principle of development

- 6.1.1 The former Smithfield Hotel ceased operating in 2014 and since then the building has sat unoccupied and has been the subject of the applications referred to above for its conversion into apartments. Whilst the previous permission was implemented it was never completed and the approved apartments have not been occupied; however, the 7 apartments is part of an extant planning permission.

- 6.1.2 Planning law requires that all planning applications must be determined in accordance with the adopted Development Plan. This includes the Core Strategy 2011, SAMDev Plan 2015 and Government guidance contained within the NPPF 2024.

- 6.1.3 Core Strategy policy CS1 is the overarching policy that deals with all new development and places a hierarchy with Shrewsbury at the top, followed by the market towns and other key centres with the rural areas. In terms of housing provision policy CS11 seeks to meet the diverse housing needs of the County 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 is further reiterated in policy MD3 of the SAMDev plan which requires the need to meet the design requirements of the relevant local plan policies and be of a certain mix having regard to local needs.

- 6.1.4 Policies CS11 and MD3 remain in accordance with the adopted NPPF where at paragraph 63 it states that,

“Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children 26 ;older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers...”

6.1.5 There is also a need to consider the requirements of the Type and Affordability of Housing SPD, where under sections 2.16 and 2.17 it requires that the space standards for converted dwellings provide reasonable living standards.

6.1.6 The NPPF at paragraph 125 (d) states that policies and decision should,

“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

6.1.7 Para 61 of the NPPF states that,

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community”

6.1.8 The Council is currently in the position where it is unable to demonstrate a 5 year supply of housing land. The latest housing is of a 4.73 years supply meaning that the Council is currently failing to deliver the number of homes required by national policy.

6.1.9 Additionally, Policy CS8 recognises that facilities, services and infrastructure have a direct effect on the quality of life of Shropshire’s residents which includes pubs- as was operated from the ground floor as part of the hotel. However, the former hotel and associated bar use has now fallen away as a result of the already implemented approved for the 7 apartments. As such for the purposes of considering this planning application the proposal would not result in the loss of one of the towns community assets/ facility.

6.1.10 Several representations have indicated a preference for the hotel/bar to remain., Although the building remains largely unchanged from its former use as a hotel/bar, planning permission has previously been granted and implemented for its conversion into apartments. During the determination of the application for apartments, the impact of losing the hotel within the town centre was considered

in accordance with policies CS8, CS15, and MD7a, these policies aim to protect services, facilities, and town centre uses. At that time, it was concluded that continuing the hotel/bar use was not viable due to the existence of larger, more modern hotels on the outskirts of town. Current trading conditions are at least as challenging, and there is no evidence to suggest a different conclusion would be reached today.

- 6.1.11 The existing building has sat empty for in excess of 10 years. At the time of the previous application the hotel had been on the market without interest which resulted in the then owners seeking planning permission for its change to 7 apartments. Despite gaining permission the apartments were never created and the building has remained un-used, this in turn has led to some degradation of the building to the visual detriment of this part of the town.
- 6.1.12 The provision of a larger HMO in this currently unused building, in a sustainable location, will provide lower cost housing accommodation. It is considered that a well managed and maintained HMO can provide valuable affordable accommodation to some who have no other option but to rent and share accommodation.
- 6.1.13 It is considered that the principle of the HMO is acceptable and will help to meet the objective of policy CS11 in seeking to meet the diverse housing needs of Shropshire residents. The principle of the proposed use therefore complies with adopted local and national planning policies.

6.2 Living Conditions

- 6.2.1 The proposed HMO will generally utilise the existing room layout of the building which in turn has led to a variety of different size rooms being provided. All of the rooms will have an en-suite bathroom.
- 6.2.2 The smallest private accommodation would measure 7.7sqm, this excludes the floor area of the en-suite bathroom, and the largest would be 21.2sqm. This is deemed to be an adequate provision for each unit of accommodation. Two communal kitchen areas would be provided. The largest would be on the ground floor and would have a floor area of around 22 sqm, this would adjoin a communal living area that has a floor area of around 21 sqm. A second kitchen would be provided on the first floor that has a floor area of approximately 8.5 sqm. All of the communal spaces are considered to provide an adequate standard in terms of their size and all are provided with an adequate number of windows to provide natural light and ventilation. It is considered that the proposed building would provide a sufficient amount and quality of internal space for the number of proposed occupiers.
- 6.2.3 Externally the submitted plans indicate the yard area at the rear of the premises would be retained. This space would be improved by the removal of the existing metal staircase. It is recognised that this area will not be a high-quality open area for recreational purposes given its limited size and how it is closely enclosed by the building. It will however provide an area for cycle storage. As this is a town

centre location there is good access to public parks for recreational purposes. Cae Glas Park is less than a 5 minute walk from the site.

- 6.2.4 In addition to needing to obtain planning permission for the HMO development there is also the HMO licensing regime. This is an entirely separate regulatory framework to the planning system. The HMO licencing process is to ensure that HMOs meet minimum standards for health, safety, and management and considers things such as room sizes, fire safety measures, amenities, and the suitability of the landlord or managing agent.

6.3 Waste

- 6.3.1 The submitted plans indicate that the applicant will utilise the former boiler house as a bin store. This is located between the courtyard area and the parking area, and will store 4 general waste bins and 4 recycling bins. It is considered that the location is appropriate and allows the bins to be screened from view whilst still been accessible to the occupants. The bins will then be moved closer to the highway on refuse collection day.

6.4 Heritage

- 6.4.1 The Hotel, formerly known as The Bear Hotel, is evident on mapping since the late 19th century, has been unused for a number of years. The building is considered to be a non-designated heritage asset (NDHA) as defined in Annex 2 of the NPPF due to its age, the relatively intact nature of its architectural design, detailing and materials all of which contribute to its heritage significance. The building is in a prominent position and makes a positive contribution to the character and appearance of the Oswestry Conservation Area.
- 6.4.2 As noted above there is very little in terms of external alteration other than to insert replacement windows in areas where the windows appear to have been altered in the past. The scheme also includes some minor alterations to the rear including the removal of the external staircase; which is considered to be a betterment.
- 6.4.3 By bringing the building back into an active use is likely to bring about a greater interest in maintaining the building; helping to ensure its long-term future and its positive contribution to the street scene and the Conservation Area.
- 6.4.4 The minor changes to the appearance of the building are not considered to be harmful to the character and appearance of the Conservation Area or to the setting of the adjacent listed building. Accordingly, Section 66(1) and Section 72 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 are not considered to be applicable in this case.
- 6.4.5 The proposal does not result in any conflict with policies CS17, MD13 or the NPPF in respect of heritage matters.

6.5 Access and Parking

- 6.5.1 The submitted scheme includes the provision of off-street parking. These are

spaces located within the existing parking area. There are other parking spaces that are not within the applicant's ownership that appear to be used by the adjacent businesses. The proposed HMO would have access to 7 parking spaces, how this would be managed in terms of allocation is not clear; a condition requiring a parking management strategy to be submitted is recommended which would address this. The purpose of this condition is primarily for amenity reasons rather than highway reasons.

6.5.2 The site is in a sustainable town centre location where there is access to services facilities and public transport, it is therefore considered that occupants would not be reliant on a car. Should the level of car ownership exceed the 7 available spaces then there is a public car park 50m from the site. The streets surrounding the site have parking restrictions, therefore preventing on street parking.

6.5.3 Paragraph 115 of the NPPF states 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 would be severe". Given the nature of the proposed development, its existing use and its sustainable location Officers deem it acceptable from a parking and highway safety perspective.

6.6 Future Occupants

6.6.1 A number of objections received have commented on who the future occupiers may be. In assessing this application, it is important to note that the identity, background, ethnicity or the individual circumstances of future occupants of the proposed HMO are not material planning considerations. As with any type of residential accommodation the planning system is concerned with the use of land and the physical impacts of the development, rather than the characteristics of the individuals who may reside there in the future.

6.7 Impact on Crime

6.7.1 Leading on from the concerns raised about the future occupant's comments have also been made regarding the potential for increased crime and anti-social behaviour. The NPPF in paragraph 96 (b) states that decisions should create safe places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

6.7.2 For crime to be a significant material, there would need to be clear and objective evidence that the proposed HMO could give rise to increased anti-social behaviour or criminal activity, thereby affecting the amenity of the area. In this case there is no evidence to this effect and therefore it carries little weight in the planning balance.

6.7.3 As part of the application West Mercia Police were consulted on the application, however no comments were provided by them.

6.8 Proliferation of HMO accommodation

- 6.8.1 Concerns have been raised about the proliferation of HMO's in Oswestry and the impact this is having on the town. Express Planning permission for a HMO is only needed where the number of occupants exceeds 6. A search of the planning register indicates that since 2013 only 1 HMO has been granted planning permission in Oswestry. There are also two further applications (including this one) currently under consideration.
- 6.8.2 The Council's Housing Enforcement Team is also aware of HMOs as the threshold for needing a licence is 5 persons or more. They have advised that there are 4 licensed HMOs in the Oswestry area and 64 across the County as a whole.
- 6.8.3 It is recognised that the number of HMOs is higher than the figures given above as many will be functioning without the need to be licenced. However, based on the number of HMOs in the Oswestry area that have needed either planning permission or a licence, it is evident that there is not a proliferation of such accommodation in the town. HMO accommodation represents a very small percentage of the overall housing stock both in Oswestry and across Shropshire.

.69 Other Matters

- .691. Consideration of the planning application is entirely separate from the HMO licensing process. While both regimes may relate to the same property, they are governed by different legislative frameworks and assessed against distinct criteria. Planning permission focuses on land use, design, and the impact on the local area, whereas HMO licensing is concerned with the management, safety, and condition of the property for its occupants. Therefore, the outcome of one process does not determine or influence the outcome of the other.
- 6.9.2 Some representations received have commented on the applicant's credentials and business background. The planning process is concerned with land use in the public interest. The private interests, practices or motives of the applicant are not material planning considerations and the application must be considered and determined on the basis of the scheme that is proposed.

7 Conclusion

- 7.1 The proposed development involves refurbishing the existing building to create low-cost residential accommodation intended to help meet the county's housing needs. The proposal aligns with government policies aimed at increasing the supply of homes, and the site is located within a market town identified as suitable for new housing development in the adopted SAMDev Plan and Core Strategy.
- 7.2 The proposed development would bring the building back into an active use having sat unoccupied for a significant number of years; helping to secure its future. The building is a non-designated heritage asset located in the conservation area where if the building remained unused for a sustained period it is likely to lead to its continued deterioration.

- 7.3 In relation to the living conditions of future occupiers the proposed development would result in adequate living conditions for future occupiers with adequate space provided for refuse bin and cycle storage.
- 7.4 No unreasonable harm would be caused in respect of the effect on parking, access, of highway safety.
- 7.5 The proposed development complies with Policies MD1, MD2, MD3, MD13 of the Core Strategy and policies CS1, CS3, CS6, CS11 and CS17 of the Core Strategy and the SPD Type and Affordability of Housing SPD and Government guidance contained within the NPPF and therefore the application is recommended for approval

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:
Policy CS1: Strategic Approach
Policy CS3: The Market Towns and Other Key Centres
Policy CS6: Sustainable Design and Development Principles
Policy CS8: Facilities, Services and Infrastructure Provision
Policy CS11: Type and Affordability of Housing
Policy CS15: Town and Rural Centres
Policy CS17: Environmental Networks

MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD13 Historic Environment

Type and Affordability of Housing SPD

RELEVANT PLANNING HISTORY:

11/03202/FUL Conversion of disused outbuildings to provide six additional hotel bedrooms and associated works including installation of rooflights and solar panels on south-east facing roof
GRANT 29th March 2012

16/04426/FUL Conversion of hotel into seven residential apartments GRANT 14th March 2017

21/02940/VAR Variation of condition 2 (approved plans and drawings) of planning permission
16/04426/FUL - Conversion of hotel into seven residential apartments GRANT 13th October 2021

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SYFBLNTDIVS00>

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

Local Member

Cllr Duncan Kerr

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.

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

3. Prior to the first occupation of the development hereby permitted, a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of:

The allocation and management of parking spaces

Measures to prevent unauthorised parking

Arrangements for monitoring and enforcement

Any signage or physical measures to support the strategy.

The approved Parking Management Strategy shall be implemented in full prior to first occupation and shall be adhered to thereafter for the lifetime of the development.

Reason: To ensure the satisfactory management of parking provision in the interests of highway safety, residential amenity, and the efficient use of land.

4. The HMO accommodation hereby approved shall not be occupied or brought into use until the areas indicated on the submitted plans to be set aside for cycle and bin storage have been provided in accordance with details and specifications to be submitted to and approved in writing by the Local Planning Authority. The facility shall thereafter be implemented in accordance with the approved details and be retained and available for use for the lifetime of the development.

Reason: In the interest of amenity and sustainability.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
 - free standing building, enclosure within the curtilages of the dwelling
 - erection of a porch
 - fences, gates or walls or other means of enclosure
 - any windows, rooflights or dormer windows
 - the installation of a chimney, flue or soil and vent pipe
- as permitted by Class A and, C, D, E and G of Schedule 2 Part 1 of the 2015 Order and Class A Schedule 2 Part 2 of the 2015 Order.

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and appearance of the heritage assets and amenity of the site.

6. The development hereby permitted shall be occupied by no more than 22 persons at any one time. The owner/operator shall maintain an up-to-date register of all residents, including names and dates of occupancy, which shall be made available to the Local Planning Authority upon request.

Reason: To safeguard the residential amenity of neighbouring properties and that an appropriate level of amenity is provided for residents.

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Committee and date
Northern Planning Committee
16 th September 2025

Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/01810/REM	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Submission of Reserved Matters in associated with Application 25/00403/VAR dated 6th May 2025 for Continuing Care Community (Use class C2) comprising up to 164 units of Extra Care and Close Care accommodation and a 75 bed Nursing Home to include Appearance of the Development, Layout, Scale, and Landscaping (amended description)		
<u>Site Address:</u> Proposed Care Community at Hencote Cross Hill Shrewsbury Shropshire		
<u>Applicant:</u> Mr Stevens		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> kelvin.hall@shropshire.gov.uk	

<u>Grid Ref:</u> 349363 - 315213
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REPORT

Recommendation: Grant reserved matters approval subject to the conditions in Appendix 1.

1.0 THE PROPOSAL

- 1.1 Outline planning permission for a continuing care community on land at Hencote was granted on appeal on 2nd March 2023. The description of the development is as follows:
Continuing Care Community (Use class C2) comprising up to 164 units of Extra Care and Close Care accommodation with graduated care provided in the form of lodges and apartments; a 75 bed nursing home and Dementia unit; an amenities building providing supporting care facilities, treatment/therapy rooms, fitness pool, restaurant, small shop and site management facilities, with open space, communal gardens, nature trails, landscaping, car parking and supporting infrastructure at Land off Ellesmere Rd, Shrewsbury.
- 1.2 The outline permission granted approval for the principle of the development, including the means of access. Matters relating to the appearance of the development, its layout, scale and landscaping were reserved for future approval. The current application seeks approval of those reserved matters.
- 1.3 The application is accompanied by a detailed set of plans and documents which set out how the development would be laid out. These include plans showing elevations, external materials, site layout, surfacing, and landscaping.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located approximately 2.5km to the north of Shrewsbury town centre. It forms part of the Hencote estate which extends to 21 hectares and which includes a vineyard and winery, a restaurant and holiday accommodation. The permission boundary extends to just over 6 hectares in area.
- 2.2 The site is generally south-facing with a series of plateaus and bowls set into the topography. The northern boundary of the site is bordered by Hencote Lane with open countryside beyond. The eastern boundary is bordered by the A528 Ellesmere Road, with a recreation ground and residential area beyond this. To the south and west is further land within the Hencote estate. This is generally undeveloped land which includes semi-natural woodland, scrub, and vineyard. The Hencote winery and restaurant is situated to the west.
- 2.3 Part of the site includes the northern section of the Old River Bed Local Wildlife Site. An area of woodland, approximately 7 hectares in size, immediately to the south of the site is protected under a Tree Preservation Order. A Site of Special Scientific Interest (SSSI) (Old River Bed) is located to the south-east of the site, on the opposite side of the A528. A public footpath runs along the part lane to the

north of the site.

- 2.4 The nearest residential dwellings include White House, adjacent to the northern boundary of the site; Crosshill, approximately 100 metres to the north-east; residential areas on the eastern side of the A528 Ellesmere Road, approximately 80 metres away; and residential areas at Winney Hill View and Herongate to the south, the nearest of which are approximately 235 metres away. Access to the site would be via the existing private drive to the Hencote estate from the A528 Ellesmere Road to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The officer recommendation is contrary to the views of the Town Council. It was agreed at agenda-setting meeting that the Town Council's objections are based on material planning grounds and that it is appropriate for the application to be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Shrewsbury Town Council Objects.

The Town Council object as this proposal is situated in the rural fringe off the development boundary and as such whilst large in scale needs to harmonise with its rural setting. This is clearly a development which has been designed for the residents to look out from and not the public to look at. The massing of yellow brick and black zinc does not harmonise with its setting and given it's raised position over the urban area will have a significant massing and disrupt the visual amenity that this rural area affords. Given this development is on a rural setting the need for biodiversity net gain is critical. Members fail to understand the level of BNG for this site. Council is accepting of development on this site and is supportive of innovative design. This is not.

4.1.2 SC Conservation No objection.

Having reviewed the information submitted and further to our previous comments at the Pre-application stage we do not raise any issues with this reserved matters application.

The comments made at pre-application stage were as follows:

Referring to the 3D visualisations, material sample notes, street scene and artist impressions submitted the aim appears to be that visually external materials will be fairly recessive and of a natural palette within this context which should be the approach taken here. It is not clear if visualisations of all buildings have been provided at this stage. One comment is that the roof solar panel arrays should be the low profile inset type, black matte and frameless to mitigate visual impact in views to the site.

4.1.3 SC Landscape No objections.

Following our previous comments, further information has been submitted. This includes maintenance notes, schedules and implementation timetables. The submitted information is fit for purpose from a landscaping perspective. The submitted plans generally conform to the Indicative Landscape Masterplan referenced in condition 6. The suite of drawings sets out the design intent of the proposed landscaping, outlining types of landscape and uses for spaces. Materials are appropriate and the design considerations are well-explained. The submitted landscape-specific drawings are generally well-presented, well-considered and appropriate for the proposed development.

4.1.4 SC Trees No comments received.**4.1.5 SC Green Infrastructure Advisor** No objection.

No further comments following the submission of the additional information.

4.1.6 SC Ecology *The makes, models and locations of proposed bat and bird boxes /bricks need to be shown. These should include boxes suitable for a range of species. A large number of swift boxes should be included on the care home building. Ideally, the placement of boxes should be designed at the same time as the lighting scheme (under condition 18), otherwise the locations will need to be amended at discharge stage. Gravel boards and amphibian-friendly gully pots should be included in the landscaping plan.*

4.2 Public Comments

4.2.1 The application has been publicised by site notice and in the local press. Objections have been received from nineteen households. The grounds of objection are summarised below.

Environmental and Biodiversity

- Loss of biodiversity, especially concerning the presence of great crested newts
- Threat to wetlands and the newly introduced beavers
- Potential pollution and groundwater invasion affecting the Old River Bed nature reserve
- Lack of environmental impact assessment and consultation with wildlife organisations
- Lack of joined-up drainage strategy

Visual Impact and Design

- Inappropriate design of buildings
- Out of keeping with the rural and natural landscape.
- Visible from elevated areas, negatively affecting views over Shrewsbury
- Overbearing size and inappropriate materials

Infrastructure and Access Issues

- Increased traffic on Ellesmere Road, which is already congested
- Dangerous access and egress points, particularly from Hubert Way
- Insufficient public transport and lack of sustainable travel options
- Suggestions for improved cycle and motorcycle shelters, and bus stop infrastructure
- Loss of valued walking and recreational space for families

Public Services and Community Impact

- Strain on local services: GPs, dentists, schools, and sewage systems
- Concerns about the adequacy of care home provision—some argue oversupply, others question the need
- Negative impact on existing elderly care facilities and potential inequality in access

Planning Process and Governance

- Financial incentives have influenced decisions
- Perceived disregard for community objections and heritage
- Application should be scrutinised by relevant groups
- Proposal has no public benefit

4.2.2 Shrewsbury Civic Society Objects.

- *Proposal to allow large scale development on the site has denied local people the excellent long-range views towards the town, now only to be enjoyed by residents of the facility*
- *Disappointing that although the form of the buildings would cater adequately for occupants, development would not have a positive visual impact*
- *Lack of innovative design which uses traditional local building materials in a contemporary form with heights and massing reducing the visual impact*
- *Concerns over possible environmental impact on adjacent wetlands of the Old River Bed; this needs further investigation*
- *Little attempt to address carbon reduction; could be more solar panels on the main nursing home block*
- *The choice of pale brick and zinc is alien to the traditional building materials of the area, e.g. red brick and slate etc. which could still have been used in an interesting contemporary manner*
- *Nursing home with twin roof, is dominated by dark colours, with only the middle floor offering some pale relief; forbidding palette for a reception building*

THE MAIN ISSUES

- 5.1
- Principle of development
 - Scale, layout and appearance
 - Landscaping

- Other considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Outline planning permission is in place for the provision of a care community development on the Hencote site. This planning permission, which was granted by the Planning Inspectorate on appeal by Public Inquiry, allows for the provision of a range of care accommodation, a nursing home and dementia unit, together with supporting facilities which include an amenities building, communal gardens and other open space and landscaping. This outline planning permission establishes that the principle of providing this development at this site is acceptable. In granting permission, the inspector stated that the development would result in substantial and compelling benefits, and that these benefits would outweigh the harm that it would have. The appeal decision is attached as Appendix 2 for reference.

6.1.2 Planning history:

Following on from the appeal decision, the outline planning permission has been varied as follows:

24/03534/AMP Non material amendment to the approved drawings referenced within condition 4 of the outline planning permission which relate to land use parameters and building heights, granted 5th November 2024

25/00403/VAR Variation of planning permission to remove condition 12 which required the submission of a District Level Licence with respect to great crested newts, granted 6th May 2025

6.1.3 The outline planning permission (as varied) requires that the detailed designs for the proposed development are submitted for approval before construction works can go ahead. These detailed elements are those which relate to the development's appearance, its scale, layout, and landscaping. These are the subject of the current 'reserved matters' application and are discussed below. Other matters which do not relate to these reserved matters are not relevant to consideration of the current application. In addition to the reserved matters, the permission also includes conditions that require other details to be submitted for approval. These include matters relating to a site remediation strategy; Construction Environmental Management Plan; drainage scheme; lighting plan; ground levels; and footway and parking provision. These are being considered separately to the current application.

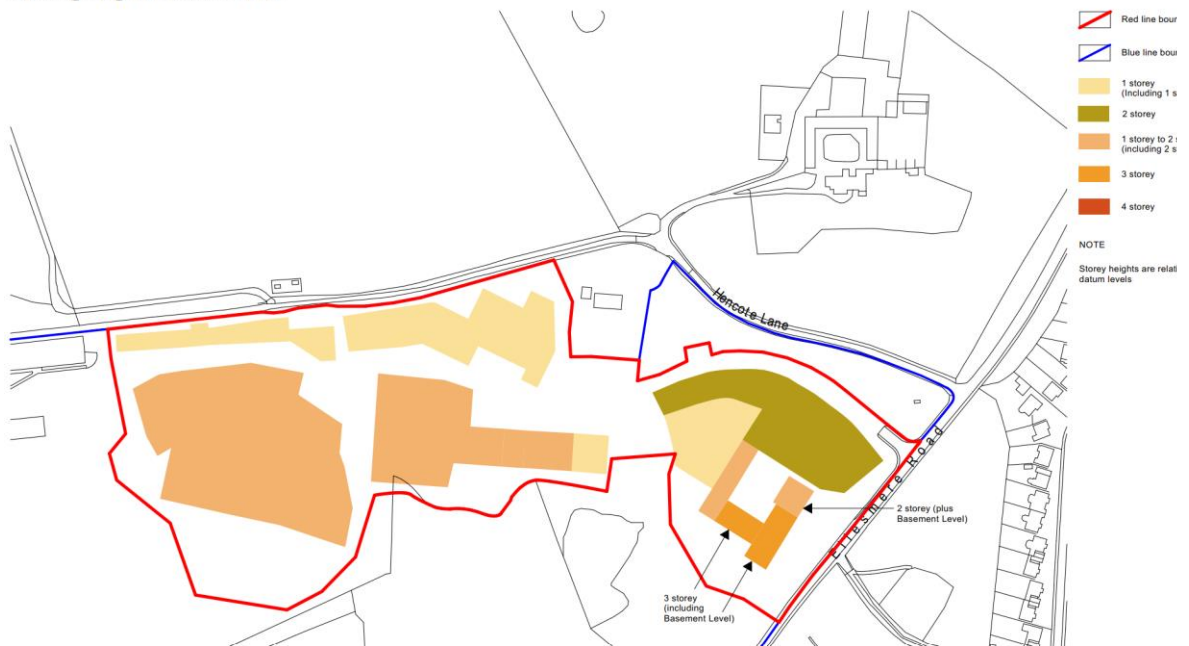
6.2 Scale, layout, and appearance

6.2.1 Core Strategy policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development, and respond to the challenge of climate

change. This policy requires that all development is designed to be safe and accessible. Core Strategy policy CS17 and SAMDev Plan policy MD12 seek to protect and enhance environmental assets, including ecological and recreational corridors. SAMDev Plan policy MD2 requires that developments contribute to and respect locally distinctive or valued character of places. The policy states that proposals are required to embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.

- 6.2.2 The NPPF recognises that good design is a key aspect of sustainable development. It requires that decisions ensure that development functions well and adds to the overall quality of the area; is visually attractive; and optimises the potential of the site to accommodate an appropriate amount and mix of development including green and other public space (para. 135). It further requires that decisions should take into account the importance of securing well-designed, attractive and healthy places (para. 129).
- 6.2.3 Although the application which was the subject of the planning appeal was made in outline, it did include a detailed level of information which described how the development was to be brought forward. This design detail was discussed at the Public Inquiry. As part of the decision to allow the appeal, the inspector imposed a detailed set of planning conditions, including ones which define the general principles that the development must adhere to. Condition 4 states that the development shall conform to the details shown on the approved Land Use Parameters Plan and Building Heights Parameters Plan. Condition 5 specifies that the height that each type of building shall not exceed. Condition 6 states that reserved matters shall be in general accordance with the principles set out in the Planning Statement, the Indicative Landscape Masterplan, the Design and Access Statement, and the Landscape Strategy.
- 6.2.4 Scale:
In terms of scale the appeal decision requires that the development conforms to the approved Building Heights plan. This plan was modified as part of a non-material amendment to the planning permission which was issued in November 2024 (ref. 24/03534/AMP). The effect of this amendment was to reduce the three-storey element of the amenities building to two storeys; to reduce the four-storey element of the nursing home to three storeys; and to provide a basement level to part of the nursing home. Overall, these amendments have reduced the approved scale of the development from that which was granted at appeal.
- 6.2.5 The planning permission requires that the scale of the development accords with the amended Building Heights plan which is shown below:

Building Heights Parameter Plan



6.2.6 The submitted plans accord with the above. As such, the proposed development is acceptable in terms of scale.

6.2.7 Layout:

The outline planning permission requires that the layout of the development conforms to the approved Land Use Parameter plan, shown below:

Land Use Parameter Plan



6.2.8 In relation to the proposed detailed layout plans, the Extra Care and Close Care

units would be sited predominantly at the western and central parts of the site. The amenities building would occupy a central position; and the Care Home would be positioned at the eastern side of the site. This layout is in general accordance with the approved Land Use Parameters Plan.

- 6.2.8 The Extra Care and Close Care units would comprise individual blocks across the site. The amenities facilities and the Care Home would be provided in separate larger buildings. This is in accordance with the indicative plans which were submitted as part of the outline application and in line with the general principles laid out in the documents specified in the planning permission.
- 6.2.9 The apartment blocks would include a mix of bedrooms with separate bathrooms, and rooms with en-suite bathrooms, with living/dining space and kitchens. The amenities building would include a range of facilities, including a pool, library, gym at ground floor, with further accommodation units at first and second floor. The care home would include 75 bedrooms; lounge and dining rooms; staff rooms; and supporting facilities including a therapy room and activity rooms.
- 6.2.10 The internal road layout has been designed so that it can accommodate emergency vehicles to each building. The layout also provides access for refuse and recycling waste collection vehicles to the bin storage areas which would be spread across the site. Car parking would predominantly be located within the small parking court to each of the Extra Care units, and these parking spaces would include electric charging points. Space for the communal storage of cycles within the ground floor of each apartment block for the use of residents would be provided. For the care home, there would be 25 parking spaces situated adjacent to its entrance to the care home, including disabled spaces and electric charging points. There would be 25 cycle spaces for use by visitors and occupants to the care home. There would also be secure storage for ten bicycles within the amenities building, and it is proposed that a pool of communal electric bikes would be available for booking. Pedestrian and cycle access would be provided for via the main access road, with footway and cycle provision throughout the site. Pedestrian routes would be a combination of graded footpaths and more direct stepped accesses.
- 6.2.11 A mix of open space would be provided throughout the site, including formal gardens, an orchard, and outside seating areas. These have been designed to reflect the specific needs of occupants, and would provide attractive spaces throughout the site.
- 6.2.12 The proposed layout conforms to the principles set out in the documents that were approved as part of the outline permission. It reflects the requirements of the site to provide a range of care accommodation units with appropriate levels of connectivity through the site to areas of open space and amenities.
- 6.2.13 Appearance:
The outline planning permission requires that the appearance of the development

is in general accordance with the principles set out in specified documents which include the Design and Access Statement (DAS). The DAS envisaged that the development would have three character areas. The easternmost area would have traditional, pitched roof residential architecture, with modern materials. The westernmost area would be the most contemporary part of the site, with a more agricultural palette of materials. The central area would reflect a transition between the two areas.

- 6.2.14 In line with the planning permission description and approved plans, the proposed care home would have three floors set around a central courtyard. External materials would include blue brick for the lower ground floor level; buff brick for the ground floor; and grey zinc cladding for the upper floor, hood gables and pitched roof. Window and door frames would be copper-coloured aluminium, and there would be glass balustrades at upper levels.
- 6.2.15 The three-storey amenities building would have a pitched roof with a series of small gables interspersed with flat-roofed dormers across the north and south elevations, with balconies to the first and second floor rooms. External walls would be red multi brick with fibre cement cladding. Roof materials would be grey-coloured standing seam metal cladding. Window and door frames would be dark grey-coloured aluminium.
- 6.2.15 The palette of external materials to be used for the apartment blocks would include the following:
- Lower walls: off-white render; red multi brick; white brick
 - Upper walls: metal standing seam wall cladding in grey, brown, pale green; fibre cement timber effect cladding
 - Roof coverings: plain red tiles; slate tiles; standing seam cladding in grey, brown, pale green; living green roof
 - Window and door frames: dark grey-coloured aluminium.
- 6.2.16 The palette of external materials to be used for the apartment blocks would be appropriate in terms of its range and quality, and would provide visual interest across the site whilst maintaining common themes such as pitched roof, window scaling and balconies. The use of varied roofscape of the amenities building would help to break up the mass of the building and is an appropriate design. The design, materials and colour scheme of the care home would contrast with the adjacent apartments and would be appropriate in terms of its function and siting. Existing and proposed landscaping would break up open views from public areas to the east.
- 6.2.18 Landscaping:
The outline planning permission requires that the landscaping of the development accords with the Landscape Strategy which was submitted as part of the original outline application. That Strategy indicated that the landscaping would include tree planting spread across the site between the individual buildings and around the attenuation pond; an orchard at the north-eastern side of the site adjacent to

the site access; a mix of garden types including cottage gardens and ornamental and sensory gardens. These elements have been incorporated within the detailed designs for the development.

- 6.2.19 The landscaping of the site would include amenity borders, mixed native trees and hedgerow. In terms of hard landscaping, courtyards would include local stone features, raised planting beds and seating areas. There would be a range of surfacing materials used throughout the development. These would include buff-coloured porous resin bound gravel and porous asphalt for public pathways and shared surfaces; semi bound gravel for orchard paths; loose gravel for parking areas; and flagstones for private patios and pathways. The principal area of public viewpoints would be to the east of the site at Ellesmere Road. Existing trees alongside this side of the site would be retained. Additional landscaping in this area would include a proposed orchard at the north-eastern side of the site and native shrub planting and trees to infill gaps in the existing roadside tree screen.
- 6.2.20 Both the Council's landscape consultant and the Green Infrastructure Advisor have confirmed that the submitted landscaping proposals are acceptable. The proposals would provide an appropriate mix of native and ornamental planting, of a sufficient level soften the appearance of the development and contribute towards the biodiversity improvements and amenity of the area.
- 6.2.21 It is a requirement of the Unilateral Undertaking that the development provides biodiversity net gain of 13% and that the required Biodiversity Enhancement Plan is maintained through the life of the development.

6.3 **Other considerations**

- 6.3.1 Matters raised by the Council's Ecology team can be addressed as part of the existing planning condition on the outline permission which requires that details of habitat creation and management are submitted for approval. In addition, the Unilateral Undertaking requires the submission of a Biodiversity Enhancement Plan for approval. Similarly, in relation to comments received regarding the Travel Plan, the legal agreement requires that a Travel Plan is submitted for approval. It also includes an obligation to contribute £10,000 towards bus shelters. These matters will be considered separately to the current application.
- 6.3.2 The proposed design incorporates a range of features which seek to reduce its environmental impact. These include: solar panels to be installed on all residential blocks; electric car charging points to every parking space; the use of air source heat pumps to provide all heating and hot water needs; and mechanical ventilation with heat recovery (MVHR) to all buildings.

7.0 **CONCLUSION**

- 7.1 The reserved matters application sets out the detailed designs for the care community development at Hencote in Shrewsbury for which outline planning permission was granted in 2023. The permission sets out the principles that the

development should adhere to and the current proposals are in line with these. The development accords with the specific requirements of the permission in terms of scale, and layout and landscaping. The detailed set of plans that have been submitted demonstrate that the development has been carefully designed to align with the requirements of the outline planning permission and would provide a high quality environment to residents and visitors. The buildings have been sensitively designed within the parameters laid out in the planning permission and include an appropriate type and range of materials. Similarly, the landscaping proposals reflect the requirements of the planning permission and are of an appropriate mix to help to assimilate the development in the local area and provide a pleasant environment within the site.

- 7.2 Overall the proposal is acceptable in relation to the requirements of the outline planning permission and Development Plan policy. Therefore, it is recommended that reserved matters approval is granted subject to the conditions 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 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.

10.0 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.

11.0 Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment

Relevant Planning History:

21/05743/OUT A Continuing Care Community (Use class C2) comprising up to 182 units of Extra Care and Close Care accommodation with graduated care provision in the form of lodges and apartments; a 75 bed Nursing home and Dementia unit; an amenities building providing supporting care facilities, treatment / therapy rooms, fitness pool, restaurant, small shop and site management facilities, with open space, communal gardens, nature trails, landscaping, car parking and supporting infrastructure. REFUSED 14th April 2022

22/03369/OUT Outline application (access for consideration) for a Continuing Care Community (Use class C2) comprising up to 164 units of extra care/close care accommodation; graduated care provision in the form of lodges and apartments; a 75 bed nursing home/dementia unit; amenities building providing support and management facilities, treatment/therapy rooms, fitness pool, restaurant; open space/communal gardens, landscaping, car parking and supporting infrastructure (amended description) NOT PROCEEDED WITH 15th April 2024

24/03534/AMP Non material amendment to the approved drawings referenced within Condition 4 relating to planning Permission 21/05743/OUT GRANT 5th November 2024

25/00403/VAR Removal of condition 12 (Great Crested Newt District Level Licence) of planning permission ref. 21/05743/OUT (appeal decision ref. APP/L3245/W/22/3306381) GRANTED 6th May 2025

Appeal

22/03064/REF A Continuing Care Community (Use class C2) comprising up to 182 units of Extra Care and Close Care accommodation with graduated care provision in the form of lodges and apartments; a 75 bed Nursing home and Dementia unit; an amenities building providing supporting care facilities, treatment / therapy rooms, fitness pool, restaurant, small shop and site management facilities, with open space, communal gardens, nature trails, landscaping, car parking and supporting infrastructure. ALLOWED 2nd March 2023

12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SWBELBTDHXT00>

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 2 – Appeal decision, dated 2 nd March 2023

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. 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.



Appeal Decision

Inquiry held on 24 January 2023- 26 January 2023.

Site visit made on 25 January 2023

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/L3245/W/22/3306381

Land off Ellesmere Road, Hencote, Shrewsbury, SY4 3AA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Senescura Ltd against the decision of Shropshire Council.
 - The application Ref 21/05743/OUT, dated 7 December 2021, was refused by notice dated 14 April 2022.
 - The development proposed is A Continuing Care Community (Use class C2) comprising up to 164 units of Extra Care and Close Care accommodation with graduated care provided in the form of lodges and apartments; a 75 bed nursing home and Dementia unit; an amenities building providing supporting care facilities, treatment/therapy rooms, fitness pool, restaurant, small shop and site management facilities, with open space, communal gardens, nature trails, landscaping, car parking and supporting infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for a Continuing Care Community (Use class C2) comprising up to 164 units of Extra Care and Close Care accommodation with graduated care provided in the form of lodges and apartments; a 75 bed nursing home and Dementia unit; an amenities building providing supporting care facilities, treatment/therapy rooms, fitness pool, restaurant, small shop and site management facilities, with open space, communal gardens, nature trails, landscaping, car parking and supporting infrastructure at Land off Ellesmere Rd, Shrewsbury, SY4 3AA in accordance with the terms of the application, Ref 21/05743/OUT, dated 7 December 2021, and the plans submitted with it, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. Interested parties have referred to the appeal site falling within the Green Belt. This is not the case.
3. I am aware that the examination of the emerging Shropshire Local Plan (e SLP) is taking place and that the allocation of the site is being pursued, together with consideration of the extent of need for older persons housing. The weight which I attach to this is addressed below. However, the soundness of the policies of the emerging plan is a matter for the examining Inspectors. My attention has been drawn by the appellant to a letter (ID19), dated 15 February 2023, from the examining Inspectors to the Council. This is of direct relevance to the appeal and was not available when the Inquiry was sitting.

The Council has raised no objection to it being provided to me. It references older persons specialist housing amongst other matters, setting out that there is a higher-than-average need for such accommodation within Shropshire and requesting that the Council give further consideration to making provision for this sector of the community.

4. Nonetheless the plan making process has yet to reach formal main modifications. Consequently, there is no certainty how the emerging plan will address this issue. Therefore, I must determine the appeal on the basis of the evidence before me relating to this particular planning application and the current planning policy context. To be clear, given the early stage of the Examination of the e SLP, this means that I have not taken into account the potential impact of the proposed Shrewsbury North Relief Road, nor the proposed housing allocation SHR173 to the west of Ellesmere Road.
5. I have also been referred to the Shrewsbury Big Town Plan which I note has no statutory status.

Procedural Matters

6. The application was submitted in outline, with approval sought for access. Details of layout, landscaping, appearance, and scale are all reserved matters to be determined later.
7. The Council now accepts that all primary residents of the housing would have care needs, and therefore the residential element would fall within Class C2 of the Use Classes Order 1987.
8. The description of the proposed development has been amended during the determination of the appeal. The number of units has been reduced from up to 182 units, to up to 164 units. This reflects amendments which have been made to a live application on the site which has yet to be determined by the Council (22/03369/OUT). The appellant wished to proceed with the appeal on the basis of the revised scheme and the Council has accepted this.
9. At my behest, a joint letter, from both the appellant and the Council, was sent to all those who had previously commented on the appeal proposal explaining the changes to the number of units, and the reduction in building heights in two locations on the height parameter plan.
10. I agree with the Council and appellant that no third-party interests are adversely affected by any of these changes. This is because the plans for the reduced scheme have been subject to public consultation as part of the current live application, and I have had sight of these representations. Consequently, taking into account the Wednesbury principles, no one would be prejudiced by my determination of the scheme on this basis.
11. Consequently, the plans for which approval are sought are site location plan RL001 rev H, and the land use and building height parameters plans PP01 rev F, and PP02 rev I. I have treated all other plans submitted with the application as being illustrative.
12. A draft Unilateral Undertaking was provided to the Council on 10 January 2023. This included the sum of £1.3 million pounds to be provided as a contribution for affordable housing. Following this, the Council confirmed that its planning witness considered with the addition of the affordable housing contribution, the

material considerations associated with the proposed development indicated that the appeal should be allowed (PID.2).

13. Following the close of the Inquiry a certified copy of the completed unilateral undertaking under s106 of the Town and Country Planning Act 1990 was submitted. This document includes planning obligations relating to eligibility to live in the specialist older person's housing; controls over the operators of the Extra Care, Close Care and nursing home element of the development; the delivery of all supporting infrastructure on site; an off-site affordable housing contribution; biodiversity enhancement, including the provision of an orchard; improvements to public transport infrastructure; highway improvements; travel plans, monitoring, and including the provision and operation of electric minibuses; sustainable urban drainage; and the Council's administrative costs in processing the unilateral undertaking. I consider this below.
14. I am aware of local residents' disappointment that the Council did not actively pursue its original reasons for refusal. Nonetheless, all those who wished to speak were provided with the opportunity to be involved in the Inquiry. Moreover, notwithstanding the Council's position, it falls to me to determine the appeal.

Background and Main Issues

15. The access from Ellesmere Road has already been built as part of the existing development associated with the vineyard and it is considered to meet the appropriate technical standards. The detailed internal road layout and access is a matter to be determined at the reserved matters stage.
16. Concerns relating to highway matters underpinned two of the Council's reasons for refusal, including the impact of any additional traffic on the highway network and the accessibility of the site. Following the receipt of further technical information, the Highway Authority accepted, with the imposition of appropriate conditions and planning obligations, that these should fall away. Nonetheless, highway matters remain of concern to interested parties.
17. From what I have read, heard, and seen; I consider the main remaining issues to be:
 - whether the appeal site represents an appropriate location for a continuing care community, with reference to the Council's adopted development strategy.
 - the effect of the proposed development on the appearance of the immediate and wider area.
 - the extent of the benefits of the proposed development.
 - whether any development plan conflict and harm arising is outweighed by other material considerations.

Reasons

Appropriateness of location

18. The development strategy set by Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) is to direct development to Shrewsbury. Policy CS2 of the CS provides a framework to

deliver this development. Policy S16.1 of the Shropshire Council Site Allocations and Management of Development Plan, adopted 2015, (SAMDev) has refined this to include a defined settlement development boundary for Shrewsbury.

19. The appeal site sits on the western side of Ellesmere Road which forms part of the settlement boundary for Shrewsbury as defined by Policy S16.1 of (SAMDev). Therefore, for the purposes of the development plan, it is in open countryside. In addition, as a site close to the edge of Shrewsbury, it is not within an area defined as a Community Hub or Cluster as set out in Policy CS4 of the CS.
20. The proposed development of a continuing care community including supporting facilities does not fall within any categories of development which are deemed to be appropriate within the open countryside as defined by Policy CS5 of the CS. Moreover, as the proposed open market continuing care community is not an exception site for affordable housing, it does not meet the tests set out in policy MD7a of the SAMDev.

Conclusion

21. Consequently, I conclude that the appeal proposal is contrary to the locational policies CS1, CS2, CS4 and CS5 of the CS, and S16.1 and MD7a of the SAMDev. As such, this would result in harm to the development strategy of the adopted plan which is to concentrate the majority of development within the settlement boundary of Shrewsbury.

Appearance of the immediate and wider area

22. The appeal site lies within the open countryside, defined as Estate Farmlands within the Shropshire County Council Landscape Typology.
23. The landscape does not benefit from any specific statutory designation relating to its landscape quality or visual amenity. It is considered to be of medium sensitivity to housing according to the Shropshire Landscape and Visual Sensitivity Assessment Study, Gillespies 2018.
24. I have been referred to the classification of the land as part of a category 1 site within the Shrewsbury Landscape Character Survey produced by the CPRE. However, this study does not have any statutory status, and does not, in contrast to the Landscape and Visual Appraisal provided by the appellant and considered to be appropriate by the Council's professional landscape consultant, accord with the most up to date Guidelines for Landscape and Visual Assessment (LVA). Moreover, it relies on survey work over 20 years old. Consequently, I have given it no weight in my determination of this appeal.
25. Similarly, reference has been made to the site forming part of a Green Wedge in the Big Town Plan. Whilst I am aware the Big Town Plan has informed the production of the e SLP, it has no statutory status.
26. The application is in outline only, with all matters reserved other than access. Consequently, the detail of the design of the scheme is not before me. However, a land use parameter plan (PP01 rev F) which identifies a broad location for the elements of the proposed scheme, together with a plan setting out the parameters for the maximum height of the buildings, in terms of the number of storeys, have been provided, (PP02 rev I) together with other

illustrative documentation including a landscaping plan. During the Inquiry, the maximum height of the buildings was confirmed in metres. These maximum heights are agreed to be consistent with the accompanying illustrative material which informed the LVA and the wider application.

27. The appellant and Council agreed a Landscape Statement of Common Ground which identified that the issue of landscape and visual effects narrowed down to the impact of the appeal proposal on users of Ashfield Recreation ground during the winter months and private views from homes in Ashfield Road.
28. The recent existing development has involved significant earth works. As a result of the new access road and grassed area, together with the Winery, glamping units, and vineyard straddling the southern slopes, the appeal site has a more managed character than the traditional farming landscape to the north of Hencote Lane. In addition, I am aware that there is an extant, unimplemented planning permission 19/05538/FUL for an additional 20 glamping units which would sit on the brow of the small hillock visible from Ellesmere Road and the Ashfield Recreation Ground. Nonetheless, there remains a clear dichotomy between the suburban developments to the east of Ellesmere Road, and the open countryside north of the wooded riverbeds to the west, including the appeal site.
29. I have visited the publicly accessible wider area more than once, both as a pedestrian and driver. The appeal site, which rises up from the wooded riverbed below provides an attractive vista and transition from the outskirts of Shrewsbury to the rural landscape beyond. However, it is clear to me that the views into the site are, as agreed by the Council and appellant's landscape experts, limited by the topography of the wider area and therefore make a localised contribution. In addition, the wider landscape is characterised by a mix of wooded areas, and open grassland, shrubland, large mature trees and hedgerow which partially screen and filter the views into the site.
30. I am aware that in the past the public were able to access the site, enjoying views over Shrewsbury and, when the weather obliged, tobogganing in the snow. In addition, residents of Ashfield Road whose homes back onto the recreation ground no doubt can enjoy attractive views across the site as part of the wider landscape, as can residents of the properties to the north of the recently constructed Winney Hill View and nearby properties, including the White House. However, as the appeal site is private land, and there are no public rights of way within it, I must restrict myself to consideration of public views. As such I have discounted any views to the south from Hencote Lane to the west of the telecommunications mast. In my judgment, the most significant publicly accessible views are those from the pavement along Ellesmere Road immediately opposite the site, although the view reveals itself when approaching from Hubert Way; the footpath from Ashfields Road; and Ashfields recreation ground; together with those achieved from the public footpath along Hencote Lane.
31. I am aware of concerns that have been raised by local residents about the hedging, along the south of Hencote Lane, which has been allowed to grow quite high and the fencing which has been erected. The Council's enforcement team has investigated this and considers the matter closed. I¹ have no reason to suggest otherwise.

¹ ID7

32. The overarching design of the proposed continuing care development is split into four separate identities. Winney Hollow would be the easternmost area of the development and would be closest to Ellesmere Road. It would include a four-storey nursing home (maximum height of 14.5 m), closest to Ellesmere Road as well as some close care units ranging in height from one, to two and a half storeys high (maximum of 11.4 m). However, these heights are expressed as maxima and are to be controlled, as will the detailed elements of the design by a further reserved matters application.
33. These buildings are proposed to be located where they could take advantage of the changes in the topography so as not to appear domineering. Nonetheless, even after 15 years after which time much of the landscaping will have matured, the appellant's LVA does concede that in the winter, when the buildings would be more visible, there would be a moderate adverse effect (Table 7.1 U.1) on users of the Ashfields recreation ground, who would look directly over Ellesmere Road into the site.
34. Similarly, in winter, when the screening effect of the existing and proposed landscaping and trees would be less effective, those walking or driving along Ellesmere Road, and those approaching from Yellowheart Lane, would be affected by the scale and extent of the unavoidable urbanisation as a result of the new development. These views would be transitory, and the impact most acute in the winter months, but nonetheless the proposal would negatively alter the visual experience of those travelling through the immediate area.
35. I have concluded there would clearly be a change in the character of the area, given the built development, along the public footpath, close to the northern boundary where it corresponds with Hencote Lane. However, combined with the significant changes in levels, views into the site would not be significantly affected, as they would be filtered and screened by the proposed additional landscaping, including the orchard at the easternmost end of the site, together with the existing trees and hedgerows and fencing. Consequently, even in the winter months, the visual impact of the development would not have a substantive impact on those walking the route who, in any case, would not have direct views over the site as the footpath PROW (0443/95/2), runs broadly parallel to the site, other than where it diverts to the north past the mobile phone mast.
36. My site visits took place in winter when the existing trees and planting are at their barest. Even so, the screening effect of the existing trees, hedgerows and rough shrubland gave me comfort that the proposed development could be, for the most part, successfully assimilated into the wider landscape and whilst there would clearly be a change to both the character and appearance of the appeal site, this could be mostly restricted in its impact other than when viewed from Ashfields Recreation Ground and specific lengths of Ellesmere Road.
37. However, this would require a careful and considered design, the details of which would need to be approved at reserved matters stage. This would include consideration of both existing, and planned site levels together with ensuring that the height of the buildings is controlled. The landscaping plan would need to be sensitive to the wider and immediate landscape character and native flora. Large, mature specimen trees, appropriate planting, the provision of an orchard characteristic of the local landscape, together with the provision of an

attenuation pond and land devoted to achieving biodiversity net gain would all need to be integrated to produce a development which would, for the most part, as set out in the appellant's LVA, result in negligible impacts.

Conclusion

38. The proposed development, the details of which are to be decided as part of any forthcoming reserved matters application, would not have an adverse impact on the appearance of the wider landscape, nevertheless, it would have a localised visual impact. Over the long term, when viewed from the Ashfields Recreation Ground, even in the best scenario, this would result in a moderate adverse impact in the winter months.
39. This residual visual adverse impact would result in limited harm given its very local impact, and that it would be most evident in the winter months when the landscaping would be less dense. However, I consider it would nonetheless be contrary to Policies CS6 and CS17 of the CS, and MD2 of the SAMDev which cumulatively require developments amongst other things to protect and enhance the local character of an area.

Extent of the benefits of the proposed development

Housing Need for Older People

40. Of the policies to which I have been referred, I consider Policies CS6, CS11, of the CS, and Policy MD3 of the SAMDev to be relevant to the provision of older persons housing. They set out that older persons' housing is to be delivered as part of general market housing development, or as windfall housing within the settlement boundaries. I am aware that some new specialist housing has come forward in Shropshire as illustrated in Table 7.1 of Mr Corden's Proof of Evidence.
41. Prior to the Inquiry, both parties provided me with a signed Further Statement of Common Ground. Paragraph 8 stated that both agreed that there was a need for older persons housing both within the plan period, and beyond. This is a truism. The question is whether older people in Shropshire have a choice of appropriate housing to meet their needs now, and whether it is appropriate to treat older people's housing tenure as an undifferentiated requirement.
42. Nationally, the NPPG states that there is a critical need to provide older persons housing and to offer a better choice of accommodation to meet their needs². Shropshire already has a higher than national level of over 75s³. This demographic is forecast to increase by 90% by 2038.
43. The proposed continuing care community already has a preferred operator in Lifecare Residences, and if allowed, it could be open by 2026. By this time, the Council suggest it will be reasonable to assume some need for sheltered/retired housing and for further bedspaces. The appellants consider the need for extra care housing and bedspaces to be more immediate suggesting a requirement for 1,059 extra care units, and 750 ensuite bed spaces now.

Housing with care

²CD 2.2.

³ CD1.6

44. The Council predominantly relies on the use of prevalence rates based on the over 75s to determine the need for specialised older persons housing⁴ (SHMA). However, I consider that this approach is fundamentally flawed⁵. It presupposes, at a fixed point in time, that the level of older persons housing and nursing care provision was appropriate to provide the optimum choice of tenure, care, and housing needs for Shropshire's elderly population.
45. There is no qualitative assessment of the existing accommodation for the elderly, and the extent to which the choice and availability of housing products, including the ability to own the leasehold of a property influences older people's decisions to move into more appropriate housing to enable them to lead as independent lives as possible.
46. I am aware of the Housing Needs Survey for Shropshire which has recently taken place and that its preliminary conclusions accord with the Council's prevalence rates. However, I am not convinced that the response to the questions relating to future preferences for care should be relied upon. This is because those questioned were over 55 rather than the over 75s, the age the prevalence rate calculation is predicated upon. It can be reasonably assumed that someone who is over 55 may have a very different understanding of their housing and care needs than a person some 20 years older⁶.
47. Consequently, I prefer the appellant's methodology based on Housing in Later Life⁷. This takes into account the tenure of housing. This figure, which I accept is not totally transparent, suggests a figure of 30 units of extra care market housing per 1000 of population aged over 75, or 3%. This contrasts starkly with the existing provision in Shropshire of 3.1 units per 1000⁸ in an area which has higher than average levels of home ownership. There is no exact science for determining the level of need for older person's housing or care needs, as it is dependent on a number of variables which relate to the individual circumstances of that person, including the wider environment, building stock, and social network in which they live. However, I am confident even in a rural county such as Shropshire, notwithstanding the Council's worthy objective of helping to keep the elderly in their own homes and communities, that were the need for extra care older person's housing not to be at the quantum put forward by the appellant, it is substantially above that suggested by the Council.
48. There is a pressing need now in Shropshire, which will only become more acute in the future, for new older person's housing with care, with only 405 units of extra care housing⁹ currently provided (CDU.2) and of that, only 120 units are for owner occupiers. Moreover, no compelling evidence has been put forward that this level of immediate need can be satisfied elsewhere.

⁴ CD1.6

⁵ APP/Q3115/W/20/3265861

⁶ Daniel Corden PoE para 9.23.

⁷ CD3.3

⁸ Table 20 U2

⁹ Ibid.

Residential care

49. In Shropshire, as is the case nationally, many of those living in care homes do not enjoy private ensuite accommodation. This is because the beds are in converted older properties or were built when it was considered appropriate for care home residents to share bathrooms. I am aware that the 2002 minimum standards for care homes have since been rescinded, nonetheless, the principle of providing high quality accommodation for the elderly still holds good. The appellant's need figure for residential care home beds, derived by the Laing Buisson methodology, is lower at 2,578 beds than that of the Council at 3,000 as of 2020¹⁰. However, the appellant's approach to discount beds from the supply which do not provide private washing facilities, with benefits both for disease control and residents' dignity, results in a greater emphasis on providing more capacity now, with a requirement of 750 bedspaces.
50. I accept that the Care Quality Commission inspects care homes to ensure that they meet required standards which do not include access to private washing facilities. However, this does not alter the fact that 28% of those in residential or nursing homes in Shropshire do not have access to a private toilet and wash hand basin¹¹.
51. I fully accept the need for a choice in accommodation, including its cost, and that there may be potential residents who are happy to share a bathroom. Nonetheless, it is reasonable to assume that there is a need to provide a choice of residential care accommodation built to modern care standards for those considering going into a home. The Council have already accepted in the Statement of Common Ground for the Need for Specialist Housing for Older People, that at 2025 there will be a further need for more residential care beds. Consequently, I conclude, even if a conservative approach was taken which did not discount all non ensuite bedspaces from the supply, this would still result in a more pressing need to provide modern beds than that evidenced by the Council.

Conclusion

52. I have been referred to the Council's housing strategy for the elderly¹². However, I do not see any conflict between its approach, which appears to be to help facilitate the elderly staying in their homes, as long as possible, through a wide range of tools, including the use of technology such as innovative virtual wards, and the continuing care community model promoted by this scheme. Rather, I consider them to be complementary.
53. Continuing care communities, such as that proposed at Hencote, are specialised and are relatively new to the UK, providing a range of accommodation on site and care responsive to residents' needs. The concept is dependent on all three levels of care being available at the same physical location. There is no similar proposal or development in Shropshire, and it should complement the existing and developing choice in older persons housing.
54. For the purposes of this Inquiry, there is no advantage in my determining the exact extent of need for extra care housing and residential care bed spaces.

¹⁰ Proof of Evidence Nigel Newton Taylor para 5.8

¹¹ Ibid paragraph 4.15.

¹² CD.1.12

However, it is clear to me from what I have read and heard that the current unmet need for both private extra care housing and residential care (nursing home including specialist dementia care) is significant and greater than that portrayed by the Council. In the future this need is likely to become even more acute given Shropshire's aging population. Moreover, the specific model of continuing care will add to the choice available to older persons when considering their future housing needs.

55. Consequently, I conclude that the proposed development once built, will make a contribution to providing choice of high-quality accommodation, and meeting the housing needs of the significant population of older persons in Shropshire. In the light of the specific evidence put before the Inquiry, at the current time the Council's approach of relying on its Adult Care Strategy and the policies of the development plan does not appear to be contributing effectively to meeting all the housing needs of older people in Shropshire. As such, this continuing care community, which could be developed within two years as there is a named operator linked to the site, would result in a significant benefit by providing new close care and extra care housing within an innovative model for those who wish to purchase their accommodation. Similarly, the provision of a modern 75 bed nursing home and dementia unit will help meet the housing and care needs of older persons and would be a significant benefit of the scheme. Cumulatively, these contributions of specialist older persons housing are a matter of substantial weight.

Release of housing stock

56. The majority of those moving to the continuing care community are likely to release general housing stock back onto the market. This could provide the opportunity for other, potentially younger, families to purchase around 200 homes. I consider this to be a significant benefit of the proposal.

Highway improvements

57. I have found that the highway improvements to be delivered through the S106 obligation meet the tests set out in paragraph 56 of the Framework. Nonetheless, the following would also provide a wider public benefit: the reduction in the speed limit within the vicinity of the access to the site, the improvement of the bus shelters advisory cycle lanes on Ellesmere Road as well as a contribution to the improvement of the footpath known colloquially as Yellowheart Lane (PROW0443/3/1), together with the provision of a dropped curb crossing, and pavement via a S278 arrangement. Collectively, I consider these to be a moderate benefit of the proposal which should be given moderate weight.

Biodiversity

58. The proposed orchard, together with a wider biodiversity enhancement plan will be implemented to provide and maintain a 13% net gain in biodiversity over the lifetime of the development. This is to be controlled through the unilateral undertaking. I consider that this benefit should be accorded moderate weight and is consistent with paragraph 179b of the Framework.

Economic benefits

59. The proposed development is likely to deliver 155 FTE operational jobs, and £75 million of inward investment to the area. In addition, there will be the

short-term economic benefits associated with the construction of the development of 460 jobs over a two-year period and £65 million of spend. Given the quantum of immediate need for older persons housing which cannot be provided for elsewhere, and therefore, would not transpire, I accord this economic benefit significant weight.

Health benefits

60. No compelling evidence has been put to me to counter the claims referred to by the appellant of substantive mental and physical health benefits to those living in such communities, as well as potential savings and operational advantages to the National Health Service, of around £1000 per annum per resident¹³.
61. Wider benefits include the alleviation of pressure on hospital beds through otherwise well patients being able to return to their home and thereby freeing up beds for those who have an urgent, or elective, medical need. Whilst the impact from this particular proposal may not be numerically significant at a particular point in time, the immediate benefit for an individual requiring a hospital bed is significant. Consequently, I accord the associated health benefits both to the residents of the continuing care community and those accessing the NHS significant weight.

Whether any development plan conflict and harm arising is outweighed by other material considerations

62. On the basis of the conflict with the policies outlined above, I conclude that the proposed development would conflict with the development plan as a whole.
63. Planning law is clear, in line with S38 (6) of the Planning and Compulsory Purchase Act, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
64. However, in this case, I have found substantial benefits resulting from the proposed development. These principally relate to the provision of 164 units of specialist older persons' accommodation in addition to a 75-bed nursing home and dementia unit, which could be provided by early 2026. I give this positive benefit which would contribute towards meeting a pressing need for older persons housing substantial weight.
65. Similarly, the freeing up of around 200 homes within the housing stock is a significant benefit to which I accrue significant weight.
66. It was agreed at the Inquiry that the continuing care community is likely to have a positive impact on the resources of the NHS and the health and wellbeing of those living at the development. I consider that this benefit should be given significant weight, as should the wider positive impacts on the health service. I have also concluded that significant weight should be given to the economic benefits of the proposed development.
67. I have determined that moderate weight should be given to the improvements to the public transport infrastructure and local highway improvements as well as the increase in biodiversity net gain, including the provision of an orchard in perpetuity.

¹³ Para 7.7 U2

68. In sum, the benefits of the scheme are substantial and compelling in the planning balance. Consequently, having taken all of the above into account, in the particular circumstances of this case, these benefits would outweigh the harm that I have identified and the conflict with the development plan. In such circumstances, material considerations indicate that planning permission should be granted otherwise than in accordance with the development plan.

Other Matters

69. I am aware of the significant public interest in the proposed development including representations made by local Councillors, the Town Council, representatives of the Shrewsbury Civic Society, the local Friends of the Earth and the Shropshire CPRE.
70. The use of the site has intensified on an incremental basis. However, my understanding is that all the existing developments on the site have planning permission. Therefore, whilst I appreciate that these changes may have been unwelcome to some, they present the planning context in which I must make my decision.
71. I have been referred to concerns raised by local residents relating to the impact of the proposed development on the ecology of the appeal site and that of the wider immediate area, including the Old River Bed Shrewsbury Local Wildlife Site and the Old River Bed SSSI which lies on the other side of Ellesmere Road. However, there is no technical evidence before me to suggest, subject to appropriate conditions including a construction environmental management plan condition, together with the planning obligation relating to the implementation of a plan to achieve biodiversity net gain, that the appeal proposal would result in harm to matters of ecological importance. Similarly, the protection of trees can be achieved by the imposition of relevant conditions. In addition, the land lost from viticulture will be replaced with land at the western end of the vineyard.
72. I have carefully considered the potential impact of the proposed development on those living nearby, including from light and noise pollution, as well as from the impact of the buildings themselves, and concluded, due to the changes in levels and distance, together with controls which can be imposed as part of any reserved matters applications, that a satisfactory development could be achieved which would not result in substantive harm. Any construction works will result in unavoidable temporary disruption to those living nearby. However, the detailed provisions within the Construction Management Plan should reduce this.
73. Other concerns have been raised about potential damage to homes from building works. However, the technical consideration of how the development is to be constructed and any potential impacts from the construction process is not a planning matter, nor is any potential loss in property values.
74. No technical objections have been raised in relation to drainage, flood risk, and water run-off, subject to the provision of a sustainable urban drainage system for the site, although I am aware of local concerns. Moreover, there is no evidence to suggest that there is not sufficient capacity to deal with the sewage associated with the site.

75. The proposed development would result in the loss of the existing glamping units and the further potential 20 units which have the benefit of planning permission. Given that the extant planning permission has not been implemented this would not result in any harm to the local leisure economy. However, the removal of the existing glamping units will have an unavoidable, albeit very limited impact.
76. Local residents have expressed concerns relating to highway safety and the impact of the proposed development on the highway network and have expressed cynicism as to whether the proposed highway improvements, such as the advisory cycleway and dropped kerb to provide a pedestrian crossing will be safe or utilised. However, the Highway Authority is content, subject to the proposed conditions, planning obligation and S278 improvements, that the scheme, which is not dependent on the construction of the North West Relief Road, poses no threat to highway safety and the wider highway network from congestion. There is nothing before me to lead me to disagree with the Highway Authority's position.
77. As set out above, the appeal site is private land with no rights of access within it. Consequently, the proposed development will not result in the loss of any publicly accessible recreational space.
78. I am aware that the continuing care community may be targeted at a relatively affluent customer base, including those from outside of Shropshire. However, there is no reason why older persons within Shropshire, or indeed beyond, should be afforded less choice in the housing market than younger people who are able to choose, subject to their financial position, between a range of housing costs. Moreover, whilst the development is intended to be relatively self-sufficient, residents will be able to mix with the wider community given the minibuses which are to be provided and the nearby public transport.
79. Other concerns have been raised that there is not the health infrastructure available to support those living on the site, including health care. However, the concentration of elderly people with care needs in a geographical area would reduce the distance for any health professional to travel including GPs, and facilitate an efficient use of health resources, and, as set out below, is likely to result in financial savings to the NHS.
80. I note that questions have been raised as to the appropriateness of the site for elderly persons with care needs given the difference in levels on the site. However, the documentation accompanying the appeal illustrates how this could be addressed, such as through accessing buildings at different levels. Moreover, I have been referred to existing similar communities in the Malvern Hills and the Cotswolds, which I understand operate successfully on land as steep, or even steeper than the appeal site.
81. Detailed design considerations, including internal access arrangements can be controlled through the subsequent reserved matters applications. This will enable the protection of the significance of the non-designated heritage assets at Crosshills, and Hencote Farm.

Planning Obligation

82. A signed unilateral undertaking has been provided by the appellants and relevant title holders to the land.

83. The planning obligation includes contributions to increase the uptake of alternatives to the car. These can be split into off-site improvements such as £10,000 to provide and improve bus shelters on Ellesmere Road; £10,000 to provide advisory cycle lanes between the site and an existing pedestrian/cycle route along Hubert Way to the south, and into Shrewsbury Town Centre; £20,000 to improve the footpath running from the top of Onslow Drive and Ellesmere Road, known informally as Yellowheart Lane (PROW0443/3/1); and a £20,000 contribution to monitor the Travel Plan over ten years for those living and working at the continuing care community. Two electric minibuses of an appropriate size are to be operated throughout the lifetime of the development.
84. Traffic safety is to be improved by a £10,000 contribution towards a Traffic Regulation Order to reduce the speed limit within the vicinity of the site access to ensure that safe access and egress to the site can be achieved. These obligations are necessary to ensure that the development is acceptable and accords with Policy MD8 of the SAMdev in relation to infrastructure and appropriate capacity.
85. A biodiversity enhancement plan would, when implemented, result, together with the planting and maintenance of an orchard to the north of the site in a 13% net gain in biodiversity. This will protect and enhance the biodiversity of the scheme consistent with Policies CS6 and CS17 of the CS, and Policy MD12 of the SAMdev.
86. Other controls over the older persons accommodation, including the provision of care and eligibility of residents, as well as the provision and maintenance of all supporting ancillary facilities are included in the obligation. This is to ensure that the development is operated in an appropriate manner and occupied by those who have specialist housing and care needs.
87. I have been provided with a compliance statement setting out how the elements of the planning obligation meet the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended and paragraph 57 of the Framework. I am content, on the basis of the information provided to me, that all the contributions described above meet the test of necessity; are directly related to the development and are fairly and reasonably related in scale and kind.
88. During the Inquiry, it was considered appropriate to include the provision, and management of a sustainable urban drainage system within the planning obligation. This is also necessary for the lifetime of the development and meets the relevant tests.
89. The unilateral undertaking includes a contribution of £1.3 million, index linked, to spend on off-site affordable housing in the Shrewsbury Place Plan Area. If this were not to be spent within the first five years, it could then be used throughout the whole of Shropshire. I note that both the Council and the appellant consider that this sum of money would meet the legal tests and I have been referred to CS11 of the CS, which requires housing to provide affordable housing, as well as a reference to the lack of affordable housing in the relevant officer's report relating to this application. Nonetheless, it is clear the lack of affordable housing was not considered to be a reason to withhold planning permission even when the proposed development was considered to fall within Class C3 of the Use Classes Order. If it had been, logically, it would have formed a reason for refusal.

90. Prior to the Inquiry the Council conceded that the housing within the continuing care community fell with Class C2 of the Use Classes Order. It is clear from the original Statement of Common Ground that the Council did not consider that there was a policy basis to require an affordable housing contribution¹⁴. I have carefully considered the correspondence that I have received on this from both parties, including consideration of the shortage of affordable housing for carers, set out in Ms Tyler's evidence. The financial contribution will go to a general affordable housing pot. Therefore, there is nothing to suggest that care workers would directly benefit from this. Consequently, I conclude that the affordable housing contribution, whilst no doubt welcome to the Council and providing a wider community benefit does not meet the legal tests. Therefore, I have not taken it into account as part of the planning obligation in reaching my decision.

Conditions

91. A list of planning conditions was discussed at the Inquiry. Following the end of the Inquiry a revised list of agreed conditions, including pre-commencement conditions was provided by the parties. However, in the interests of clarity and conciseness I have made minor changes to the conditions and where appropriate deleted superfluous conditions given the unilateral undertaking referred to above.
92. Conditions 1-3 set out the standard time limitations for an outline planning permission. Conditions 4 -7 and 19 clarify the relevant plans for the outline permission and the general development principles which are to be followed including the maximum number of units to be provided and the control of the ground levels at which the buildings will be constructed. These are required to ensure a visually acceptable development. Condition 8 is required to avoid any potential for contamination from the development. Condition 9 is required both to manage the construction phase of the development, including environmental protections, but also to protect the amenity of local residents.
93. Conditions 10-14 and 18 provide further protection for matters of ecological importance including trees. Condition 15 relates to the control of surface water and foul drainage for the site. Condition 16 reflects the need for archaeological assessment of the site.
94. Given the importance of the landscaping of the site condition 17 requires a landscaping plan as one of the first reserved matters applications. Condition 20 requires a phasing condition to ensure the infrastructure is delivered at the appropriate time. Conditions 21-23 require appropriate highway related matters, including the provision of a parking plan are provided. Lastly, condition 24 is required to ensure that all the residential accommodation is wheelchair accessible to provide for the mobility needs of the residents.
95. I have removed a condition relating to electric charging points as this is not necessary as it duplicates building control regulations. I understand that the Council wished to control the location of the electric charging points and to ensure that the minibuses were able to be fully operational and charged. However, I am confident that the location of any charging points would be controlled by condition no 22 which relates to a reserved matters application for details of the level and location of parking spaces.

¹⁴ Paragraph 5 Statement of Common Ground 22.12.22

Conclusion

96. For the reasons given above I conclude the appeal should be allowed.

Louise Nurser

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Paul Tucker, King's Counsel.

Ms Stephanie Hall Counsel

Instructed by Ms Lizzie Marjoram of LLB Bird Wilford & Sale.

They called:

Mr James Rand MSc, MCIHT Paul Basham Associates.

Mr Tom Wigglesworth BSc (Hons), Director EDP.
MSc, MCIEEM

Ms Ruth Bishop BSc (Hons), MA, CMLI Associate Director, Savills.

Mr Nigel Newton Taylor BSc (Hons), Director, Healthcare Property Consultants
MRICS Ltd.

Mr James Donagh BA (Hons), MCD Director Barton Willmore.
MIED

Mr Richard Shaw BA (Hons), Senior Associate Director, Savills.
Dip Urb Des, MRTPI

FOR THE LOCAL PLANNING AUTHORITY:

Mr Hugh Richards of Counsel.

Instructed by Head of Legal Services, Shropshire County Council.

He called:

Mr Daniel Corden BSc (Hons), MSc, Principal Planning Policy Officer, Shropshire
MPlan, MRTPI County Council.

Mr Kelvin Hall BSc (Hons), PGDip, Principal Planning Development Control
MRTPI Officer, Shropshire County Council.

Ms Laura Tyler BA (Hons) Assistant Director of Joint Commissioning
Shropshire Council and Shropshire, Telford
and Wrekin Integrated Care Systems.

INTERESTED PARTIES:

Mr Benedict Jephcott	Local resident.
Mr Michael Dinneen, FinstAM (AdvDip) MinstLM	Chair, Shrewsbury Civic Society.
Mr Michael Davies	Local resident.

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Statement of Common Ground on C2 Need.
- ID2 Opening submissions of the Appellant.
- ID3 Opening submissions of the Council.
- ID4 Proposed Site Visit Itinerary.
- ID5 Written statement of Mr Benedict Jephcott.
- ID6 Revised planning conditions 25 1 23.
- ID7 Letter dated 21 December 2022 from Shropshire Council re closure of enquiry re fence and hedging.
- ID8 Historic map with PRow overlay.
- ID9 Written statement of Mr Michael Dinneen, Chair Shrewsbury Civic Society.
- ID10 Revised planning conditions 26.1.23
- ID11 Shrewsbury Big Town Plan 2018.
- ID12 Revised unilateral undertaking 26.1.23- tracked changes and clean version for engrossment.
- ID13 Written statement of Mr Keith Davies.
- ID14 Closing submissions of Mr Hugh Richards on behalf of the Council.
- ID15 Closing submissions of Mr Paul Tucker KC and Stephanie Hall on behalf of the Appellant.
- ID16 Final draft conditions.

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- ID17 Shrewsbury Place Plan.
- ID18 S106 Unilateral Undertaking- certified copy.
- ID19 Letter dated 15 February 2023- Examination of Shropshire Local.

SCHEDULE OF CONDITIONS

1. Details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby approved, which relates to the site edged red on drawing no. RL001 rev H (Red Line Boundary Plan), shall be carried out in accordance with the details shown on drawing nos. PP01 rev F (Land Use Parameter Plan) and PP02 rev I (Building Heights Parameter Plan).
5. No element of any building on any part of the development hereby permitted shall exceed the following as measured from adjacent ground level:

Extra Care/ Close care units

1 storey - 7m
1.5 storey - 8.4m
2 storey - 10m
2.5/3 storey - 11.4m.

Nursing Home

4 storeys: 14.5m

Amenities Building

12.65m

6. Any reserved matter applications shall be in general accordance with the principles set out in the Planning Statement (updated August 2022 Rev E), the Indicative Landscape Masterplan (page 25 of Planning Statement August 2022 Rev E), the Design and Access Statement (updated December 2022) and the Landscape Strategy (updated October 2022).
7. The number of units provided as part of the development hereby permitted shall not exceed 164 Extra Care and Close Care units and a 75 bed Nursing Home.
8. No development shall take place until a report detailing a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental

Protection Act 1990 in relation to the intended use of the land after remediation.

- A) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
 - B) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with Land contamination: risk management (Environment Agency, 2019) or any successor document and must be submitted to and approved in writing by the Local Planning Authority.
 - C) Where remediation is necessary a remediation scheme must be prepared and implemented which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the measures have been completed a Verification Report shall be provided to and approved by the Local Planning Authority to demonstrate that the contaminated land has been made safe in relation to the intended use of the site.
9. No development shall take place, including any work of demolition, until a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) Safe Access and vehicle routing
 - b) Hours of operation and deliveries, site office locations, and storage of materials details.
 - c) 24 hour emergency contact number.
 - d) Vehicle parking, turning, and loading arrangements.
 - e) Construction Traffic Management Plan.
 - f) Construction Dust Management Plan including wheel washing measures to control the emission of dust and dirt during construction including on the public highway.
 - g) Waste management plan.
 - h) Measures to limit noise and vibration from construction activities.
 - i) Risk assessment of potentially damaging construction activities.
 - j) Identification of "biodiversity protection zones".
 - k) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.

- l) The location and timing of sensitive works to avoid harm to biodiversity features.
- m) The times during construction when specialist ecologists need to be present on site to oversee works.
- n) Responsible persons and lines of communication.
- o) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - 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 'biodiversity protection zones' to all construction personnel on site.
- p) Use of protective fences, exclusion barriers and warning signs.
- q) Measures to provide temporary localised surface water run-off management systems for construction stage activities.
- r) A soil management plan for construction stage activities.
- s) Pollution prevention measures, particularly in relation to The Old River Bed SSSI, as specified in section 5 of the Ecological Appraisal dated December 2021 reference edp7067_r002.

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

10. No development shall take place (including level changes) until a Habitat Management Plan (HMP) expanding upon the information provided within the Ecological Appraisal dated December 2021 reference edp7067_r002, including the Biodiversity Metric document and the proposed Landscape Strategy, detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat, to secure a habitat compensation value of no less than 2.67 Habitat Units and 0.62 Hedgerow Units, as illustrated in the Ecological Appraisal dated December 2021 reference edp7067_r002 report, has been submitted to and approved in writing by the Local Planning Authority. Within the HMP document the following information shall be provided:

- A) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
- B) Details of species composition and abundance where planting is to occur;

- C) Proposed management prescriptions for all habitats for a period of no less than 25 years;
- D) Assurances of achievability;
- E) Timetable of delivery for all habitats; and
- F) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. The development shall thereafter be undertaken in accordance with the approved CEMP/HMP.

11.A: No development shall take place until:

- A) protective fencing and ground protection for trees proposed for retention within the Cheshire Woodlands Tree Protection Plan and Arboricultural Method Statement CW/10609-P-TP has been installed. The fencing and ground protection shall be maintained throughout the duration of the construction of the development.
- B) a construction specification and method statement addressing hard surfacing and the routing of services near to trees has been submitted and received written approval by the local planning authority and the development shall be carried out in accordance with that scheme.
- C) a consulting arboriculturist has been appointed to undertake supervision and monitoring of the tree protection fencing and other measures on the tree protection plan at pre-commencement stage. A completion statement shall be submitted to the local planning authority which demonstrates compliance with the approved tree protection measures.

B: No trees shall be removed as part of the development other than those identified for removal within the Cheshire Woodlands Tree Protection Plan and Arboricultural Method Statement CW/10609-P-TP.

12.No development or vegetation clearance shall take place until a District Level Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority and thereafter complied with.

13.No development shall take place until a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. Such inspection is to be carried out within six weeks prior to the date of submission 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 approval by the Local Planning Authority before development commences that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

- 14.No development shall take place, or subsequent phase until an Ecological Impact Assessment shall be submitted, together with any required phase 2 surveys, the assessment to i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result.

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

- 15.No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any part of the development is occupied/brought into use (whichever is the sooner) and retained thereafter for the lifetime of the development.
- 16.No development shall take place until an archaeology written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The investigation and works shall be carried out as approved.
- 17.The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:
- A) Planting plans, creation of wildlife habitats and features and ecological enhancements (following the specification of Section 5 of Ecological Appraisal dated December 2021 reference edp7067_r002).
 - B) Written specifications for establishment of planting and habitat creation to include replacement planting of failed specimens within five years of planting;
 - C) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - D) Implementation timetables. Native species used are to be of local provenance (Shropshire or surrounding counties).
 - E) Details of maintenance.
 - F) The plan shall be carried out as approved and thereafter retained and maintained in accordance with the approved plan

18. Not later than the first submission of reserved matters shall include an external lighting plan. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features taking into account the Bat Conservation Trust's Guidance Note 08/18 Bats and Artificial Lighting in the UK or any successor document. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
19. Not later than the submission of the first reserved matters for approval shall include full details of the finished levels above ordnance datum of the ground floor(s) of the proposed building(s) and a plan showing all existing and proposed ground levels. The development shall be carried out in accordance with the approved levels.
20. Not later than the submission of the first reserved matters application, a phasing plan should be submitted to and approved in writing by the Local Planning Authority. The plan shall address any phasing of the proposed development and phasing of the proposed infrastructure. It shall ensure that the vehicular access roads, footways and other infrastructure necessary to service the permitted development is provided at appropriate times throughout the development. Works shall be delivered in accordance with the approved phasing plan.
21. Not later than the submission of the first reserved matters application details of the proposed footway provision within the development and proposed improvements along Ellesmere Road, to include the delivery of a pedestrian crossing should be submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved. The scheme shall be fully implemented in accordance with approved details prior to occupation and retained thereafter.
22. Not later than the submission of the first reserved matters application details of the proposed level of parking and allocation, should be submitted to and approved in writing by the Local Planning Authority. Any parking plan should be developed in association with a Travel Plan for the site that provides details of how sustainable travel to and from the site should be promoted for residents, staff and visitors to be site. The details / plan shall be carried out as approved. The scheme shall be fully implemented in accordance with approved details prior to occupation and retained thereafter.
23. Not later than the submission of reserved matters on layout, 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 prior to occupation and retained thereafter.
24. All dwellings at the site shall be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations.

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Committee and date

16th September 2025

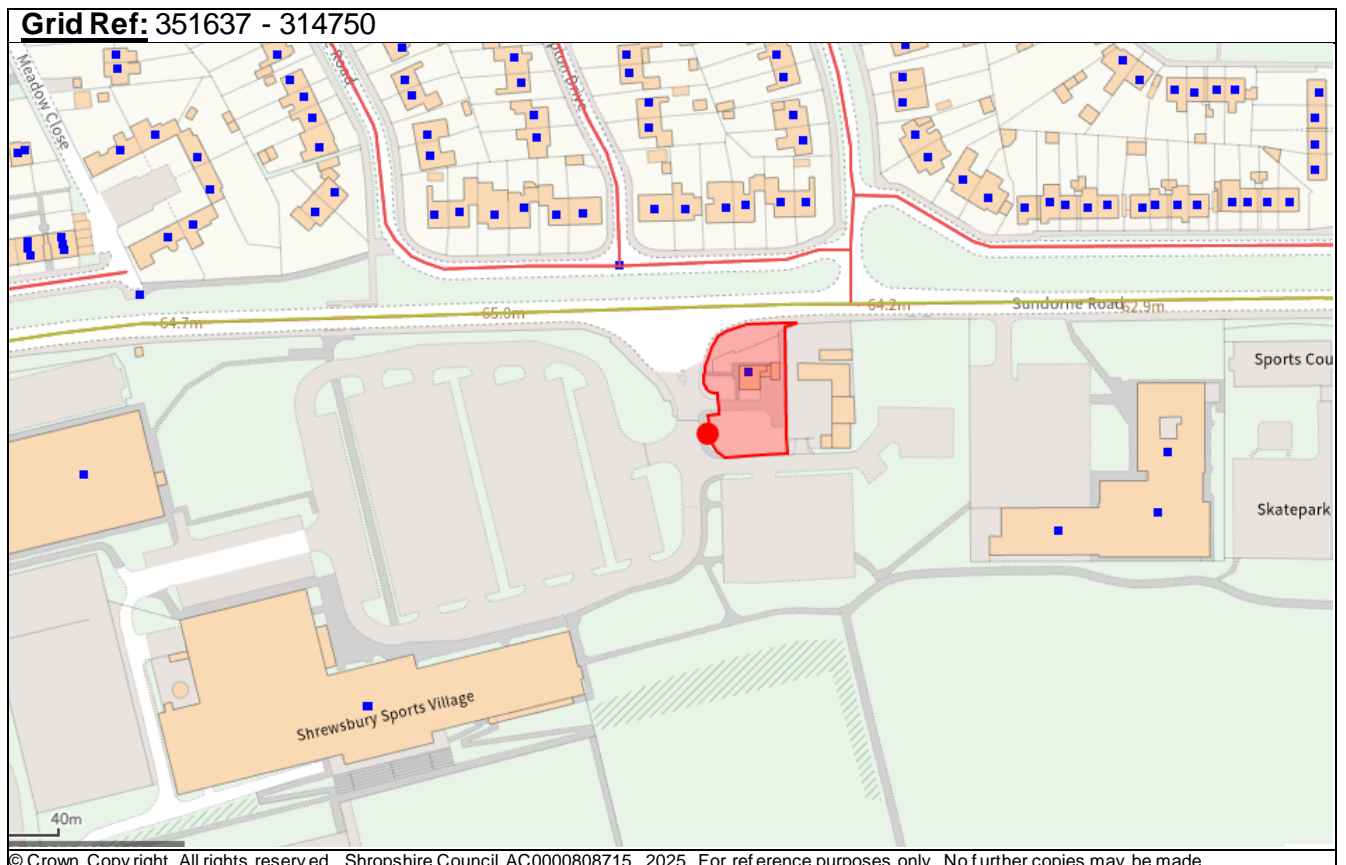
Northern Planning Committee

Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/02268/DEM	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Demolition of redundant dwelling		
<u>Site Address:</u> The Lodge, Shrewsbury Sports Village, Sundorne Road, Shrewsbury.		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Alison Lloyd	<u>email:</u>	alison.lloyd@shropshire.gov.uk



Recommendation: - Prior Approval Required and Approved subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is a prior notification under Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the demolition of a redundant dwelling house and a determination as to whether the prior approval of the Local Planning Authority will be required as to the method of demolition and proposed restoration of the site.
- 1.2 Planning history: PREAPP/19/00524 - Demolition of existing detached house and replacement with 4no. two bedroom affordable houses and associated parking and amenity space - Acceptable in Principle.

2.0 SITE DESCRIPTION

- 2.1 The Lodge is a two-storey derelict dwelling house located north / east of Shrewsbury town. Whilst in planning policy terms the site is deemed to be countryside land sitting outside of the town's development boundary, it is surrounded by existing development to the north, east and west, the main highway "Sundorne Road" sits north of the site with a highly populated residential area beyond. An NHS medical centre sits to the west again with residential housing beyond, and to the east of the site is another health and fitness facility "David Lloyd Centre" beyond this is the main A49 highway network. The site looks out to countryside land to the south.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Shropshire Council are the applicant for this prior approval application; therefore, it is a requirement under the Scheme of Delegation for this application to be taken to the Planning Committee for consideration.

4.0 COMMUNITY REPRESENTATIONS

4.1 CONSULTEE COMMENTS

- 4.1.1 Tree Officer - No comment
- 4.1.2 Ecology Officer - No objection, Informative advised
- 4.1.3 Highway Officer - No objection

4.2 PUBLIC COMMENTS

4.2.1 A site notice was displayed on the site from 03.07.2025. No representations have been received in response.

4.2.2 Shrewsbury Town Council - No comments received

5.0 THE MAIN ISSUES

Site Background

Assessment of Permitted Development Order Criteria

Method of Demolition Assessment

Restoration of Site Assessment

6.0 OFFICER APPRAISAL

6.1 SITE BACKGROUND

6.1.1 The lodge is a small two storey property located on the outskirts of Shrewsbury Town, the dwelling adjoins the car park area of Shrewsbury Sports Village and also falls under the same ownership as the sports village.

The dwelling has been redundant for many years with no historic associated planning history attached to the dwelling house, however in 2019 a planning enquiry was submitted with regards to the demolition of the dwelling, no objections were raised at the time.

6.1.2 Applicant's rationale behind the need for the removal of the redundant building.

- The building has much asbestos in it and is therefore unsafe to occupy
- The building was subject to a copper and boiler theft a number of years ago, resulting in large scale water damage, the wooden structure (Floors and rafters) have become heavily infested with rot.
- The building is a target for antisocial behaviour in particular drug taking
- The Council currently has capital available for the demolition through the Sports Village transformation project
- The cost of rebuilding would be less than a refurbishment scheme
- The dwelling has been derelict for some years now and the council is paying enhanced levels of Council tax.

For these reasons demolition is seen as the most appropriate solution at this time, particularly when funding is being made available. In addition to the points raised above the removal of the redundant dwelling will visually enhance the site in comparison to its retention in its current form.

6.2 COMPLIANCE WITH PERMITTED DEVELOPMENT ORDER

6.2.1 The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015, Schedule 2, Part 11, Class B states that the demolition of a building is not permitted development if:

1. The building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.
2. the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)

Class B goes on to state the demolition of a building is permitted development, subject to the following:

- It is situated outside a conservation area, and
- Does not fall within use class for a drinking establishment; or
- Is used as a concert hall, venue for live music performances or theatre.

The demolition does not relate to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure:

- Is not listed;
- Is not a scheduled monument;
- Is not within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
- within the grounds of a museum or art gallery; or
- within the curtilage of a dwellinghouse

- 6.2.2 The building has not been rendered unsafe and is not otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands.

The proposed development complies with the criteria set out in Schedule 2, Part 11, Class B, of The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 and is therefore Permitted Development.

Development is permitted by Class B subject to the following condition

The developer must, before beginning the development in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.

Prior approval matters are discussed below.

6.3 PRIOR APPROVAL MATTERS

METHOD OF DEMOLITION ASSESSMENT & RESTORATION OF THE SITE ASSESSMENT

- 6.3.1 A detailed pre-demolition audit has been carried out and submitted in support of this prior approval application, the waste material and its disposal methods have been detailed.
- 6.3.2 On review of the supporting information, this development meets the trigger point for requiring a bat survey in accordance with the 2023 Bat Conservation Trust; Good Practice Guidelines, since the works will involve the demolition of an existing roof structure.

Bats and their roosts are fully protected under UK law, specifically the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

A Nocturnal Bat Survey Report carried out by BiOME Consulting (July 2025) determined the site to be of moderate roosting potential for bats. Two bat activity surveys were conducted, and no roosting was recorded.

Following consultation with the Ecology Officer, informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Officers are satisfied with the level of survey work carried out and the advice provided by the Ecology Officer will be applied as an informative. No additional information is deemed necessary for prior approval. Therefore, prior approval is required and recommended for approval.

- 6.3.3 In view of the nature of the surrounding highway network, a Demolition Management Plan is required to be submitted for prior approval with regards to the method of demolition.

Detailed supporting information has been provided in support of this application, to include a Demolition Management Plan. Following consultation with the Highways Team Officers are satisfied with the management plan in place and no objections are raised from a Highway perspective.

RESTORATION OF THE SITE

- 6.3.4 The site currently benefits from a mix of boundary trees and low height intermittent hedging; within the site the land is grassed over. No alterations are proposed to the site boundary treatments and existing lawn areas.

Following demolition of the redundant dwelling, all hardstanding, concrete slab and foundation will be removed from the site, the land will then be soiled over and seeded for grass. no new structures are proposed on the site in place of the dwelling to be removed.

The land will remain in association with the Shrewsbury Sports Village and under the ownership of Shropshire Council.

For the purposes of this prior notification, the details explaining that the land beneath the application buildings to be demolished would subsequently be landscaped over with grass seed, is sufficient information to satisfy the requirements of Class B.

Any additional works beyond the above would require formal planning approval.

7.0 CONCLUSION

7.1 The proposed development complies with the criteria set out in Schedule 2, Part 11, Class B, of The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 and is therefore Permitted Development.

7.2 In view of the nature of the surrounding highway network, it is considered that a Demolition Management Plan is required to be submitted for prior approval with regards to the method of demolition.

Furthermore, the demolition of the building triggers the need for a bat survey to be carried out and submitted for prior approval.

Therefore, in the interest of highway safety and to ensure the protection of bat which are a protected species, prior approval is required with regards to the method of demolition.

Following the assessment of the detailed supporting information in the form of a bat survey and a demolition management plan no objections are raised from a Highway perspective, additionally, Officers are satisfied with the level of bat survey works carried out and the advice provided by the Ecology Officer will be applied as an informative.

It is therefore recommended that prior approval as to the method of demolition of the building and the restoration of the site to landscaped land is granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

1. 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.
2. 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 LEGISLATION

The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015,

RELEVANT PLANNING HISTORY

PREAPP/19/00524 Demolition of existing detached house and replacement with 4no. two bedroom affordable houses and associated parking and amenity space Acceptable Development
22nd January 2020

SA/05/1268/DDM Erect and display an internally illuminated box sign, a non illuminated post mounted entrance sign and 2 non illuminated post mounted site map signs. Approved 19th October 2005

SA/04/1519/DDM Construction of dry sports centre, including sports hall, climbing area, cafe, function room, squash courts and changing rooms; erection of 12, 16m high flood lights and 6m high fencing in association with new pitches; 15, 10m high floodlights and 3m high fencing in association with 2 areas of multisports pitches; 6m high floodlights in association with new cycle track, BMX/skateboard/small multisports area (inc. 3m high fencing); 156 seater spectator stand; formation of new roundabout at existing access and controlled crossing with ancillary ground works, landscaping, footpaths and servicing facilities after demolition of existing changing rooms (amended description) Approved 13th January 2005

11. ADDITIONAL INFORMATION

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SY3ZO9TD07V00>

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

Local Member

Cllr Mandy Duncan

Appendices APPENDIX 1 - Conditions

APPENDIX 1

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of submission of this application.
Reason: To comply with Section B.2(ix)(aa) of Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015.
2. The development shall be carried out in complete accordance with the information submitted with the notification, including the method of demolition detailed within the submitted documents.
Reason: To comply with the provisions of Class B, Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

INFORMATIVE

Ecology Informatives

1. Bats
All bat species found in the U.K. are protected under the 2017 Conservation of Habitats and Species Regulations (as amended) and the 1981 Wildlife and Countryside Act (as amended).
It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.
If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.
Breathable roofing membranes (also called non-woven textiles) should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional 1F bitumen felt that is of hessian matrix construction should be chosen instead (BCT, 2020)
2. Nesting birds
The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.
It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.
All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings (or other suitable nesting habitat) should be carried out outside of the bird nesting season which runs from March to August inclusive.
If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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

3. General site informative for wildlife protection

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 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.

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

4. Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.



Committee and date
Northern Planning committee 16/09

Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/02707/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of single storey side extension		
<u>Site Address:</u> 1 Oakfield Road Shrewsbury Shropshire SY3 8AA		
<u>Applicant:</u> Mr Brendan Mallon		
<u>Case Officer:</u> Nia Williams	<u>email:</u> nia.williams@shropshire.gov.uk	

<u>Grid Ref:</u> 347532 - 312029
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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey side extension.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 1 Oakfield Road is an existing semi-detached property located within a modest corner plot within a residential street, approximately 1 mile south west of Shrewsbury town centre.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 *The proposed development is considered to accord with the requirements of the Councils relevant adopted policies, however the applicant is a Shropshire Council Councillor, therefore the application should be determined by the Planning Committee.*

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 None received

4.2 Public Representations

- 4.2.1 **Shrewsbury Town Council** - The Town Council raises no objections to this application

5.0 THE MAIN ISSUES

Whether the proposed extension works are acceptable in scale and design, and whether the development would have any adverse impacts on amenity.

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Extensions to existing residential dwellings are acceptable in principle, subject to acceptable design and amenity considerations.

6.2 Design, Scale and Character

- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

- 6.2.2 The proposed scale, design and appearance of the works will respect the

existing character of the dwelling and will not result in any visual impact in the locality. The proposed will be built from materials that will be sympathetic to the existing character of the property. The extension will not result in the significant loss of garden area and will retain an appropriate level of amenity space for the enlarged dwelling.

6.3 Impact to Neighbouring Amenity

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed orientation and distance away from neighbouring properties the proposed works will not result in any detrimental impact from causing an overbearing impact or loss of light.

7.0 CONCLUSION

7.1 The works are judged to be in scale and character with the original building and of no demonstrable harm in terms of visual impact. No significant harm is considered to arise to the neighbouring resident's amenity and the application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is recommended, subject to conditions.

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

National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

CS17 - Environmental Networks

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SZTBL3TDJHL00>

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

Local Member
Cllr Rob Wilson
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. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.



Committee and date
Northern Planning Committee
16 th September 2025

SCHEDULE OF APPEALS AS AT COMMITTEE 16.09.2025

LPA reference	25/01161/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Peter Marson
Proposal	Outline application for the erection of 2 self build dwellings, to include access and layout arrangements, all other matters reserved
Location	Land West Of Tern Hill Hall Tern Hill
Date of appeal	12.08.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/01412/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Matt Morris
Proposal	Erection of a detached dwelling, detached garage, associated vehicular access provision and landscaping works
Location	Site Of Former Shelley Signs Factory Eaton Upon Tern Market Drayton TF9 2BX
Date of appeal	02.09.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/01414/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Matt Morris
Proposal	Foul and surface water drainage provision associated with new-build residential development
Location	Site Of Former Shelley Signs Factory Eaton Upon Tern Market Drayton TF9 2BX
Date of appeal	02.09.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/01413/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Matt Morris
Proposal	Erection of a detached dwelling with associated vehicular access provision and landscaping works
Location	Site Of Former Shelley Signs Factory Eaton Upon Tern Market Drayton TF9 2BX
Date of appeal	02.09.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/01411/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Matt Morris
Proposal	Erection of a detached dwelling with associated driveway access provision and landscaping works
Location	Site Of Former Shelley Signs Factory Eaton Upon Tern Market Drayton TF9 2BX
Date of appeal	02.09.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	25/01315/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Cadwallader
Proposal	Change of Use of agricultural building to squash court for personal use
Location	Unit 4 The Barn Top Farm Woolston West Felton Oswestry Shropshire SY10 8HY
Date of appeal	17.06.2025
Appeal method	Written Reps
Date site visit	7.8.2025
Date of appeal decision	28.8.25
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/03371/PAPD
Appeal against	Refused Prior Approval of Permitted Development
Committee or Del. Decision	Delegated
Appellant	Mr M Jarvis
Proposal	Agricultural storage/shelter building
Location	Proposed Agricultural Building North East Of Fitz Mytton Shrewsbury
Date of appeal	17.06.2025
Appeal method	Written Reps
Date site visit	07.08.2025
Date of appeal decision	02.09.2025
Costs awarded	
Appeal decision	ALLOWED

LPA reference	24/04387/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Paul Rose
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit
Location	Little Ropes Hinstock Shropshire
Date of appeal	19.6.2025
Appeal method	Written Reps
Date site visit	7.8.2025
Date of appeal decision	05.09.2025
Costs awarded	
Appeal decision	ALLOWED

Appeal Decision

Site visit made on 7 August 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/L3245/W/25/3366589

Unit 4, The Barns, Woolston, Oswestry SY10 8HY

- 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 David Cadwallader against the decision of Shropshire Council.
 - The application Ref is 25/01315/FUL.
 - The development proposed is change of Use of agricultural building to squash court for personal use.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be appropriately located having regard to the Council's development plan policies, and
 - whether the proposed development would be functionally linked to the host property.

Reasons

Location

3. The appeal site is a large plot of land which contains a dwelling, two large agricultural buildings and a yard. The squash court is located within a section of one of the agricultural buildings that is located closest to the dwelling.
4. Policy CS3 of the Shropshire Council Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) relates to market towns and other key centres and seeks to ensure that these areas provide a focal for economic development and regeneration. While it is noted that sports and other leisure facilities would normally be encouraged in these areas, the proposal is not for public use, and I therefore find that this Policy has limited relevance to the appeal.
5. The appeal site is located in the open countryside for which Policy CS5 of the CS is most relevant. This Policy seeks to ensure that proposals are appropriately located and maintain and enhance countryside vitality and character. It supports the conversion of rural buildings that make a positive contribution to the character of the buildings and the countryside and gives support to other uses appropriate to a countryside location.

6. No external changes are proposed and as such the Council have found that the proposed development would not harm the character and appearance of the area. However, there would be no positive contribution to the character of the buildings and the countryside and the personal use of the building would mean that there would be no enhancement to the countryside's vitality.
7. I therefore conclude that the proposed development would not be appropriately located and would conflict with Policy CS5 of the CS.
8. The Council have alleged that the proposed development would conflict with Policy MB7b of the CS. However, this relates to proposals for the replacement of buildings and applications for agricultural development which is not relevant to the proposal before me.

Functionally linked

9. The development is set over two floors with a standard size squash court on the ground floor, separate male and female changing rooms and then on the first floor is a bar and large seating area with views onto the squash court below.
10. The squash court would be accessed by walking a very short distance from the dwelling and there would be no access from the yard area to the rear of the building. As such there would be some functional link to the dwelling and a squash court would not be unusual for a large dwelling in a countryside location.
11. While there would be some functional link to the dwelling the overall scale of the development would be significant through the large seating area and bar as well as male and female changing rooms. These features would be unusual to see for an ancillary sports use, especially due to the close proximity to the dwelling. I am mindful that a condition could be imposed on any grant of planning permission to restrict the use, however, in light of the facilities and potential for standalone access to be introduced in the future, I am not satisfied that this would meet the tests outlined in Planning Practice Guidance.
12. I therefore conclude that the proposed development would not be functionally linked to the host property and would be contrary to Policy CS6 of the CS. Amongst other things, this requires that development is of high quality design and is appropriate to its setting and surroundings.

Other Matter

13. I note that the appellant is an avid squash player and that there are limited squash facilities in the wider area, however, this does not mitigate the harm I have identified.

Conclusion

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

D Wilson

INSPECTOR



Appeal Decision

Site visit made on 7 August 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 September 2025

Appeal Ref: APP/L3245/W/25/3367797

Agricultural Land, Cutbury Hollow, Fitz, Shrewsbury SY4 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr M Jarvis against the decision of Shropshire Council.
 - The application Ref is 25/00753/AGR.
 - The development proposed is erection of an agricultural storage/shelter building.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for erection of an agricultural storage/shelter building at Agricultural Land, Cutbury Hollow, Fitz, Shrewsbury SY4 3AS in accordance with the application 25/00753/AGR and the details submitted with it.

Preliminary Matters

2. Class A of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) establishes that agricultural development on units of 5 hectares or more is permitted development subject to certain restrictions, limitations and conditions. The Council accepts that the proposal would be within the limitations imposed by paragraph A.1 of the Order. However, paragraph A.2 (2) (i) of Part 6 of the Order requires an application to be made as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. These are the only matters for consideration in such an application.
3. There is no statutory requirement to have regard to the development plan as there would be for development which requires planning permission. As such, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material to the matters for consideration.

Main Issue

4. The main issues are the effect of the proposed siting, design and external appearance of the building on the character and appearance of the area.

Reasons

5. The appeal site is a large and open parcel of land which is mostly laid to grass. There are two dwellings located opposite the appeal site, but the wider area contains mostly agricultural fields with pockets of woodland which results in a distinctly open and rural character and appearance.
6. The proposed building would be located centrally within the appeal site and due to the lack of built form within the area it would be visible from the road and surrounding area. However, the simple and functional appearance of the building would mean that it would clearly sit as an agricultural building and views would be mitigated by the sloping levels which fall from the road.
7. The Council consider that the building would not be related to any existing farm complex or existing development. However, it is evident that there is a need for the building for agricultural purposes and the position within a central location is not unreasonable. The siting of the development closer to the road would increase the prominence of the building and would be more harmful than the appeal scheme.
8. While the Council consider that the proposed development would result in visual clutter, on the basis that the building would be the only one on the parcel of land it would not result in a cluttered appearance. Instead, it would be utilitarian in appearance and would sit comfortably within the rural context of the wider area.
9. I therefore conclude that the proposed siting, design and external appearance of the building would not harm the character and appearance of the area.

Other Matter

10. The building has been positioned in order to ensure it would be safe from flooding and in this regard, it would be located outside of any flood zones.

Conditions

11. Paragraph A.2 of Part 6, Class A of the GPDO stipulates the development must be carried out in accordance with the details approved, except to the extent otherwise agreed in writing with the local planning authority and the development must be carried out within a period of 5 years from the date on which approval was given. The developer must also notify the local planning authority in writing within 7 working days of the date on which the development is substantially completed.

Conclusion

12. For the reasons given above the appeal should be allowed and prior approval should be granted.

D Wilson

INSPECTOR

Appeal Decision

Site visit made on 7 August 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/L3245/W/25/3367866

Little Ropes, Hinstock Church To Ellerton Junction, Church Street, Hinstock, Shropshire TF9 2NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Paul Rose against the decision of Shropshire Council.
 - The application Ref is 24/04387/PMBPA.
 - The development proposed is Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit at Little Ropes, Hinstock Church To Ellerton Junction, Church Street, Hinstock, Shropshire TF9 2NH in accordance with the application 24/04387/PMBPA and the details submitted with it and subject to the conditions in the attached schedule.

Preliminary Matter

2. I have used the description of development provided by the Council as one was not provided on the application form.

Main Issues

3. The main issues are:
 - whether the proposed development would require works beyond the prior approval application to make the development acceptable, and
 - whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3.

Reasons

Whether works are beyond a prior approval application

4. Class Q of the GPDO grants permitted development for: 'Development consisting of— (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
5. The red line submitted with the application includes the access and driveway that is proposed to serve the new dwelling. I note the Council's concerns that they consider these works would require a separate application for planning permission, however, on the basis of the access and driveway being contained within the red line, support from the Highway Authority and a plan which clearly outlines the works, there is no reason why these works could not be secured by a suitably worded planning condition.
6. I therefore conclude that the proposed works to the access and creation of a driveway do not go beyond a prior approval application.

Whether the location or siting of the building makes it otherwise impractical or undesirable

7. The curtilage is restricted by the GPDO to being immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building or an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.
8. The proposed curtilage is the same size as the footprint of the agricultural building and is therefore the maximum size possible. The curtilage is restricted by the size of the building; however, it would nonetheless be a good size for future occupiers and would allow sufficient space to enjoy the garden as well as provide space for seating and a washing line if needed.
9. I note the Council's suggestion that there may be pressure in the future to encroach onto the adjacent countryside. However, the extent of the curtilage is clearly shown and there is no evidence to suggest that further space would be needed by future occupiers. In any case, such works would require a separate planning application which any future occupiers would be required to pursue, should they wish to do so.
10. The appeal building is located at the rear of the appeal site and is over 100m from the road which the Council consider is an unacceptable distance for future occupiers to drag their bins to the highway. I have not been provided with details of any requirements for certain bin drag distances for the Council.
11. The bin drag distance is a moderate walking distance that would be of some inconvenience to future occupiers. However, I am mindful of the location of many agricultural buildings which are not close to the highway. Furthermore, a driveway is shown to be constructed and surfaced with compacted material which should make the distance easier to drag the bins to the highway for collection.
12. I therefore conclude that the location and siting of the building does not make it impractical or undesirable for future occupiers.

Other Matters

13. The Council has referred to several other developments in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
14. In regard to Little London Farm¹ the Inspector found that impact on the living conditions of the occupiers of the proposed dwelling would be undesirable by reason of the harmful smell, noise and disturbance through its close proximity to existing agricultural activities. This is not a concern that has been raised by the Council in the appeal before me and there are no such activities taking place nearby.
15. In respect of Barn South of Hilltop², this relates to a certificate of lawfulness for the conversion of an agricultural building to a dwelling, creation of access track, hard standing and garden area. The appeal decision focuses on the building itself, finding that the building is not capable of functioning as a dwelling without substantial construction works which differs from the appeal scheme before me. It is also not clear whether the access was included within the red line or if details of the proposed access and track for this particular appeal were submitted as part of the scheme.
16. Bell Barn³ relates to the change of use of an agricultural building to a dwelling. The Inspector found that there is not a suitable safe means of access to and from the proposed dwelling. However, this differs from the appeal scheme before me where there is no suggestion that the proposed works to the access and creation of the driveway would not provide a suitable safe means of access.

Conditions

17. Paragraph Q.2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date.
18. Conditions 2 and 3 are required in order to ensure that the access is constructed in accordance with the proposed details, adequate visibility splays are set out and maintained and the works are carried out in accordance with the Council's specification. The Council suggested that these works should be carried out prior to occupation, however, these works are integral to the development. Therefore, in order to secure these works and ensure that there is not a situation where the building is converted before the access is constructed, I have found it exceptionally necessary to require the access to be constructed prior to commencement of the conversion of the building. I have also combined two of the Council's suggested conditions into one in the interests of clarity as they relate to the construction of the access.
19. Condition 4 requires bat and bird boxes in the interests of the provision of roosting and nesting opportunities. Condition 5 requires a lighting plan prior to the installation of any lighting in order to minimise disturbance to bats.

¹ APP/L3245/W/15/3013403

² APP/L3245/X/20/3256290

³ APP/N1215/A/14/2225293

Conclusion

20. For the reasons given above the appeal should be allowed and prior approval should be granted.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. Prior to the commencement of any other element of the development the access apron, access, gate position, parking and turning areas shall be completed and laid out in accordance with the Proposed Access Plan Drawing No. 1803-ACS-XX-ZZ-DR-T-002-A. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
3. The visibility splays shown on Proposed Access Plan Drawing No. 1803-ACS-XX-ZZ-DR-T-002-A shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwelling being occupied and thereafter be maintained at all times free from any obstruction.
4. Prior to first occupation of the building, the following boxes shall be erected on the site:
 - A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
5. Prior to the installation 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 (required under a separate planning condition). 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.

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