

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

Date: Monday, 1 December 2025

Committee: Northern Planning Committee

Date: Tuesday, 9 December 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

To confirm the Minutes of the meeting of the North Planning Committee held on 18th November 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 5.00 p.m. on Wednesday 3rd December 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 Land West Lyth Hill Road, Bayston Hill, Shrewsbury, Shropshire (24/00765/FUL) (Pages 1 - 56)

Hybrid planning application seeking (a) full planning permission for the creation of 108 dwellings, open space and infrastructure with access from Lyth Hill Road and (b) outline planning permission for up to 4no. serviced self-build plots (Amended description)

6 Land Adjacent to Cloverfield, Chester Road, Whitchurch, Shropshire, SY13 4QG (25/02878/OUT) (Pages 57 - 90)

Outline application for proposed residential development (to include access)

7 Proposed Residential Development Land East Of Shrewsbury Road, Hadnall, Shropshire (24/04834/FUL) (Pages 91 - 132)

Construction of 44 dwellings, vehicular access via Shrewsbury Road, public open space, landscaping and planting, associated infrastructure and enabling works

8 Electricity Sub-station, Uffington, Shrewsbury, Shropshire (25/00531/FUL) (Pages 133 - 170)

Installation of a Battery Energy Storage System (BESS) and associated infrastructure.

9 23 Cross Street, Oswestry, Shropshire, SY11 2NF (25/02860/FUL)

Proposed Conversion of upper floors into 6-Bedroom (6 persons) House in Multiple Occupation (HMO) (Use Class C4)

10 Appeals and Appeal Decisions

11 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, 20th January 2026, in the Council Chamber, The Guildhall, Shrewsbury.

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Committee and Date

Northern Planning Committee

9th December 2025

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 18 November 2025

**In the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ
2.00 - 4.20 pm**

Responsible Officer: Emily Marshall

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

Present

Councillor Julian Dean (Chairman)

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

42 Apologies for Absence

Apologies for absence were received from Councillors Brian Evans (substitute: Councillor Brendan Mallon).

43 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 16th September 2025 be approved as a correct record and signed by the Chairman.

44 Public Question Time

There were no public questions or petitions received.

45 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.

46 Land North of A53, Longford, Market Drayton, Shropshire, TF9 3PL (25/01926/OUT)

The Principal Planning Officer introduced the outline application for up to 100 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated highways improvement works (to include access).

Members' attention was drawn to the information contained within the Schedule of Additional letters.

Councillor Geoff Turner on behalf of Moreton Say 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) the solicitor read a statement on behalf of Councillor Myles Hook, local ward councillor.

Mr John Mackenzie, 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.

During the ensuing debate, Members discussed the feasibility of linking the development in to the existing circular bus route and improving public transport links. The Principal Planning Officer explained that this could be secured through a Section 106 agreement.

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

RESOLVED:

That outline planning permission be granted subject to:

- The satisfactory completion of a Section 106 agreement to secure affordable housing, open space management, highway works, and management of Biodiversity Net Gain
- The conditions set out in Appendix 1 of the officers report, and any minor changes to those conditions as required.
- Delegation to the Planning and Development Services Manager for minor amendments and final draft of conditions.
- Delegation to the Planning and Development Services Manager to negotiate a financial contribution with the applicant towards improvements to public transport in the local area, to be secured through a Section 106 agreement

47 23 Cross Street, Oswestry, Shropshire, SY11 2NF (25/02860/FUL)

The Senior Planning Officer introduced the application for the conversion of upper floors into 6-Bedroom (6 persons) House in Multiple Occupation (HMO) (Use Class C4). Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mr Roger Blake the owner of the building adjacent, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Arren Roberts, Clerk on behalf of Oswestry Town Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Joe Salt, 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.

During the ensuing debate, members of the committee expressed concerns relating to the limitations of the proposed access, the arrangements for waste storage and collection, lack of amenity space and over intensification of the development. It was felt that the proposed development failed to preserve and enhance the area.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members felt that that the proposals could not be supported for the reasons outlined.

RESOLVED:

That planning permission be refused contrary to officer's recommendation for the following reasons:

- Over intensification
- Lack of amenity provision
- Inadequate provision for waste management
- The adverse impact on the conservation area and non-designated heritage asset.
- Concerns relating to the access and fire safety implications

48 Shrewsbury Sports Village, Sundorne Road, Shrewsbury, Shropshire, SY1 4RQ (25/02658/FUL)

The Senior Planning Officer introduced the application for the extension of existing Shrewsbury Sports Village including Swimming Pool with viewing area, Fitness Suite, Studios, Group Cycle and Ancillary Spaces. Members' attention was drawn to the information contained within the Schedule of Additional letters.

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

Peter Gilbertson 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, members unanimously expressed their support for the proposals.

RESOLVED:

That planning permission be granted subject to:

- The conditions and a Memorandum of Understanding relating to BNG as set out in Appendix 1 of the officer's report.
- Delegated authority to the Planning and Development Services Manager for minor amendments and conditions.
- Three additional conditions relating to Tree Protection, Tree Planting and Landscaping Plan as set out in the Schedule of Additional Letters.

49 **Appeals and Appeal Decisions**

RESOLVED:

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

50 **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 9th December 2025 in the Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury.

Signed (Chairman)

Date:

AGENDA ITEM



Committee and date

9th December 2025

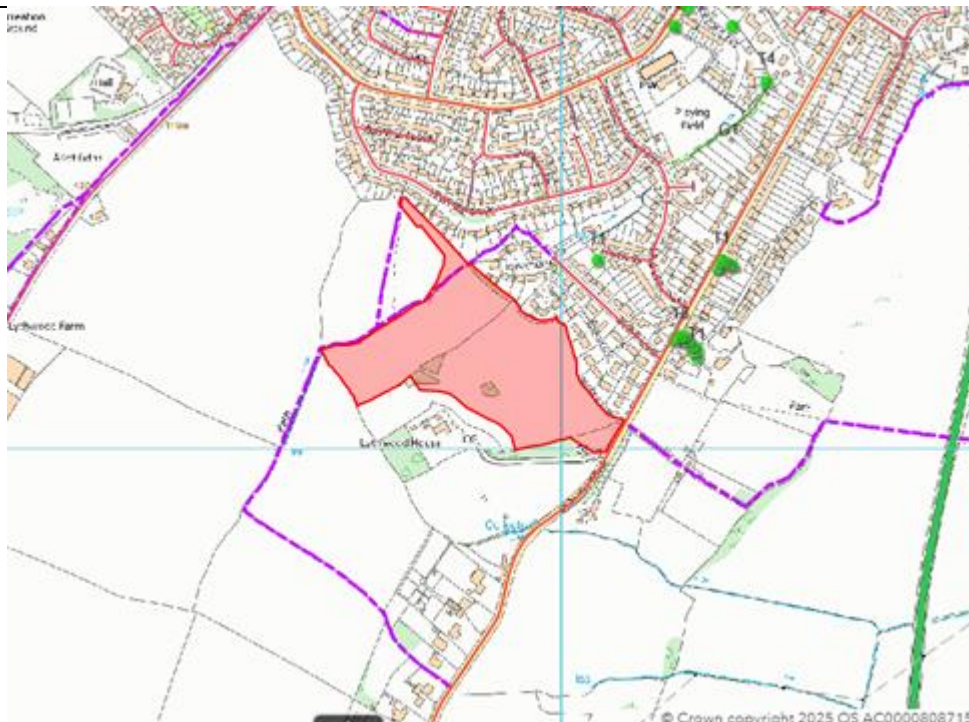
Development Management Report

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

Summary of Application

<u>Application Number:</u> 24/00765/FUL	<u>Parish:</u>	Bayston Hill
<u>Proposal:</u> Hybrid planning application seeking (a) full planning permission for the creation of 108 dwellings, open space and infrastructure with access from Lyth Hill Road and (b) outline planning permission for up to 4no. serviced self-build plots (Amended description)		
<u>Site Address:</u> Land West Lyth Hill Road Bayston Hill Shrewsbury Shropshire		
<u>Applicant:</u> Redrow Homes Midlands		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> kelvin.hall@shropshire.gov.uk	

Grid Ref: 347941 - 308088



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REPORT

Recommendation: That delegated authority is given to the Planning Services Manager to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 of the 19th August 2025 committee report, and for any minor changes to conditions as required.

1.0 BACKGROUND

1.1 This planning application was presented to North Planning Committee at its meeting on 19th August 2025, with an officer recommendation that delegated authority is given to the Planning Services Manager to grant planning permission subject to the completion of a Section 106 agreement and conditions. Members discussed the application and 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.

1.2 Since that time, officers have discussed the above resolution with the applicant, and options to seek to address Members' concerns. As a result of this, further and amended information has now been submitted. A re-consultation process has been undertaken. Officers provide below an update to the original Committee report (included as Appendix A). This should be read in conjunction with the previous report.

2.0 ADDITIONAL INFORMATION SUBMITTED

2.1 The applicant has reviewed the design and layout of the proposed development in response to Member's concerns, and has submitted revised and additional plans and documents. The principal amendment to the proposal is the reduction in the number of dwellings from the originally proposed 114 to 108. The submitted documents include:

- Revised site layout drawings to reflect the reduced density
- Updated landscaping and other plans
- Additional information in respect of agricultural land
- Technical note on highways matters
- Density assessment statement
- Legal advice in respect of density
- CGI imagery showing views within the development
- House types brochures and street scene drawings

2.2 No changes are proposed to the element of the proposal which has been submitted in outline for the self-build dwellings.

3.0 ADDITIONAL REPRESENTATIONS

3.1 The additional and revised information has been made available on the public

planning register, and a re-consultation exercise has been undertaken with relevant consultees including the Parish Council. The additional representations that have been made since the previous North Planning Committee meeting are summarised below.

3.2 Consultee comments

3.2.1 Bayston Hill Parish Council Objects.

The revisions to application 24/00765/FUL remains contrary to the Shropshire Local Plan policies CS6 (Sustainable Design and Development Principles), MD2 (Sustainable Development), and the National Planning Policy Framework (NPPF paragraphs 125 and 135b). The proposal continues to exhibit excessive density, loss of best and most versatile agricultural land, inadequate open space provision, harmful landscape and light impacts, and adverse implications for local services and highway safety.

1. Density and Character - Conflict with MD2 and CS6

The proposed 108 dwellings and 4 self-build plots equate to a density of 26 dwellings per hectare, representing a 37% uplift over the Bayston Hill average of 19 dwellings per hectare. This level of intensification is inconsistent with the village's established form, scale, and layout. It therefore fails to comply with Policy MD2 (2.i), which requires development to respect local character, and NPPF paragraph 135(b), which seeks designs that are visually attractive and contextually appropriate. The development would cause significant harm to the character and appearance of the area, contrary to Policies CS6 and MD2.

2. Loss of Best and Most Versatile Agricultural Land

The revised scheme would still result in the loss of 2.3 hectares (38%) of best and most versatile agricultural land. This represents a substantial and unjustified loss of valuable farmland, conflicting with national and local objectives to safeguard such resources and ensure the efficient use of land. The latest document submitted on 14.10.2025 by the Agent with regards to Best and Most Versatile [BMV] Agricultural Land, if this approach was taken where every application involved the loss of BMV Agricultural land the numbers would add up and would be significant.

3. Public Open Space - Inaccessible and Poorly Integrated

Although the developer claims a 29% increase in public open space (from 1.39 to 1.80 hectares), this uplift is not clearly demonstrated in the revised plans (1555-08-02-114 Rev E vs Rev B). Most open space remains on the periphery of the site rather than being distributed within the development, limiting accessibility and usability. The proposal fails to provide safe, overlooked, and functional play and recreation areas, as required by Policy MD2 (13.3) and NPPF guidance. A reduction in housing density would allow for more meaningful and integrated open space provision.

4. Light Pollution and Landscape Impact

The site occupies an elevated hillside currently characterised by dark rural surroundings. Introducing street and domestic lighting here would cause skyglow and light spill visible across the valley, harming visual amenity, tranquillity, and nocturnal wildlife. This conflicts with NPPF paragraph 125, which seeks to protect intrinsically dark landscapes from inappropriate illumination.

5. High Visual Impact (Zone of Theoretical Visibility)

The developer's own Zone of Theoretical Visibility analysis (Tyler Grange drawing 15040/P02a, Feb 2024) identifies the site as an area of High Potential Visibility within a 5km radius. With ridge heights of 8.5-10.0m, the development would be even more prominent than indicated, increasing its adverse visual impact and urbanising the rural skyline.

6. Additional Concerns

- The site lies outside the defined Village Development Boundary.*
- The development does not adequately mitigate its impact on local services and infrastructure.*
- The proposal would introduce approximately 236 additional vehicles onto Lyth Hill Road and the A49 junction, exacerbating existing pedestrian and traffic safety concerns.*

Conclusion

The latest revisions-reduction of six plots (has only reduced the density by 6%) -does not overcome the fundamental issues of excessive density (80 properties would be in line with the current density of Bayston Hill), harming the existing character of the village, the loss of BMV agricultural land, and light pollution.

Nothing has been changed in this revision to satisfactorily improve the quality and accessibility of the open space for the residents of this development.

Given the high potential visibility, landscape sensitivity, and conflict with Policies CS6, MD2, and NPPF paragraphs 125 and 135b, the proposal fails to deliver a sustainable or well-designed extension to Bayston Hill.

The Northern Planning Committee asked the Officers and the Developer to address these issues which has clearly not been achieved and for all the reasons above, the application should be refused.

3.2.2 SC Ecology Recommends conditions.

The amended Biodiversity Net Gain Assessment states that the proposals will result in a loss of -1.80 (-11.93%) habitat units and an increase in 1.72 (13.17%) hedgerow units. The on-site BNG is considered to be significant, therefore a s106 will be required to secure the BNG for 30 years. The s106 will include a monitoring fee using our monitoring fee calculator, This would be a small site of low technical difficulty, therefore requiring a monitoring fee of £7,834.76.

The unit deficit of 3.30 habitat units will need to be purchased from a habitat bank. Details of this will need to be provided in the Biodiversity Gain Plan (e.g. receipt of purchase), which will need to be submitted in order to discharge the General Biodiversity Gain Condition.

The submitted plans do not provide sufficient number or detail of the recommended wildlife boxes and other enhancements. A planning condition should be imposed to require that these details are submitted for approval.

3.2.3 **SC Highways** No objections following submission of additional highways information.

The following comments were not received in time to be included in the 19th August 2025 committee report. They were circulated to Members as part of the Schedule of Additional Letters, and are included here for completeness.

In response to additional information submitted, Shropshire Council as Local Highway Authority continue to raise no objection to the application submitted, subject to the Section 106 contributions outlined below being secured and planning conditions attached to any permission granted.

In relation to the minor amendments to the layout, this is considered acceptable and subject to the submission of full Section 38 technical details, the proposed layout is suitable for future adoption. Amendments will be required to Drawing no. 1555-08-02-122 REV E- Highways Adoption Plan, to ensure that it meets Shropshire Council's requirements, carriageway, and footway widths, and visibility splays should be added throughout. In accordance with previous highways comments, Drawing no. 1555-08-02-144 REV F, Management Company Plan should not conflict with the Highways Adoption plan.

In response to concerns raised with regard to the walking audit submitted it is noted that subsequent to previous highway comments submitted in June 2025, Active Travel England have provided comments submitted 5th August 2025, raising no objection to the application submitted.

It is acknowledged that pedestrians and cyclists travelling towards the site do so on an uphill gradient, and it is fair and reasonable to take this into account in any assessment. In terms of walking and cycle times, these are average times and will depend on the individual. In view of the existing number of dwellings on Lyth Hill Road it is not considered that the gradient of Lyth Hill Road is severe enough for pedestrians and cyclists to use, but it is acknowledged may discourage some users.

In relation to the existing and likely increase in vehicle movements along Lyth Hill Road, and the potential impact on highway safety, this has been taken into account when determining the application. It is considered that the application seeks to mitigate the likely impact on Lyth Hill Road where possible by providing additional footway facilities and Section 106 contributions towards improvements to passenger

transport and safety improvements.

In relation to the concerns raised with regard to the PROW and the usability, it is noted and the issue with regard to maintenance will be raised directly with the relevant Shropshire Council team.

In relation to the development, pedestrian and cyclists are likely to route along Lyth Hill Road but also Footpath 0406/11A/1 onto Grove Lane/Yew Tree Drive, the footpath is in a reasonable state of repair but consideration could be given to providing wayfinding signage within the development. It is recommended at these works are subject to a planning condition attached to any permission granted.

Section 106 Contributions

Local Highway Improvements

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

A Section 106 contribution for Local Highway Improvements to surrounding highly network of £30,000 should be secured prior to commencement and spent within 10 years.

Passenger Transport contribution

Passenger Transport contribution of £136, 800.00 payable prior to first occupation and any unspent contribution returned within 10 years.

Framework Travel Plan

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

Planning Conditions – *it is recommended that planning conditions are included to require the following details to be submitted for approval:*

- Wayfinding signage*
- Engineering details of site access junction improvements*

- Estate street phasing and completion plan
- Adoptable streets
- Management plan for on-site construction

In relation to the additional information that was submitted following the 19th August planning committee meeting, the Highways Officer has advised that there are no further comments.

3.2.4 SC Green Infrastructure Advisor No objection.

On review of the submitted information It is noted the number of units has reduced. However, there has been no significant changes to the landscape masterplan, therefore no additional comments can be made regarding the layout. Suggestions for POS improvements were provided to the developer during this revision process.

3.2.5 SC Affordable Housing No objection.

The previously submitted proposal for 114 included the provision of 28 affordable dwellings representing 24.56%. The reduction in proposed dwellings to 108 has reduced the affordable provision by one dwelling. The provision of 27 affordable dwellings representing 25% provision which is 5% above the prevailing target rate of 20%. The affordable housing mix provides for 1,2,3 and 4 bed provision, the balance of which is affordable housing tenure split will be 70% affordable/social rent and 30% local cost home ownership. This tenure split is reflected in the submitted plans. The need for more affordable housing is well documented and therefore, an additional 5% provision is a material consideration. The affordable housing provision in this proposal is supported.

3.2.6 West Mercia Police

Comments of West Mercia Policy were not received in time to be included in the 19th August 2025 committee report. They were circulated to Members as part of the Schedule of Additional Letters, and are included here for completeness.

Road Safety - To reduce the reliance on private car use and traffic movements to and from the proposed development and to encourage the use of alternative modes of transport such as cycling and also walking particularly on Lyth Hill Road, the provision of a suitable footpath from the site entrance to Grove Lane with crossing points is recommended. The link into existing footpaths on Lyth Hill Road will require maintenance. The width of some existing footpaths are severely reduced because of hedgerows encroaching onto the footway. This could pose a road safety risk to vulnerable road users and accessibility issues for those with mobility difficulties. West Mercia Police reserve the right in the future to make comment on any considered traffic calming measures in line with our statutory obligation.

3.3 Additional public representations

- 9th December 2025

Land West Lyth Hill Road

3.3.1 Since the original committee report was published further public representations have been received. These includes approximately 235 letters of objection and three letters of support. The matters raised as summarised below and the full representations can be read on the planning file.

3.3.2 Support

- Interested in living at the development

3.3.3 Objections

- Village is being overdeveloped
- Insufficient supporting infrastructure
- Impact from additional traffic
- Public transport information is outdated
- Revisions are insufficient to address concerns re density
- Development is much denser than the surrounding area
- Comparisons with density in other settlements is irrelevant due to different contexts
- Layout does not comply with Building Regulations re fire appliance access
- Out of keeping with the village's character
- Impact due to loss of agricultural land
- Some of the smaller dwellings fall below Nationally Described Space Standards
- no dedicated badger survey has been carried out; granting permission would be unlawful and open to judicial review
-
- open space is not readily accessible to houses as it is being provided on the edge of the development
- Bayston Hill has provided more housing than envisaged by the SAMDev Plan
- Concerns over flood risk
- Overlooking
- Light pollution
- Visual impact
- Site lies outside of the development boundary
- Impact on local services
- No evidence of unmet need for housing in the area
- Brownfield land should be prioritised
- Attenuation basin is too close to existing homes; risk of flooding
- Surface water drainage proposals not appropriate
- Improper weight given to threat of appeal
- Conflict with Development Plan
- Appeal decisions involving similar decisions have been dismissed

4.0 OFFICER APPRAISAL IN RELATION TO REASONS FOR DEFERRAL

4.1 The resolution of Members at the 19th August planning committee was specifically in relation to the following concerns: site density, open space, impact on local services

and urbanisation of the village. These matters are considered below.

4.2 Site density and urbanisation

4.2.1 At the 19th August North Planning Committee meeting it is understood that the principal concern of Members was the density of housing that was being proposed. Members also raised concerns about the potential for urbanisation of the village. In recognition of this, revised plans have been submitted to show the reduction in the number of units which are now being proposed. The revised layout is as shown below:

PRIVATE HOUSE MIX	HOUSE NAME	DESCRIPTION	QUANTITY
	BAGLOW	2	8
	BELEY	2	17
	AMERLEY	2	5
	WICKBORNE	3	7
	EMPT	2	6
	COLECHURCH	2	8
	HARTGATE	4	5
	HEWLEY	4	9
	LEEDHAM	4	3
	EDMONDS	6	17
	ELYNEM	5	4
			81
AFFORDABLE 4 HOUSE MIX (20%)			
	SPRY	1	4
	BUNGALOW	2	4
	COEN	2	8
	SMIT	3	7
	TYNE	5	7
			27
			108



LAND AT LYTH HILL ROAD, BAYSTON HILL - SITE PLAN

4.2.2 Policy background:

The NPPF includes advice on achieving appropriate densities. Paragraph 129 states that planning decisions should support development that makes efficient use of land. Paragraph 130 states that “where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities” and that in these circumstances “local planning authorities should refuse applications which they consider fail to make efficient use of land ...”.

4.2.3 As is explained in the original committee report, Shropshire Council cannot

demonstrate a 5 year housing land supply. In these circumstances, paragraph 11(d) of the NPPF applies. The implications of this are set out in sections 6.2 and 7 of the committee report. Paragraph 11(d) specifically refers to the need to have regard to making effective use of land.

- 4.2.4 Core Strategy policy CS6 requires that development is appropriate in scale, density, pattern and design; and makes effective use of land. SAMDev Plan policy MD2 requires that development responds appropriately to the form and layout of existing development, including scale, density and plot sizes.
- 4.2.5 Density Assessment Statement
The applicant has submitted a Density Assessment Statement. This provides information in respect of the density of the proposed development as revised; details of housing density in nearby areas, and data on densities which have been permitted for other housing schemes in Shropshire.
- 4.2.6 The draft Local Plan which has now been withdrawn proposed that the application site is allocated for residential development with a guideline of 100 houses. This was not intended to be an upper or lower limit. The development proposes a greater number of houses, whilst also overproviding on open space. Were the application to propose a housing development of 100 houses, exactly in line with the guideline, this would have a net density of approximately 27 dwellings per hectare (dph). The proposed development as revised would have a net density of 29.19. Officers consider that this is a marginal increase on what would have been anticipated under the draft Local Plan.
- 4.2.7 Officers recognise that the density would be significantly higher than that of the adjacent housing to the north-east. However, this area (Grove Lane, Beddoes Drive, Amblecote Drive and The Huntons) is a low density area of housing, with just 11 dph, which is significantly lower than other areas of housing nearby. The applicant's Density Assessment has looked at other housing on this southwestern edge of Bayston Hill. It identifies that the housing around Yewtree Drive, adjacent to the northern boundary of the site, has a similar density to that being proposed, and the area to the northwest of that, around Lythwood Road and Brookfield, has a density of more than 31dph. The density being proposed is therefore in line with significant areas of other housing at this edge of the settlement.
- 4.2.8 Were the proposed development to be designed with a density more in line with the adjacent houses to the northeast of 11dph, this would result in a development of 40-41 houses. This would be significantly lower than the guideline stated in the former draft Local Plan, and would be contrary to NPPF policy to seek an efficient use of land, particularly in the context of the Council not being able to demonstrate a 5 year supply of housing land.
- 4.2.9 The applicant's Density Assessment also demonstrates that the proposed Lyth Hill development would have a density which is comparable to those which have been

permitted in other Community Hubs in the county on land that was proposed to be allocated for housing in the former draft Local Plan.

4.2.10 Notwithstanding the above, in relation to density, it is relevant to consider what impact the proposed density would have on the local area. Views of the proposed development from the public realm would be limited. Public views would be principally limited to those from Lyth Hill Road and from public footpaths in the vicinity. Immediately adjacent to Lyth Hill road, on the left hand side of the site entrance road would be public open space. On the right hand side would be the proposed self-build houses, design details of which are not being sought as part of the current application. Other than these, the nearest houses would be set back approximately 80 metres from the public highway. Views of the development from public rights of way would be restricted by existing and proposed landscaping.

4.2.11 Officers consider that the density being proposed is appropriate and reflects Development Plan and national planning policy. Based upon the assessment of the application, officers do not consider that the density would result in adverse impact in the local area. It is not uncommon for settlements to have areas of housing with differing densities. It is not considered that there would be visual harm. The plots would provide an acceptable level of private amenity space, and the houses would offer a range of housing sizes, all of which would be acceptable in relation to the likely number of occupants.

4.3 Open space

4.3.1 Based upon the number of bedspaces now being proposed, policy MD2 of the SAMDev Plan indicates that the proposal should include 0.95 hectares of open space. The proposed development as revised includes approximately 1.51 hectares. This represents approximately a 59% increase over the policy expectation, and is a positive benefit of the scheme which should be given significant weight in the planning balance.

4.3.2 The concerns that have been raised regarding the location of open space within the site are acknowledged. The open space proposed is a mix of formal play areas; informal corridors and landscaped areas; areas of retained landscaping; and peripheral buffer areas which separate the proposed units from existing houses and provide a softer edge to the development. There are green corridors, a tree-lined verge along the main entrance road; and an area of green space at the entrance which sets the development back from Lyth Hill Road. Officers do not have any significant concerns over the type, amount or location of open space being provided.

4.4 Impact on local services

4.4.1 The revisions to the planning application include a reduction in the number of bedspaces from 349 to 317, and this would be expected to result in a reduction in the demand for local services. As was explained in section 6.9 of the original committee report, the proposal would be liable for Community Infrastructure Levy (CIL). CIL is the principal mechanism for funding local infrastructure that is needed as a result of

development. For this application this is likely to be around £1.6 million. In addition to this, and as set out in paragraph 6.9.2 of the original committee report, contributions that the applicant will be required to make towards local highways-related improvement have been agreed which total £176,800.

4.5 Other matters

4.5.1 Highway matters:

The submitted Technical note on highways matters includes the results of a recent traffic count and speed survey, updating the one that was provided as part of the application as originally submitted. The applicant's highways consultant has collected more recent data in the vicinity of the site access on Lyth Hill Road and at the junction of Lyth Hill Road and the A49, and compared this to that presented in the original Transport Assessment which related to surveys which were undertaken in 2022. The more recent data shows an 18% decrease in traffic flows on Lyth Hill Road at the site access. It also shows that southbound traffic on the A49 increased by 6.5% during the morning peak, albeit that is within typically expected daily variations of traffic flows. Otherwise traffic flows on the A49 northbound and Lyth Hill Road were observed to have decreased.

4.5.2 The technical note concludes that traffic flows along Lyth Hill Road and at the A49/Lyth Hill Road/The Common junction have reduced between 2022 and 2025. The highways consultants suggest that the most likely reason for this is the increase in working from home. No objections have been raised by the Council's Highways Officer.

4.5.3 Affordable housing

The reduction in the number of houses being proposed has result in the number of affordable units being reduced from 28 to 27. This would increase the proportion of affordable housing being proposed at the site from 24.6% to 25%, representing an overprovision of 5% on the required rate of 20%. As advised in the original committee report, this is a significant benefit of the scheme and should be given significant weight in the planning balance.

4.5.4 Agricultural land

The proposed development would lead to the loss of agricultural land, and officer comments on this were included in paragraphs 6.3.10 - 6.3.12 and 7.3 of the previous committee report. Since the 19th August committee meeting the applicant has provided additional information on this matter. Paragraph 6.3.11 noted that the proposal would result in the loss of 2.3 hectares of Grade 3a agricultural land. Grade 3a, along with the higher quality Grades 1 and 2, is defined as 'best and most versatile' (BMV). The applicant has calculated that the loss of BMV would equate to less than 0.0041% of the county's BMV.

4.5.6 The advice of officers on this matter remains as set out in paragraph 7.3 of the original committee report, i.e.:

The loss of 2.3 hectares of BMV agricultural land, whilst not constituting a significant

area of land, is a negative element of the proposed development. The economic and other benefits of such land is acknowledged. However, it is not considered that this loss is of such significance as to outweigh the benefits of the proposal when assessing it under the requirements of NPPF paragraph 11d.

4.5.7 Housing standards

Draft policy DP1 of the draft Local Plan (the evidence base for which is a material consideration in determining planning applications), states that on sites of 5 or more dwellings, at least 5% should be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations; and a further 70% should be built to the M4(2) (accessible and adaptable dwellings) or higher standard. The proposed development as amended would provide 5.6% to M4(3) standard and 84.3% to M4(2) standard. This represents a greater proportion than was being sought under this draft policy and this benefit should be given moderate weight in the planning balance.

4.5.8 Ecological matters

Public representations have raised concern that there has been inadequate survey for badgers. An Ecological Impact Assessment was undertaken by ecological consultants. This confirmed that no badger setts were present onsite or were identified within the adjacent habitats. It acknowledged that badgers can dig new setts and recommended that precautionary methods should be implemented prior to and during construction works to avoid disturbance to foraging badgers, including undertaking a pre-commencement badger survey prior to commencement of works.

4.5.9 The Council's Ecologist is satisfied that the level of survey work undertaken in support of the application is appropriate and has recommended that a pre-commencement badger survey is undertaken; and a planning condition can be imposed to secure this.

4.5.10 Historic environment considerations

It was explained in the 19th August 2025 planning committee report that the Heritage Statement confirms that there are no designated heritage assets in the area, and that the proposal would not impact on any designated heritage assets. The Statement does identify that a former parish boundary and associated marker stone are located along the north-western boundary of the site, that these are considered to be non-designated heritage assets, but that they are unlikely to be impacted by the proposed development. A condition can be imposed to require that these are protected during construction works, as part of the Construction Environmental Management Plan. In relation to the test set out in paragraph 216 of the NPPF, Officers consider that any harm to the significance of these assets would be minimal and would be outweighed by the benefits of the proposal.

4.5.11 Section 106 matters

The following information was included in the Schedule of Additional Letters which was circulated to Members prior to the 19th August planning committee meeting, and is included here for completeness.

- 4.5.12 The area proposed for the drainage swale at the north-western side of the site is currently owned by the Diocese. It is understood that the legal rights to the use of this land for the swale are being secured under a Deed of Easement. In order to ensure additional security, the Diocese should be a party to the Section 106 agreement which will include legal requirements that the area is retained for drainage purposes in perpetuity. Therefore, it is recommended that this is included as an additional matter to be covered under the Section 106 agreement, should Members resolve to grant planning permission.

5.0 PLANNING BALANCE AND CONCLUSION

- 5.1 This update report provides officer advice in relation to the revisions that have been made to this planning application following the North Planning Committee's resolution at its 19th August 2025 meeting to defer determination of the application. Having assessed the application as amended, taking into account the additional consultee responses and further public representations, the officer recommendation remains the same as previously: that planning permission for the proposal is granted subject to the completion of a Section 106 agreement and the imposition of planning conditions. The updated planning balance and conclusion is as set out below, and replaces that which was provided in Section 7.0 of the previous committee report.
- 5.2 It is acknowledged that residential development of this site is contrary to the adopted Development Plan. The draft Local Plan has now been withdrawn but included the site as a proposed allocation for housing. The current proposal is generally in line with the development guidelines set out in the draft Plan. The proposal as amended would provide 108 dwellings, compared to the 114 originally proposed, against the guideline figure of 100 dwellings which is referred to in the former draft allocation.
- 5.3 The evidence base which supports the draft Plan is a material consideration. The proposed allocation can therefore be given weight in favour of the current application. In addition, as a result of the Council being unable to currently demonstrate a five year housing land supply the NPPF states that a 'tilted balance' applies to the consideration of residential development. This means, as set out in the NPPF, that planning permission for residential development should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."
- 5.4 As is noted by the Council's Planning Policy team, Bayston Hill is a designated hub within the adopted Development Plan and has a range of services and facilities. The site is located on the edge of a sustainable settlement and is capable of accommodating residential development. This was the basis on which it was proposed to allocate the site for housing. The site would provide an acceptable layout and design. It is acknowledged that the proposal would provide more housing than was stated within the draft allocation. Nevertheless, it would provide appropriate

public open space of an overall size which exceeds the expectations of adopted policy. Officers consider that the proposal would make effective use of the site and would be well-designed. In addition, the proposal would provide a significant overprovision of affordable housing compared to adopted policy. The level of overprovision of public open space and affordable housing should be given significant weight in the planning balance.

- 5.5 The loss of 2.3 hectares of BMV agricultural land, whilst not constituting a significant area of land, is a negative element of the proposed development. The economic and other benefits of such land is acknowledged. However, it is not considered that this loss is of such significance as to outweigh the benefits of the proposal when assessing it under the requirements of NPPF paragraph 11d. The impact of the proposal on the local highway network is acknowledged. The proposed mitigation is appropriate and the residual impact is not considered to be at a level that would justify a refusal.
- 5.6 In terms of the amendments to the application which have been made following the 19th August committee meeting, the reduction in dwellings is a disbenefit, in that fewer houses would be provided in the context of central Government policy objective as set out in the NPPF which is to 'significantly boost the supply of homes' (paragraph 61). Nevertheless, the density of the original proposal was one of the concerns of Members at the meeting and this reduction in units has resulted in a lower density of dwellings compared to the application as originally submitted. On the basis of the assessment contained in this report, officers consider that the density being proposed is appropriate for the area.
- 5.7 The benefits of the proposal include:
- the provision of a significant number of houses in the area, in line with Government's objective of 'significantly boosting the supply of homes', and its contribution to increase Shropshire's supply of housing
 - the provision of a range of housing types and sizes, from starter homes and bungalows to larger family homes
 - the provision of affordable housing at a level which is 5% above the policy requirement
 - homes designed to support disabled and wheelchair access, and to maximise energy efficiency; with the number of units meeting these standards exceeding those sought under the former draft planning policy
 - the provision of up to four self-build houses, reflecting the policy direction as set out in the former draft Local Plan which encourages these types of dwellings
 - open space of approximately 59% above the policy expectation
 - job creation – direct and indirect during the construction phase
- 5.8 Officers conclude that the proposed development represents sustainable development and that there are material considerations of sufficient weight to warrant a decision being made which is contrary to the adopted Plan. The issues raised through the planning process have been addressed through modifications to the

design and other improvements and agreement on necessary financial contributions to make the development acceptable. Officers therefore recommend that planning permission for the proposal is granted subject to the completion of a Section 106 agreement and the imposition of planning conditions, to include those set out in Appendix 1 of the original planning committee report of 19th August 2025.

6.0 Risk Assessment and Opportunities Appraisal

6.1 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.

6.2 Human Rights

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

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

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

6.3 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.

7.0 Financial Implications

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

8.0 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.

9.0 Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor David Walker
Local Member Cllr Teri Trickett
Appendices APPENDIX A – Committee Report for 19 th August 2025 North Planning Committee

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Committee and Date

Northern Planning Committee

19th August 2025

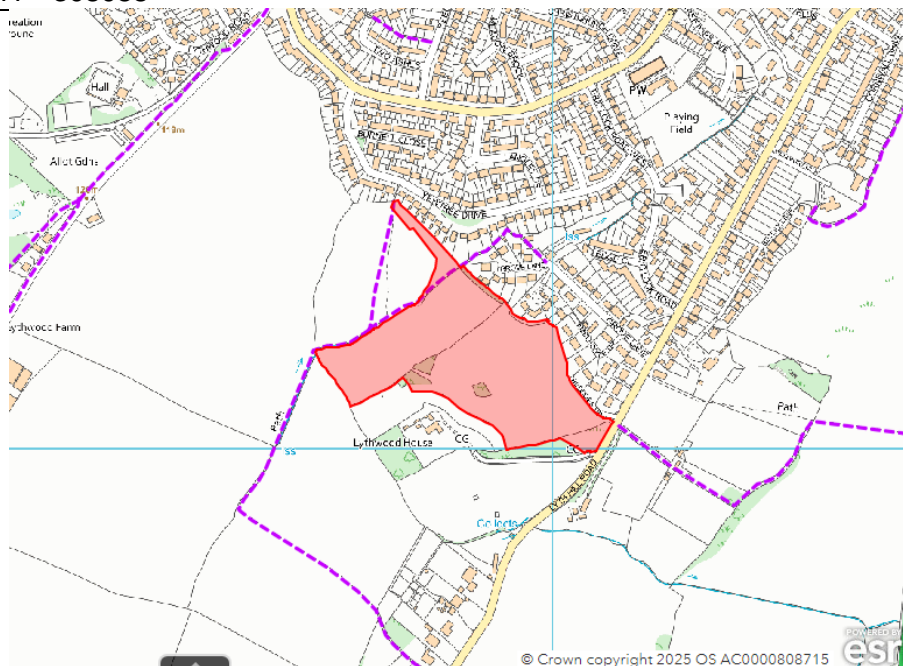
Development Management Report

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

Summary of Application

<u>Application Number:</u> 24/00765/FUL	<u>Parish:</u>	Bayston Hill
<u>Proposal:</u> 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		
<u>Site Address:</u> Land West Lyth Hill Road Bayston Hill Shrewsbury Shropshire		
<u>Applicant:</u> Redrow Homes Midlands		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> kelvin.hall@shropshire.gov.uk	

Grid Ref: 347941 - 308088



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REPORT

Recommendation: That delegated authority is given to the Planning Services Manager to grant planning permission subject to the completion of a Section 106 agreement and conditions, to cover the matters set out in Appendix 1.

1.0 THE PROPOSAL

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



1.5 Outline application

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

1.6 Pre-application consultation

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

1.7 The planning application is accompanied by a series of detailed technical reports, including: Landscape and Visual Impact Assessment; Ecological Assessment; Noise Assessment; Air Quality Assessment; Transport Assessment; Arboricultural Impact Assessment; Flood Risk Assessment; and Ground Investigation report.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site is located at the southern side of Bayston Hill, a large village to the south of Shrewsbury. The site extends to approximately 6.2 hectares, and is currently agricultural land. Trees and hedgerow border the site to the north-west and north-east. The houses forming the southern extent of the village lie immediately to the north and east. Other land surrounding the site is undeveloped and principally in agricultural use. Vehicle access to the site would be gained from Lyth Hill Road to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee Comments (full comments are available online)****4.1.1 Bayston Hill Parish Council Objects.**

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

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

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

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

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

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

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

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

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

Bayston Hill Parish Council declared a Climate Emergency in 2021 and has established a Carbon Neutral Working Group to develop plans and actions to help the Parish meet this aspiration. This application does not in any way help the parish to achieve this goal but increases the likelihood of failure considerably by introducing estimated 1493.4 CO₂e per year based upon the Impact Climate Tool. There is little evidence that this is going to be offset in any significant way and this is further supported by the comment below in the National Highways Authority Consultation comments for this application.

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

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

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

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

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

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

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

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

Background

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

The Adopted Plan

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

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

Local Plan Review (2016-2038)

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

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

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

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

National Planning Policy Framework and Housing Land Supply

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

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

Implications for decision making:

Footnote 8 and Paragraph 11(d) of the NPPF detail the implications of not having a five year housing land supply for decision making, in the context of the application of the presumption in favour of sustainable development.

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

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

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

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

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

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

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

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

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

Previous comments:

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

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

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

links will be provided.

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

4.1.3 **SC Affordable Housing** No objection.

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

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

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

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

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

4.1.4 **SC Archaeology** No objection.

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

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

4.1.5 **SC Conservation** No objection.

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

associated works arising from this application.

4.1.6 SC Landscape No objection.

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

4.1.7 SC Green Infrastructure Advisor No objection.

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

4.1.8 SC Ecologist No objection.

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

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

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

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

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

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

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

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

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

4.1.9 **SC Trees** Recommends a condition.

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

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

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

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

Recommendation:

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

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

4.1.10 SC Regulatory Services No objection.

Amenity

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

Land Contamination

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

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

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

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

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

Air Quality

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

The Air Quality assessment provided with the application carried out a simplified screening assessment in accordance with the Design Manual for Roads and Bridges (DMRB) this assessment provides a prediction of air quality levels for the year of completion both with and without the proposed development. Data from existing diffusion tube monitoring on the A49 was used to verify the results of the assessment which concluded that, with additional traffic as a result of the proposed development, the NO₂ and PM₁₀ concentrations would remain below the national air quality objectives and the level of change would be small (0.4ug/m³ or less to the annual mean concentrations).

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

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

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

4.1.11 National Highways Recommends conditions.

Transport

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

Construction

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

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

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

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

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

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

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

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

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

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

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

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

Layout

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

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

Proposed site access

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

Section 106 contributions

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

Framework Travel Plan

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

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

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

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

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

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

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

Standard comments provided which are summarised as follows:

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

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

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

4.2 **Public comments**

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

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

Infrastructure and Services

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

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

Traffic, Access, and Road Safety

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

Drainage, Flooding, and Environmental Impact

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

Overdevelopment and Planning Policy

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

Consultation and Process

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

Social and Community Impact

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

health and wellbeing.

Specific Technical and Design Concerns

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

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

Supportive Comments

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

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

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

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

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

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

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

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

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

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

4.2.7 Shrewsbury Ramblers

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

4.2.8 Shrewsbury Civic Society (SCS) Objects.

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

4.2.9 Shrewsbury Friends of the Earth Objects.

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

4.2.10 CPRE Shrewsbury District Objects.

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

withdrawn; severe impact from additional delays and air quality from additional vehicle movements, including at A49 junction which would be hazardous

- size of the development is large in proportion to current local housing density
- loss of trees and nature conservation
- proposal to remove tree T40 is unacceptable. The bat survey is outstanding

4.2.11 **Shropshire Swift Group**

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

5.0 **THE MAIN ISSUES**

5.1

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

6.0 **OFFICER APPRAISAL**

6.1 **Environmental Impact Assessment (EIA) screening**

6.1.1

The proposed development is 'Schedule 2 development' as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, being an urban development project where the overall area of the development exceeds 5 hectares. The selection criteria for screening Schedule 2 developments are set out in Schedule 3 of the 2017 Regulations. Planning Practice Guidance on Environmental Impact Assessment provides further advice in relation to screening. The proposed development has been considered in relation to these. The proposed development does raise land-use impacts and these have been considered as part of the planning process. However, in terms of EIA, it is not considered that the proposed development would be likely to have significant effects on the environment by virtue of its characteristics; its location; and the type and characteristics of the potential impact. On this basis, the Council adopts a Screening Opinion that EIA is not required.

6.2 **Planning policy context; principle of development**

6.2.1

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

6.2.2 Adopted Development Plan

The site lies adjacent to, but outside of, the development boundary for Shrewsbury as defined in the adopted Local Plan policies map, and therefore falls into 'countryside' in

policy terms. Both Core Strategy policy CS5 and SAMDev policy MD7a strictly control residential development in the countryside such that only limited types of residential development, such as conversion of buildings of architectural or heritage merit or accommodation for essential countryside workers and other affordable housing, is permitted. Development of this site for residential purposes would be contrary to the adopted local policies which seek to direct new market housing to identified settlements.

6.2.3 NPPF

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

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

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

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

- (i) there is a strong reason for refusing the development due to its effect on assets of particular importance, or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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

6.2.7 Draft Local Plan

The draft Local Plan was submitted for Examination in 2021. Following a number of public hearing sessions which were held following this, the Examination Inspectors advised that they had a number of concerns over the soundness of the draft Plan. In response to this, at its meeting on 17th July 2025, the Council agreed to withdraw the draft Local Plan. Cabinet agreed on 12th February 2025 that the evidence base supporting the draft Local Plan is a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development. This will include planning applications for new development on sites proposed to be allocated in the draft Local Plan. This resolution applies to the current proposal in that the site is included in the soon-to-be withdrawn draft Local Plan as one which is proposed to be allocated for residential development.

6.2.8 Proposed site allocation

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

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

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

6.2.10 Self-build plots

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

6.2.11 Planning history:

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

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

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

- 6.2.12 The current planning policy position is significantly different to what it was in 2017. The Council can no longer demonstrate a 5 year housing land supply, and as such the adopted Development Plan policies for housing can no longer be considered to be up-to-date. In addition, since 2017, the Council has submitted its draft Local Plan for examination which has included the application as a proposed allocation for housing development. Whilst the current position does not alter the starting point for decision making which is the adopted Development Plan, paragraph 11(d) of the NPPF is now relevant, and this is discussed further in the planning balance section below.

6.3 Siting, scale and design; landscape considerations

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

6.3.2 Landscape impacts and trees

The submitted Landscape and Visual Impact Assessment (LVIA) has been reviewed by the Council's landscape consultant. Following revisions to this, no significant concerns have been raised by the consultant. The retention of site boundary vegetation would help to assimilate the development into the existing settlement fringe, and the additional landscape planting that is being proposed would soften the overall appearance of the development. The LVIA assesses the likely impacts on landscape character as Moderate to Minor Adverse upon completion of construction, reducing to Minor Adverse at year 15 once the landscape planting has become established. The extension of the village settlement would result in adverse visual impacts on users of public rights of way, albeit that these would be localised. The LVIA states that the visual effects on adjacent housing would be Moderate to Major Adverse at year 15. However Officers consider that the buffer distances between existing housing and proposed dwellings are appropriate. Taking account the advice of the Council's landscape consultant, Officers consider that adverse landscape and visual effects are likely to be limited in geographical extent and not unacceptable, and that the mitigation put forward is appropriate.

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

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

6.3.4 Design and layout

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

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

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

6.3.7 Open space

National and local planning policies seek to provide well-designed development. Paragraph 96 of the NPPF states that this includes high quality public space which

encourages the active and continual use of public areas. SAMDev Plan policy MD2 requires that development should provide adequate open space of at least 30m² per person and that where there are 20 dwellings or more this should comprise an area of functional space. It states that landscaping and open space should provide safe, useable and well-connected outdoor spaces.

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

6.3.10 Agricultural land quality considerations

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

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

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

6.3.13 Sustainable design matters:

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

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

- reduce the CO₂ emissions from heating and hot water by around 84%
- The provision of electric car charging points to all properties
- The provision of noise insulation to windows which exceed Building Regulation requirements by 3dB
- the addition of larger than standard patio doors to improve daylight and solar gain
- the use of concrete roof tiles which have a significantly lower embodied energy value than clay tiles
- the use of aircrete concrete blocks which use recycled materials such as pulverised fuel ash
- the use of sustainable drainage solutions such as attenuation to reduce the impact on watercourse
- the provision of cycle sheds to all properties.

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

6.4 Residential and local amenity considerations

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

6.4.2 Layout in relation to adjacent residential properties

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

6.4.3 Noise and dust

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

6.4.4 Air quality

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

6.5 Historic environment considerations

6.5.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13

require that development protects, restores, conserves and enhances the built and historic environment and is appropriate in scale, density, pattern and design, and that harm or loss is avoided.

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

6.6 Highways and travel considerations

- 6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Detailed discussions have taken place between National Highways and the Council's highways team and the applicant regarding the potential highways implications of the proposed development.

6.6.2 Proposed access

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

6.6.3 Highways network and capacity

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

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

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

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

6.6.6 Active and sustainable travel considerations

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

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

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

6.7 **Ecological consideration**

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

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

enhancements.

6.7.3 Biodiversity net gain (BNG)

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

6.8 Flood risk, drainage and ground contamination considerations

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

6.8.2 Flood risk and drainage

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

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

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

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

6.8.6 Ground conditions

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

6.9 **Other considerations**

6.9.1 The proposed development would be liable for Community Infrastructure Levy (CIL) payments, as it relates to residential development. The amount of CIL applicable is based upon the total floorspace of the dwellings and is likely to be around £1.44 million for the benefit of local infrastructure. In addition to this, it is considered that financial contributions to specific matters are necessary in order to make the development acceptable. These are as referred to above, and as summarised below.

6.9.2 S106 agreement:

Passenger Transport £136,800

Highway improvements £30,000

Travel Plan monitoring contribution £10,000

7.0 **PLANNING BALANCE AND CONCLUSION**

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

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

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

- 7.3 The loss of 2.3 hectares of BMV agricultural land, whilst not constituting a significant area of land, is a negative element of the proposed development. The economic and other benefits of such land is acknowledged. However, it is not considered that this loss is of such significance as to outweigh the benefits of the proposal when assessing it under the requirements of NPPF paragraph 11d. The impact of the proposal on the local highway network is acknowledged. The proposed mitigation is appropriate and the residual impact is not considered to be at a level that would justify a refusal.
- 7.4 The benefits of the proposal include:
- the provision of a significant number of houses in the area, in line with Government's objective of 'significantly boosting the supply of homes', and its contribution to increase Shropshire's supply of housing, particularly in the context of the lack of a five year housing land supply
 - the provision of a range of housing types and sizes, from starter homes to larger family homes
 - the provision of affordable housing at a level which is 4.6% above the policy requirement
 - homes designed to support disabled and wheelchair access, and to maximise energy efficiency
 - open space of approximately 30% above the policy expectation
 - job creation – direct and indirect during the construction phase
- 7.5 Officers conclude that the proposed development represents sustainable development and that there are material considerations of sufficient weight to warrant a decision being made which is contrary to the adopted Development Plan. The issues raised through the planning process have been addressed through modifications to the design and other improvements and agreement on necessary financial contributions to make the development acceptable. Officers therefore recommend that planning permission for the proposal is granted subject to the completion of a Section 106 agreement and the imposition of planning conditions, to include those set out in Appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10.0 Artificial Intelligence (AI)

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

should you wish to view them in full.

11. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD8 - Infrastructure Provision

MD12 - Natural Environment

MD13 - Historic Environment

Relevant planning history:

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

12. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor David Walker
Local Member Cllr Teri Trickett
Appendices APPENDIX 1 – Section 106 provisions and conditions

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

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

Proposed conditions

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

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Committee and date
Northern Planning Committee
9 th December 2025

Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/02878/OUT	<u>Parish:</u>	Whitchurch Urban
<u>Proposal:</u> Outline application for proposed residential development (to include access)		
<u>Site Address:</u> Land Adjacent to Cloverfield, Chester Road, Whitchurch, Shropshire SY13 4QG		
<u>Applicant:</u> G.Broad S.Smith R.Conacher S.Latham		
<u>Case Officer:</u> Jane Preece	<u>email:</u> jane.preece@shropshire.gov.uk	

<u>Grid Ref:</u> 353133 342208
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Recommendation:- That outline planning permission be granted, subject to the prior completion of a Section 106 legal agreement to secure affordable housing, biodiversity net gain for a minimum of 30 years, on-site public open space and a Local Equipped Area for Play (LEAP), the financial contribution towards the Whitchurch Local Cycling and Walking Infrastructure Plan (LCWIP) and the long-term management and maintenance of public open space and sustainable drainage systems (SuDS) and to the recommended planning conditions set out in Appendix 1, with authority for final conditions and minor amendments delegated to the Planning and Development Services Manager.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission (with all matters reserved except access) for the erection of up to 65 dwellings, including affordable housing, public open space, landscaping, and associated infrastructure on land to the west of Chester Road, Whitchurch. The proposal includes a new vehicular access from Chester Road (B5395), with the detailed layout, scale, appearance, and landscaping to be determined at the reserved matters stage. The indicative masterplan shows a mix of dwelling types and sizes, areas of open space, a Local Equipped Area for Play (LEAP), and the retention of key landscape features including mature hedgerows and trees.
- 1.2 Pre-application advice was sought from Shropshire Council prior to submission. The Council's response (PREAPM/25/00023) provided guidance on the principle of development, policy context, technical requirements, and the scope of supporting information. Key issues raised included the site's location outside the defined settlement boundary, the need to address landscape and visual impact, ecological and drainage matters, highway safety, and the requirement for affordable housing in line with the prevailing target rate. The applicant has sought to address these points through the submission of a comprehensive suite of technical documents and by revising the scheme in response to consultee feedback.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises approximately 3.39 hectares of agricultural land located on the north-western edge of Whitchurch, immediately west of Chester Road (B5395). The site is bounded to the south by residential properties on Pear Tree Lane, to the north by the former Cloverfield Nursing Home and further residential development, to the east by Chester Road and open countryside beyond, and to the west by agricultural land. The site lies outside but adjacent to the defined development boundary for Whitchurch as set out in the adopted SAMDev Plan.
- 2.2 The land is currently in agricultural use (grazing), with a gently undulating

topography that falls from south to north. The site is well contained by mature hedgerows and trees along its boundaries, with a small brick-built field shelter located centrally. The technical evidence (FRA, EclA and topographical survey) found no watercourses or ponds within the site, and the land is classified as a mix of Grade 3a and 3b agricultural land (good to moderate quality). The site is not subject to any statutory landscape, heritage, or ecological designations, but is identified as part of a nature improvement area in the Shropshire Environmental Network. The surrounding area is characterised by a mix of residential, agricultural, and care home uses, with Whitchurch town centre located approximately 1km to the south-east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Planning Services Manager and Principal Planning Officer in consultation with the relevant Committee Vice Chair, has determined that this application should be considered by the Planning Committee. This decision reflects the fact that objections have been received from the Town Council and the Local Member, which raise material planning considerations that warrant committee consideration.

4.0 Community Representations Summary

4.1 Consultee Comment Summary

- 4.1.1 **SC Drainage (SUDS)** – The technical details submitted have been reviewed by WSP UK Ltd on behalf of Shropshire Council as the Local Drainage Authority. The consultee recommends that no development should commence until a detailed scheme for surface and foul water drainage is submitted to and approved by the Local Planning Authority, to be secure by pre-commencement condition. This is required to ensure satisfactory site drainage and to prevent flooding.

The drainage consultee notes that the submitted Flood Risk Assessment does not address surface water flood risks within the site, and that only limited drainage details have been provided at this stage. For the full application, further information will be required, including infiltration testing, detailed drainage layouts, and a maintenance plan for sustainable drainage systems (SuDS). The applicant is expected to address these technical matters at the full application stage to ensure the development will be appropriately drained and flood risk is managed.

- 4.1.2 **SC Highways** – The Highways consultee initially requested further information to support the proposed access arrangements, including measured speed surveys, swept path analysis, and technical evidence to demonstrate that the required visibility splays could be achieved. Concerns were raised regarding the quality and width of the existing footway, the need for a suitable crossing point if adjacent development proceeds, and aspects of the indicative site layout such as tandem parking and turning provision. Additional clarification was sought on the removal of the existing farm access and the management of agricultural traffic through the site. The consultee also highlighted the need for a comprehensive approach to street lighting and the legal processes associated with any changes to speed limits.

Following re-consultation, the Highways consultee confirmed that the proposed access point, including its arrangement and visibility, could be secured by condition. No objection is raised to the principle of development, subject to conditions covering construction management, detailed highway design, and occupation restrictions until all matters are agreed. A Section 106 contribution of no less than £260,000 is sought towards the Local Cycling and Walking Infrastructure Plan (LCWIP) for Whitchurch, with priority given to schemes most relevant to active travel associated with the development. No contributions are required for bus service enhancements, as existing provision is considered adequate.

- 4.1.3 **SC Conservation** – SC Conservation reviewed the submitted HIA, confirming it meets the requirements of paragraph 207 of the NPPF (December 2024) and Policy MD13 of the Local Plan.

As the application is in outline form with only access for approval, previous comments made at pre-application stage regarding design and layout remain relevant. No further comments are made from an above-ground heritage perspective, and it is advised that SC Archaeology's recommendations are followed in full for below-ground heritage assets.

- 4.1.4 **SC Archaeology** – The site lies to the northwest of Whitchurch, near several recorded heritage assets including the Roman settlement, possible Roman cemetery, medieval urban form, and Whitchurch castle, though no heritage assets are currently recorded within the site itself. The Roman Road runs along the site's northeastern boundary. Supporting information includes a desk-based assessment and a geophysical survey, which identified features suggestive of medieval to post-medieval agricultural activity and other anomalies, but these have not yet been confirmed by trial trenching.

SC Archaeology advises that the submitted assessments are sufficient to inform decision-making at this stage. In line with the NPPF (December 2024) and Policy MD13 of the Local Plan, a phased programme of archaeological work should be secured by condition. This should include trial trenching and, if necessary, further mitigation. No development should commence until a written scheme of investigation has been approved, and the archaeological work must be completed and reported prior to first use or occupation of the development.

- 4.1.5 **SC Trees** – The Council's Tree Officer has reviewed the submitted Arboricultural Survey and associated documents and raises no objection on arboricultural grounds. The proposed site access will require the removal of part of a group of early-mature sycamores (G18) and a short section of roadside hedge, but this loss is considered to be of low impact and can be compensated through new hedge and tree planting as part of a future landscaping scheme. It is recommended that suitable measures are put in place to protect the remaining trees and hedges during construction.

Should planning permission be granted, conditions are recommended to secure:

- Submission and approval of a tree survey, Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan prior to commencement, in accordance with British Standard 5837.
- Submission of a landscaping scheme at reserved matters stage, incorporating native tree and hedge planting, in accordance with British Standard 8545, with details of species, planting, protection, and maintenance.

These measures are intended to safeguard local amenity and ensure appropriate integration of the development into its surroundings.

- 4.1.6 **SC Ecology** – The Council's Ecologist has reviewed the submitted Ecological Impact Assessment and Biodiversity Net Gain (BNG) metric. The proposed development will deliver a net gain of 10.43% in habitat units and 10.5% in hedgerow units, which is considered significant. To secure this BNG for 30 years, a Section 106 agreement will be required, including a monitoring fee.

The Ecologist is satisfied with the level of ecological survey work and recommends a series of conditions and informatives, including:

- Provision of bat and bird boxes, hedgehog boxes, and bee bricks, with details to be agreed prior to occupation.
- Submission and approval of a lighting plan to ensure external lighting does not adversely affect ecological networks, particularly bats.
- Standard informatives regarding the legal protection of bats, nesting birds, reptiles, amphibians, and hedgehogs, and the need for precautionary measures during site clearance and construction.

The Ecologist also advises that hedgerows should be retained where possible, and that any fencing should allow for wildlife movement. These measures are intended to ensure compliance with local and national biodiversity policies and to protect and enhance ecological features on the site.

- 4.1.7 **SC Green Infrastructure** – The Green Infrastructure Advisor notes that this outline application does not seek approval for all matters, including the landscape masterplan or indicative layout, and that these comments are intended to inform future reserved matters applications.

Key points raised include:

- Public open space (POS) should be provided in accordance with Policy MD2, at a minimum of 30sqm per person, and should meet local needs in terms of function and quality.
- Developments of this scale should include both formal and informal recreational space, with a Local Equipped Area for Play (LEAP) positively designed to be inclusive, accessible, and to avoid features with limited play value.
- The indicative site plan shows POS well distributed, but further detail is needed on how these areas will be connected by landscape features, such as public street trees, to ensure green infrastructure connectivity and enhance the street scene.

- The importance of clearly defining the extent of POS, property boundaries, and public domain areas to be managed should be addressed at the reserved matters stage, to ensure a high-quality masterplan is achieved.

These recommendations are intended to guide the detailed design and delivery of green infrastructure and open space provision at the next stage of the planning process.

- 4.1.8 **SC Landscape** - The Council's Landscape Consultant (ESP Ltd) initially reviewed the submitted Landscape and Visual Appraisal (LVA) and found that, while the overall predicted effects were not necessarily disputed, the LVA contained inconsistencies and methodological weaknesses that rendered it non-compliant with best practice (GLVIA3). As a result, the reliability of the LVA was questioned, and ESP Ltd could not support its findings in its original form. Twelve recommendations were made to improve the LVA, including clarifying the methodology, ensuring consistency in assessment tables, providing clearer assessment of landscape value, and improving the presentation and explanation of viewpoint photography and visual effects. Further detail was also requested regarding the treatment of historic hedgerows, the rationale for viewpoint selection, and the inclusion of key visual receptors.

Following re-consultation, ESP Ltd reviewed the updated LVA and associated documents. Improvements were noted, including clearer tables illustrating how sensitivity and magnitude of change inform the overall level of effect, additional information on landscape value, and the inclusion of further viewpoint photography. While some minor inconsistencies and weaknesses remain—such as the use of terminology and the technical specification of photography—ESP Ltd concluded that the overall reasoning and judgements of the revised LVA are valid and provide an adequate basis for decision-making. ESP Ltd requests that detailed landscape information, including a Landscape Masterplan, annotated cross-sections, and a Landscape Management Plan, be provided at the reserved matters stage to ensure a robust approach to landscape design, mitigation, and long-term management.

- 4.1.9 **SC Affordable Homes** – The Affordable Housing Team advises that, should the site be considered suitable for residential development, the scheme will be required to provide an affordable housing contribution in line with Policy CS11 of the adopted Core Strategy. The level of contribution must comply with the requirements of the SPD on Type and Affordability of Housing and reflect the prevailing target rate at the time of a full or reserved matters application.

The applicant is proposing a 15% affordable housing contribution, equating to 10 affordable homes on site. The expected tenure split is 70% affordable rent and 30% shared ownership, with homes to be transferred to a housing association for allocation via the Council's prevailing Allocation Policy and Scheme.

The size, type, tenure, and location of the affordable homes must be agreed with the Housing Enabling Team prior to any further application. The mix should include 1, 2, 3, and 4-bedroom homes for rent, and 2 and 3-bedroom homes for low-cost

home ownership. Affordable homes should be distributed across all phases of the development and located on adopted roads.

4.1.10 SC Environmental Protection - Environmental Protection has identified the site and surrounding area as potentially contaminated land. In line with the NPPF, the developer must demonstrate that the site is suitable for its proposed use, taking account of ground conditions, contamination, and land stability. A series of standard conditions are recommended, requiring:

- A site investigation and risk assessment to be submitted and approved prior to commencement of development;
- Submission and approval of a remediation scheme if unacceptable risks are identified, with implementation and subsequent verification before occupation;
- Immediate reporting and appropriate action if unforeseen contamination is discovered during development.

These measures are required to ensure risks from contamination are reduced to acceptable levels and to protect the health and wellbeing of future occupiers.

In terms of amenity, the submitted noise impact assessment has been reviewed and no objection is raised to the principle of development. It is recommended that the mitigation measures set out in Figure 12 of the Sanctuary report (minimum glazing and façade ventilation standards) are adopted as a minimum. Once the final layout is confirmed, properties requiring mitigation against road traffic noise will be identified to ensure internal and external noise standards are met.

4.1.11 SC Learning & Skills - Shropshire Council Learning and Skills advises that current forecasts indicate a need for additional school place capacity in the area. This development, together with other planned housing, will increase demand for school places. It is therefore essential that the developer contributes towards the cost of providing additional school places or facilities required to meet the educational needs of children arising from the development.

Due to the scale of the proposal, it is recommended that contributions for both primary and secondary education provision are secured via Community Infrastructure Levy (CIL) developer contributions. The proposed 65 dwellings are forecast to generate a yield of 5 Early Years children, 18 Primary children, 9 Secondary children, 3 post-16 children, and 1 child requiring specialist SEND provision.

4.1.12 SC Waste Management - SC Waste Management advises that new homes must have adequate storage space for waste, including separate storage for compostable and recyclable materials, to accommodate fortnightly collections. As residents now have the option of wheelie bins for recycling, space for three wheelie bins per property may be required.

It is also essential that the highway layout and specification are suitable for large waste collection vehicles (gross weight up to 32 tonnes, single axle loading of 11 tonnes). Access roads, bridges, and ramps must be capable of supporting these

vehicles, and vehicle tracking should be provided to demonstrate that collection vehicles can safely access and turn within the estate.

For plots on private drives, bin collection points must be identified, and residents should be informed that these are for collection only, not for permanent bin storage. Developers are encouraged to refer to Shropshire Council's waste and recycling planning guidance for further best practice.

- 4.1.13 **SC Welsh Water** - Welsh Water confirms that foul flows from the proposed development can be accommodated within the public sewerage system, which drains to Whitchurch (Rising Sun) Wastewater Treatment Works. The treatment works currently has capacity and is compliant with its phosphorus consent limit.

No objection is raised to the proposed disposal of surface water via a sustainable drainage system (SuDS), provided all options under Building Regulations are explored and SuDS features are not located within the protection zone of any public sewers. The developer must ensure that the final layout takes account of the location and protection of existing public sewers, with a minimum protection zone of 3 metres either side of the centreline, subject to on-site verification.

Welsh Water requests that the following conditions are attached to any planning consent:

- Only foul water from the development shall discharge to the public sewer, at the specified manhole or another approved point following hydraulic modelling and any necessary reinforcement works.
- No surface water or land drainage shall connect directly or indirectly to the public sewerage network.

Advisory notes are also provided regarding the presence of unmapped public sewers and the need for ongoing access to Welsh Water's apparatus. There are no objections in relation to wastewater treatment or water supply, but the developer should consult the relevant statutory undertaker for potable water supply.

- 4.1.14 **SC Planning Policy** - The adopted development plan for Whitchurch consists of the Core Strategy (2011) and the Site Allocations and Management of Development (SAMDev) Plan, which should be read as a whole. Whitchurch is identified as a Principal Centre, expected to deliver significant housing growth. However, the application site lies outside the defined development boundary and is considered 'countryside' for policy purposes. Core Strategy policy CS5 and SAMDev policy MD7a seek to strictly control new market housing in such locations, and the proposal would be contrary to these policies.

The draft Shropshire Local Plan (2016–2038) has been withdrawn, and a new plan-making process has commenced. While the evidence base from the withdrawn plan may be given some weight, all planning decisions continue to be made in accordance with the adopted development plan and national policy.

Recent changes to the National Planning Policy Framework (NPPF) and the

standard methodology for assessing Local Housing Need have increased Shropshire's housing requirement. The Council's latest five-year housing land supply statement (February 2025) confirms a shortfall, with only 4.73 years' supply. As a result, the 'tilted balance' in paragraph 11(d) of the NPPF applies, meaning less weight is given to restrictive policies and more weight to the presumption in favour of sustainable development.

In applying this policy balance, planning policy notes:

- Whitchurch is a sustainable location with a range of services and facilities.
- The proposal could make effective use of land, subject to detailed design at reserved matters stage.
- Well-designed places and local distinctiveness should be secured through detailed proposals.
- The affordable housing offer appears policy compliant and could include a slight over-provision, to be secured via legal agreement.

These comments relate to the policy balance only; full consideration of technical advice, site-specific issues, and other material considerations is required in the overall planning judgement.

4.2 Public Comments Summary

4.2.1 **Whitchurch Town Council** - Whitchurch Town Council objects to the proposed development. Their objection was unanimously agreed at a Full Town Council Meeting, following consideration of public comments, planning documentation, and other representations.

Key concerns raised include:

- The proposal is for development on open countryside, which the Council and local residents believe is contrary to local planning policy.
- The application does not adequately address the cumulative impacts of this and other nearby developments (notably the concurrent application for land east of Chester Road), particularly in relation to the character of the area, ecology, environment, and road safety, with both developments proposing access onto an already busy arterial route.
- The Council seeks clarity regarding references in the planning documentation to a period of 'mineral extraction' on the site.
- The Council notes that the SAMDev Plan (2015–2026) set a target of 1,200 dwellings for Whitchurch Urban, and that the published Five-Year Housing Land Supply (February 2025) indicates this target has already been met, with 1,253 dwellings completed or committed as of 2024.

4.2.2 **Local Member** - Councillor Andy Hall formally objects to the proposed development. The main concerns raised are:

- The proposal is considered to conflict with the Shropshire Core Strategy and SAMDev Plan, as the site is identified as countryside and not allocated for development under current policies.
- There are significant concerns about increased traffic on Chester Road,

which is already a key arterial route into Whitchurch and has seen considerable development and increased traffic in recent years. Issues of speeding and poor parking are highlighted, particularly along Brooklands.

- The application is not supported by a full Transport Assessment or a robust, enforceable Travel Plan.
- The concurrent application for land east of Chester Road (25/02525/FUL) is not considered to address the cumulative impact on road safety, with both developments potentially creating a 'pinch point' directly opposite each other.
- The current infrastructure is viewed as inadequate to support further housing and traffic without additional access arrangements.

If the application is approved, Councillor Hall requests consideration of:

- A speed reduction to 30mph from the by-pass roundabout into Whitchurch,
- Traffic calming measures, potentially including an additional roundabout at any identified pinch point,
- A review of safe and accessible travel for pedestrians and wheelchair/mobility scooter users, especially where Chester Road meets Bargates and access to Sainsbury's.

4.2.3 Public representations – There were 22 public comments received in total (which includes the Town Council and Local Member objections) and all 22 are objections. There were no comments in support of the application and no neutral representations.

In summary the main public objections raised relate to:

Conflict with Planning Policy and Settlement Boundaries

- The site is outside the defined development boundary for Whitchurch and is considered open countryside, where local policies (Core Strategy and SAMDev) strictly control new housing. Many objectors argue the proposal is contrary to both local and national planning policy, and that local policies have been ignored in favour of national guidelines.
- Several comments highlight that Whitchurch has already met or exceeded its housing targets, with a surplus of new homes and unsold properties, questioning the need for further development.

Cumulative Impact and Prematurity

- The application is seen as premature, with a new Local Plan in preparation. Objectors argue decisions should be deferred until the new plan is adopted.
- There is strong concern about the cumulative impact of this and other nearby developments (notably the concurrent application for land east of Chester Road), particularly in relation to infrastructure, traffic, and the character of the area.

Infrastructure and Services

- Many objections cite insufficient capacity in local infrastructure, including schools, doctors, dentists, and public transport. There are concerns that existing services are already overstretched and that further development

would exacerbate these problems.

- Issues are also raised about the adequacy of utilities, drainage, and waste water systems, with some residents reporting existing flooding and drainage problems.

Highway Safety and Traffic

- Increased traffic on Chester Road and surrounding routes is a major concern, with fears of congestion, road safety risks (especially for pedestrians and cyclists), and inadequate public transport provision.
- The lack of a robust Transport Assessment or enforceable Travel Plan is criticised, and the cumulative impact of multiple developments on road safety is highlighted.

Environmental and Ecological Impact

- The site is described as valuable open countryside and agricultural land, providing habitat for a range of wildlife (including protected species such as bats, birds of prey, and hedgehogs). Objectors fear loss of green space, fragmentation of habitats, and negative impacts on biodiversity.
- Concerns are raised about the adequacy of ecological surveys and the ability of the scheme to deliver meaningful biodiversity net gain.

Flood Risk and Drainage

- Several objectors report existing flooding and poor drainage in the area, with concerns that further development will worsen these issues. There is criticism of the submitted Flood Risk Assessment and doubts about the viability of proposed drainage solutions.

Impact on Local Character and Amenity

- The development is seen as urban sprawl, eroding the rural character and distinctiveness of Whitchurch. There are concerns about visual impact, loss of views, and harm to the setting of the town.
- Some residents raise specific concerns about loss of privacy, overshadowing, and proximity of new dwellings to existing homes.

Other Issues

- Some objectors question the market demand for new homes, citing unsold properties and incomplete developments elsewhere in Whitchurch.
- There are references to a lack of meaningful public consultation and engagement with the local community.
- Concerns are also raised about the potential for increased anti-social behaviour and crime, and the impact on community cohesion.

4.2.4 **NB:** The full content of consultee and public comments can be viewed on the Council's planning portal for the application case.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Landscape and visual impact
- Highway safety, access and sustainable transport
- Ecology and biodiversity (including Biodiversity Net Gain)
- Flood risk and drainage
- Heritage and archaeology
- Trees and green infrastructure
- Affordable housing and housing mix
- Residential amenity (existing and proposed)
- Infrastructure and developer contributions
- Land contamination

6.0 OFFICER APPRAISAL

6.1 Policy and Principle of Development

- 6.1.1 The starting point for the assessment of this application is the adopted development plan, comprising the Shropshire Core Strategy and the SAMDev Plan, alongside the National Planning Policy Framework (NPPF, December 2024). The site lies outside the defined development boundary for Whitchurch and is therefore classified as ‘countryside’ for policy purposes. Ordinarily, policies CS5 and MD7a would strictly control new open market housing in such locations, permitting it only in exceptional circumstances. However, the Council’s most recent Five Year Housing Land Supply Statement (February 2025) confirms that Shropshire can only demonstrate a 4.73 year supply of deliverable housing land, falling short of the five-year requirement set out in the NPPF. As a result, the ‘tilted balance’ in paragraph 11(d) of the NPPF is engaged, meaning that restrictive policies for the supply of housing are considered out-of-date and the presumption in favour of sustainable development applies.
- 6.1.2 Whitchurch is identified as a Principal Centre in the Core Strategy and SAMDev Plan, and is expected to accommodate significant housing growth. The proposal would deliver up to 65 new homes, including a policy-compliant and slightly over-provided proportion of affordable housing, in a sustainable location adjacent to the town. The applicant has engaged with the Council at pre-application stage and has sought to address the issues raised by officers and consultees through the submission of a comprehensive suite of technical documents and by revising the scheme where necessary.
- 6.1.3 Loss of Agricultural Land - The application is supported by an Agricultural Land Classification report, which confirms that the site extends to approximately 3.40 hectares (8.40 acres), of which 0.73 hectares is classified as Grade 3a (“good quality agricultural land”—considered “best and most versatile” under the NPPF), and 2.67 hectares as Grade 3b (“moderate quality agricultural land”). The main limiting factors are soil wetness and gradient, with the land described as

unimproved grassland, permanently wet in places, and of relatively low agricultural productivity. While the loss of some best and most versatile land is a material consideration, the scale of loss is limited, and the site is typical of the locality, where much of the surrounding land is also classified as Grade 3a or 3b. The NPPF recognises that development of such land may be justified where there is an overriding need for development in the context of housing land supply shortfall, and where the loss is not significant in the local context.

- 6.1.4 Minerals Safeguarding - The site falls within a Minerals Safeguarding Area (MSA) for sand and gravel, and Policy MD16 of the SAMDev Plan applies. The applicant has submitted a Minerals Safeguarding Statement, which demonstrates that while the site is underlain by a mineral resource, extraction would not be feasible due to the proximity of existing residential properties and the unacceptable adverse impacts that would arise from noise, dust, and traffic associated with quarrying operations. The report concludes that mineral extraction prior to development would not be practicable or environmentally acceptable, and that there is no reasonable prospect of the resource being worked. Furthermore, there are sufficient permitted and allocated sand and gravel reserves elsewhere in Shropshire to meet national and local needs. The proposal therefore complies with Policy MD16 and the relevant provisions of the NPPF.
- 6.1.5 Objections from the Town Council, local member, and members of the public focus on the site's location outside the settlement boundary, the argument that Whitchurch has already met or exceeded its housing target, and concerns about the cumulative impact of new development. However, in the context of the Council's housing land supply shortfall and the presumption in favour of sustainable development, and having regard to the limited loss of best and most versatile agricultural land and the absence of any reasonable prospect of prior mineral extraction, the principle of development is considered acceptable, subject to all other material considerations.
- 6.2 Landscape and Visual Impact**
- 6.2.1 Landscape and visual impact have been a key concern for both the Council's landscape consultant and local residents.
- 6.2.2 The initial Landscape and Visual Appraisal (LVA) was found to be lacking in certain respects, but following revision, the Council's landscape consultant (ESP) now accepts the methodology and conclusions. The site is well contained by existing development and mature vegetation, and the LVA demonstrates that the visual effects of the development would be limited, with only slight to moderate adverse impacts at year one, reducing as new planting matures. The indicative layout retains key hedgerows and trees, provides new planting, and incorporates open space to mitigate visual effects.
- 6.2.3 The original ESP Ltd. review of the submitted Landscape and Visual Appraisal (LVA) identified twelve recommendations for improvement, covering methodology, assessment of receptors, treatment of hedgerows, viewpoint selection, and

compliance with best practice (see ESP Ltd. comments dated September 2025).

6.2.4 Following reconsultation, ESP Ltd. acknowledges that the revised LVA has addressed most of these recommendations and now provides an adequate basis for decision-making, albeit with some minor inconsistencies and weaknesses remaining (see ESP Ltd. reconsultation comments dated October 2025).

6.2.5 For completeness and robustness, it is recommended that detailed landscape information—including a Landscape Masterplan, annotated cross-sections, and a Landscape Management Plan—be provided at reserved matters stage, in line with ESP Ltd.'s advice.

6.2.6 The Town Council and many public objectors have expressed concern about the loss of open countryside and the perceived urban sprawl, but the evidence suggests that the site is a logical and visually contained extension to the settlement. Detailed landscape design and management will be secured at reserved matters stage, and the proposal is considered to comply with relevant landscape policies. Any residual harm is not considered to significantly and demonstrably outweigh the benefits of the scheme.

6.3 Highways and Access

6.3.1 Highways and access have also been the subject of detailed concern.

6.3.2 The Highways consultee initially requested further information, including speed surveys, swept path analysis, and technical evidence to demonstrate that the required visibility splays could be achieved. The applicant has provided this information, and the Highways consultee is now satisfied that the proposed access arrangements are acceptable, subject to conditions. The proposal includes a new access from Chester Road, with visibility splays of 2.4m x 77m and 2.4m x 90m, as demonstrated by the submitted drawings and speed survey data. The indicative layout shows that refuse and emergency vehicles can safely access and turn within the site. A Section 106 contribution of at least £260,000 is required towards the Local Cycling and Walking Infrastructure Plan (LCWIP) for Whitchurch, with priority given to schemes most relevant to active travel associated with the development. No contributions are required for bus service enhancements, as existing provision is considered adequate.

6.3.3 The Town Council, local member, and public objectors have raised concerns about increased traffic, road safety, and the cumulative impact of this and other developments on Chester Road. However, the technical evidence and the Highways consultee's advice indicate that these concerns can be satisfactorily addressed through the proposed access arrangements, mitigation measures, and financial contributions.

6.4 Ecology and Biodiversity

6.4.1 Ecology and biodiversity have been carefully considered. The submitted Ecological

Impact Assessment and Biodiversity Net Gain (BNG) metric demonstrate a net gain of 10.43% in habitat units and 10.5% in hedgerow units, exceeding the statutory minimum. The Council's ecologist is satisfied with the level of survey work and recommends a series of conditions and informatives, including the provision of bat and bird boxes, hedgehog boxes, bee bricks, and a sensitive lighting scheme. A Section 106 agreement will be required to secure the BNG for 30 years, including a monitoring fee. Hedgerows and trees are to be retained where possible, and the layout allows for wildlife movement.

- 6.4.2 Public comments have raised concerns about the loss of wildlife habitat and the adequacy of ecological surveys, but the evidence demonstrates that the proposal will deliver a significant net gain for biodiversity and that all relevant policy requirements are met.

6.5 **Flood Risk and Drainage**

- 6.5.1 Policy CS18 of the Core Strategy and the relevant sections of the NPPF require that new development does not increase flood risk elsewhere and incorporates sustainable drainage solutions.
- 6.5.2 The application is supported by a Flood Risk Assessment (FRA) and an outline drainage strategy. However, the Council's Drainage and SUDS consultee has identified that the submitted FRA does not adequately recognise or assess pluvial (surface water) flood risks indicated within the site boundary. The current submission includes only an outline drainage strategy for the highway, and no detailed scheme for the wider site. As such, the Drainage Officer raises no objection in principle, but only on the strict basis that a pre-commencement condition is imposed requiring the submission and approval of a comprehensive scheme of both surface and foul water drainage prior to any development taking place. This condition is essential to ensure that all outstanding technical matters—including infiltration testing, a gully catchment plan, a drained area plan (demonstrating urban creep), network simulation results, exceedance flow layouts, and a SuDS maintenance plan—are fully addressed and secured through the reserved matters application and subsequent discharge of condition process. The Drainage Officer's comments make clear that these details must be provided and approved before development can proceed, in order to ensure satisfactory drainage and to avoid any risk of flooding.
- 6.5.3 Some public comments refer to the presence of a stream or spring on the site; however, technical evidence—including the Flood Risk Assessment, topographical survey, and Ecological Impact Assessment—found no mapped watercourse. Any localised wetness or groundwater issues will be addressed through detailed drainage design at the reserved matters stage.
- 6.5.4 Welsh Water, as the statutory undertaker for foul drainage, has also been consulted. They confirm that the proposed means of foul water disposal—via connection to the public mains sewer draining to Whitchurch (Rising Sun) Wastewater Treatment Works—can be accommodated within the existing system.

The treatment works has a phosphorus consent limit and is currently compliant with its flow performance. Welsh Water raises no objection to the principle of foul water disposal, subject to a condition that only foul water from the development shall discharge to the public sewer, and that this discharge is made at the specified manhole or another approved point following hydraulic modelling if necessary. No surface water or land drainage is to be allowed to connect, directly or indirectly, with the public sewerage network. These requirements are necessary to prevent hydraulic overloading, protect public health, and avoid pollution. Welsh Water also notes the need to protect their assets, as a public sewer runs close to the site, and advises that the final layout must take this into account. No objection is raised in relation to water supply, but the developer is advised to consult the relevant statutory undertaker for potable water.

- 6.5.5 In summary, while neither the Council's Drainage Officer nor Welsh Water objects in principle to the proposed development, both make clear that their acceptance is conditional on the imposition of robust pre-commencement conditions and the submission and approval of full technical details at the reserved matters stage. These requirements are in line with policy CS18 and the NPPF, and are necessary to ensure that the development does not increase flood risk, incorporates appropriate sustainable drainage, and provides for the safe and effective disposal of foul water. Subject to these safeguards, the proposal is considered capable of complying with the relevant policy requirements.

6.6 Heritage and Archaeology

- 6.6.1 The application is accompanied by a desk-based assessment, an archaeological geophysical survey and a Heritage Impact Assessment (HIA). The site lies to the northwest of Whitchurch, in an area with a rich archaeological background, including proximity to the Roman road (Watling Street), the recorded extent of the Roman settlement and cemetery, and the medieval urban core and castle. However, there are no designated heritage assets recorded within the site itself.
- 6.6.2 The geophysical survey identified several linear features interpreted as evidence of historic agricultural systems, including possible medieval ridge and furrow cultivation and plough terracing, as well as features corresponding to 19th- and early 20th-century mapping (such as a filter bed, pump, and infilled gravel pit). The survey also noted some pit-like features and raised platforms, but these are likely to be associated with agricultural or post-medieval activity, and no features of high archaeological significance were identified. The desk-based assessment supports these findings, concluding that the site's archaeological potential is limited and primarily relates to former agricultural field systems.
- 6.6.3 SC Archaeology (Historic Environment) has reviewed the submitted evidence and confirms that the desk-based assessment and geophysical survey are sufficient to enable an informed decision on the application. However, as the geophysical survey has not been "ground-truthed" by trial trenching, and given the site's location within an area of known archaeological interest, SC Archaeology recommends that a phased programme of archaeological work be secured by condition. This should

comprise trial trenching prior to development, with further mitigation if significant remains are identified. This approach is consistent with Policy MD13 of the Local Plan and paragraphs 207 and 218 of the NPPF (December 2024).

6.6.4 With regard to above-ground heritage assets, the Conservation Officer notes that comments were provided at the pre-application stage (PREAPM/25/00023), including the requirement for a Heritage Impact Assessment to accompany the application. Officers have reviewed the submitted HIA and concur with its conclusions regarding the impact on heritage assets. The HIA is considered to fulfil the requirements of paragraph 207 of the NPPF (December 2024) and Policy MD13 of the Local Plan. As the application is in outline with only access submitted for approval, the Conservation Officer advises that the comments made previously at pre-application stage in relation to design, layout, and related matters remain relevant and should be addressed at the reserved matters stage. No further comments are made from an above-ground heritage perspective, and it is advised that the recommendations of SC Archaeology in relation to below-ground heritage assets should be followed in full.

6.6.5 Subject to the recommended conditions, the proposal is considered compliant with relevant heritage and archaeology policy, ensuring that both above- and below-ground heritage interests are appropriately assessed and safeguarded.

6.7 Trees and Green Infrastructure

6.7.1 An Arboricultural Impact Assessment (AIA) and tree survey to BS5837:2012 have been submitted in support of the application. The survey identifies a total of 29 individual trees, 18 groups of trees, and 8 hedges within or adjacent to the site. The majority of trees are located along field boundaries and site edges, with several mature oaks, limes, sycamores, and horse chestnuts of high landscape value. The AIA notes that the proposed access will require the removal of the northern part of a group of early-mature sycamores (G18) and a short section of roadside hedge. However, these losses are assessed as being of relatively low impact and can be readily compensated by new hedge and tree planting as part of a future landscaping scheme.

6.7.2 The Council's Tree Officer has reviewed the submitted AIA and associated documents and raises no objection to the application on arboricultural grounds. The Tree Officer notes that the removal of part of G18 and a section of hedge is acceptable, provided that suitable compensation planting is secured. It is emphasised that robust measures must be taken to protect the remaining sycamores and nearby hedgerow during the construction of the new access. The Tree Officer recommends that, should planning permission be granted, conditions are imposed requiring the submission and approval of a detailed tree survey, Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan (all to BS5837:2012) prior to commencement of development. In addition, the reserved matters application must include a comprehensive landscaping scheme, incorporating native tree and hedge planting, with full details of species, planting locations, protection, and post-planting maintenance. These

measures are necessary to safeguard the amenities of the local area and to ensure the successful integration of the development into its landscape setting.

6.7.3 In terms of green infrastructure, the Council's Green Infrastructure Advisor has provided detailed comments. While the outline application does not seek approval for the landscape masterplan or indicative layout, the GI Advisor highlights the importance of providing adequate public open space (POS) in accordance with Policy MD2, including both formal and informal play and recreation space. The indicative location of a Locally Equipped Area for Play (LEAP) is welcomed, but it is stressed that the LEAP should be positively designed, inclusive, and accessible, and that informal recreation space should be provided in unison with formal play provision. The GI Advisor also emphasises the need for public street trees (not just trees within gardens) along access roads to ensure green infrastructure connectivity through the site, in line with paragraph 136 of the NPPF. The reserved matters application should include clear plans showing the extent of POS, property boundaries, and all areas to be managed as public domain, as well as the interface between POS and residential plots.

6.7.4 In summary, the proposal is considered acceptable in terms of trees and green infrastructure, subject to the imposition of robust conditions and the submission of further details at reserved matters stage. The loss of a small number of trees and hedgerow sections is outweighed by the opportunity for significant new planting and the creation of high-quality green infrastructure, ensuring compliance with relevant local and national policy.

6.8 **Affordable Housing and Housing Mix**

6.8.1 The scheme proposes 15% affordable housing (10 units), exceeding the minimum policy requirement. The expected tenure split is 70% affordable rent and 30% shared ownership, with homes to be transferred to a housing association and allocated via the Council's prevailing Allocation Policy. The mix, type, and location of affordable homes will be agreed with the Housing Enabling Team at reserved matters stage and secured via Section 106 agreement.

6.8.2 The Affordable Housing Team supports the proposal, and the scheme is considered compliant with policy CS11, MD3, and the Type and Affordability of Housing SPD. Some public objectors have questioned the need for more housing and affordable homes, but the evidence demonstrates a significant local need, particularly in the context of the Council's housing land supply shortfall.

6.9 **Residential Amenity**

6.9.1 As this application is submitted in outline, with only access for approval at this stage, detailed matters relating to layout, scale, appearance, and landscaping will be considered at the reserved matters stage. Nevertheless, it is important to be satisfied that the site is capable of accommodating a residential scheme which would protect the amenity of both existing and future occupiers, in accordance with policy CS6, MD2, and the relevant sections of the NPPF.

- 6.9.2 The indicative layout demonstrates that it should be possible to achieve appropriate separation distances between dwellings, adequate provision of open space, and landscaping to safeguard privacy, outlook, and levels of daylight and sunlight. Public comments have raised concerns regarding potential loss of privacy, overshadowing, and proximity of new dwellings to existing homes. While these concerns are noted, the outline nature of the application means that the final layout and detailed design will be subject to further consultation and assessment at reserved matters stage, ensuring that residential amenity can be satisfactorily addressed.
- 6.9.3 In summary, there is no evidence to suggest that the site could not accommodate a scheme which meets the Council's residential amenity standards. The detailed design and layout will be subject to reserved matters approval, at which point full consideration will be given to the protection of amenity for both existing and future residents.
- 6.9.4 Noise - A detailed Noise Assessment has been submitted with the application, which evaluates the impact of road traffic noise from Chester Road and the A41 Whitchurch Bypass, as well as other local sources such as residential activity and occasional animal noise. The assessment demonstrates that, while ambient noise levels across the site are dominated by road traffic, internal noise standards for habitable rooms can be achieved through the incorporation of appropriate mitigation measures. Specifically, the report recommends minimum glazing and façade ventilation specifications for all dwellings, based on measured noise levels and recognised standards (BS 8233:2014, WHO guidelines, and Birmingham City Council's Planning Consultation Guidance Note).
- 6.9.5 SC Environmental Protection has reviewed the submitted Noise Assessment and raises no objection to the principle of development. However, as the application is in outline and the final layout may change, the Officer recommends that the mitigation measures set out in Figure 12 of the Noise Assessment—covering minimum glazing and façade ventilation standards—are secured as a condition of any permission. At reserved matters stage, the final layout will be reviewed to identify which properties require mitigation against road traffic noise, and to ensure that internal and external noise levels can be achieved in accordance with the recommended standards.
- 6.9.6 In summary, the proposed development is considered capable of providing satisfactory noise mitigation for future occupiers, subject to the recommended condition requiring detailed noise mitigation measures to be incorporated into the final scheme at reserved matters stage. This approach ensures compliance with policy CS6, MD2, and the relevant sections of the NPPF, and protects residential amenity.
- 6.10 **Infrastructure and Developer Contributions**
- 6.10.1 Shopshire Council is a CIL charging authority. Infrastructure and developer

contributions will be secured through a combination of Section 106 agreement and Community Infrastructure Levy (CIL). The Section 106 will secure affordable housing, BNG, on-site provision of public open space and a LEAP, the LCWIP contribution, and long-term management of open space and SuDS. CIL will fund education and other infrastructure. Conditions will secure all other technical requirements.

- 6.10.2 SC Learning & Skills requests CIL contributions for education, SC Waste Management requires adequate bin storage and access for waste vehicles, and Welsh Water confirms capacity for foul flows, subject to standard conditions.

6.11 Land Contamination

- 6.11.1 Land contamination is a critical consideration for residential development, as it can have direct implications for the health and safety of future occupiers. The Council's Environmental Protection team has identified the site and surrounding area as potentially contaminated land. In response, the applicant has submitted a preliminary site investigation, and Environmental Protection recommends a series of standard conditions. These require a detailed site investigation and risk assessment to be submitted and approved prior to commencement of development, with a remediation scheme to be implemented if unacceptable risks are identified, and subsequent verification before occupation. There is also a requirement for immediate reporting and appropriate action if unforeseen contamination is discovered during development. These measures are necessary to ensure that risks from contamination are reduced to acceptable levels and to protect the health and wellbeing of future occupiers. No objections have been raised by Environmental Protection, subject to the imposition of these conditions, and the proposal is considered to satisfactorily address land contamination and environmental health requirements.

7.0 PLANNING BALANCE AND RECOMMENDATION

7.1 Planning Balance

- 7.1.1 In reaching a recommendation on this application, it is necessary to weigh the benefits and harms of the proposal in the context of the development plan, the National Planning Policy Framework (NPPF), and all other material considerations, including the detailed technical and policy assessments set out above.
- 7.1.2 The principal policy issue is that the site lies outside the defined settlement boundary for Whitchurch and is therefore, in normal circumstances, subject to restrictive countryside policies (Core Strategy CS5; SAMDev MD7a) which would preclude open market housing. However, the Council's most recent Five Year Housing Land Supply Statement confirms that Shropshire cannot currently demonstrate a five-year supply of deliverable housing land, with only 4.73 years available. In these circumstances, the 'tilted balance' in paragraph 11(d) of the NPPF is engaged, meaning that the presumption in favour of sustainable

development applies and restrictive policies for the supply of housing are considered out-of-date.

- 7.1.3 The proposal would result in the loss of a small area of best and most versatile agricultural land (Grade 3a), but this is limited in scale and typical of the locality, and is outweighed by the overriding need for housing. The site also falls within a Minerals Safeguarding Area for sand and gravel, but the submitted assessment demonstrates that prior extraction would not be feasible or environmentally acceptable due to the proximity of existing residential properties and potential adverse impacts. The proposal therefore complies with Policy MD16 and the NPPF in this regard.
- 7.1.4 The proposal would deliver up to 65 new homes, including a policy-compliant and slightly over-provided proportion of affordable housing, in a sustainable location adjacent to Whitchurch, a Principal Centre identified for significant growth. The development would make a meaningful contribution to addressing the Council's housing shortfall and to meeting the significant uplift in local housing need identified by the new standard methodology. The affordable housing offer, at 15%, exceeds the minimum requirement and would be secured through a Section 106 agreement, with the mix and tenure to be agreed with the Council's Housing Enabling Team.
- 7.1.5 Landscape and visual impact have been a key concern for both the Council's landscape consultant and local residents. The revised Landscape and Visual Appraisal demonstrates that the site is well contained by existing development and mature vegetation, and that the visual effects of the development would be limited, with only slight to moderate adverse impacts at year one, reducing as new planting matures. The indicative layout demonstrates retention of key hedgerows and trees, the provision of new planting, and the incorporation of open space to mitigate visual effects. While the Town Council and many public objectors have expressed concern about the loss of open countryside and the perceived urban sprawl, the evidence suggests that the site is a logical and visually contained extension to the settlement. The Council's landscape consultant is satisfied that, subject to detailed landscape design and management at reserved matters stage, the proposal would not result in unacceptable harm to landscape character or visual amenity.
- 7.1.6 Highways and access have been the subject of detailed scrutiny, with the Highways consultee initially requesting further information to demonstrate that the required visibility splays could be achieved and that the site could be safely accessed. The applicant has provided the necessary technical evidence, and the Highways consultee is now satisfied that the proposed access arrangements are acceptable, subject to conditions and a substantial financial contribution towards the Local Cycling and Walking Infrastructure Plan (LCWIP) for Whitchurch. The indicative layout demonstrates that refuse and emergency vehicles can safely access and turn within the site. While the Town Council, local member, and public objectors have raised concerns about increased traffic, road safety, and the cumulative impact of this and other developments on Chester Road, the technical evidence and the Highways consultee's advice indicate that these concerns can be satisfactorily addressed through the proposed access arrangements, mitigation

measures, and financial contributions.

- 7.1.7 Ecology and biodiversity have been carefully considered, with the submitted Ecological Impact Assessment and Biodiversity Net Gain (BNG) metric demonstrating a net gain of over 10% in both habitat and hedgerow units, exceeding the statutory minimum. The Council's ecologist is satisfied with the level of survey work and recommends a series of conditions and informatives, including the provision of bat and bird boxes, hedgehog boxes, bee bricks, and a sensitive lighting scheme. A Section 106 agreement will be required to secure the BNG for 30 years, including a monitoring fee. Hedgerows and trees are to be retained where possible, and the layout allows for wildlife movement. While public comments have raised concerns about the loss of wildlife habitat and the adequacy of ecological surveys, the evidence demonstrates that the proposal will deliver a significant net gain for biodiversity and that all relevant policy requirements are met.
- 7.1.8 Flood risk and drainage have been addressed through the submission of a Flood Risk Assessment and a surface water drainage strategy. The site is located in Flood Zone 1 and is not at significant risk of flooding. Surface water will be managed via sustainable drainage systems (SuDS), including soakaways and an infiltration basin for highways. Foul water will connect to the main sewer, with Welsh Water confirming that there is capacity. The SUDS consultee recommends a pre-commencement condition requiring a detailed drainage scheme, infiltration testing, and a maintenance plan for the SuDS. Several public objectors have reported existing flooding and drainage problems in the area, but the technical evidence demonstrates that the development will not increase flood risk elsewhere and that drainage matters can be satisfactorily addressed by condition.
- 7.1.9 Heritage and archaeology have also been considered. Desk-based assessment and geophysical survey identify no designated heritage assets within the site and only low archaeological potential, mainly relating to former agricultural features. SC Conservation and Archaeology raise no objection, subject to a condition requiring a phased programme of archaeological work, including trial trenching and mitigation as necessary prior to commencement. No public comments have specifically raised heritage concerns, and the proposal is considered compliant with heritage and archaeology policy.
- 7.1.10 The Arboricultural Impact Assessment identifies the need to remove a short section of hedgerow and part of a group of sycamores for the access, but this is considered to be of low impact and can be compensated through new planting as part of a future landscaping scheme. The Council's Tree Officer raises no objection, subject to conditions to secure a tree survey, Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan prior to commencement, and a landscaping scheme at reserved matters stage. Public comments have raised concerns about the loss of hedgerows and trees, but the evidence demonstrates that the proposal will safeguard local amenity and ensure appropriate integration of the development into its surroundings.
- 7.1.11 The indicative layout is illustrative only and its acceptability, including matters such

as separation distances, open space, and landscaping to protect the amenity of existing and future residents, will be fully assessed at the Reserved Matters stage when detailed proposals are submitted for consideration. The submitted Noise Assessment demonstrates that, with appropriate glazing and ventilation, internal and external noise standards can be met. Conditions will secure the mitigation measures identified in the assessment. Public comments have raised concerns about loss of privacy, overshadowing, and proximity of new dwellings to existing homes, but the evidence demonstrates that these matters can be satisfactorily addressed at reserved matters stage.

- 7.1.12 Infrastructure and developer contributions will be secured through a combination of Section 106 agreement and Community Infrastructure Levy (CIL). The Section 106 will secure affordable housing, BNG, the LCWIP contribution, and long-term management of open space and SuDS. CIL will fund education and other infrastructure. Conditions will secure waste storage and collection, and all other technical requirements. SC Learning & Skills requests CIL contributions for education, SC Waste Management requires adequate bin storage and access for waste vehicles, and Welsh Water confirms capacity for foul flows, subject to standard conditions.
- 7.1.13 Land contamination is a critical consideration for residential development, as it can have direct implications for the health and safety of future occupiers. The Council's Environmental Protection team has identified the site and surrounding area as potentially contaminated land, in line with the requirements of the NPPF and local policy. In response, the applicant has submitted a preliminary site investigation, and Environmental Protection recommends a series of standard conditions. These require a detailed site investigation and risk assessment to be submitted and approved prior to commencement of development, with a remediation scheme to be implemented if unacceptable risks are identified, and subsequent verification before occupation. There is also a requirement for immediate reporting and appropriate action if unforeseen contamination is discovered during development. These measures are necessary to ensure that risks from contamination are reduced to acceptable levels and to protect the health and wellbeing of future occupiers. No objections have been raised by Environmental Protection, subject to the imposition of these conditions, and the proposal is considered to satisfactorily address land contamination and environmental health requirements.
- 7.1.14 In summary, the main objections from the Town Council, local member, and public relate to policy conflict, landscape impact, highways, ecology, drainage, and infrastructure. These have been fully considered and, where necessary, addressed through the design, supporting technical documents, and recommended conditions and Section 106 obligations. The proposal is considered to represent sustainable development in accordance with the NPPF, and the presumption in favour of sustainable development applies. The benefits of the scheme, including the delivery of much-needed housing and affordable homes, measurable biodiversity net gain, the potential for high-quality open space, and support for local infrastructure, are considered to significantly outweigh the limited and mitigated harms identified.

7.2 Recommendation

- 7.2.1 It is therefore recommended that planning permission be granted, subject to the completion of a Section 106 legal agreement to secure 15% affordable housing (with tenure, mix, and delivery to be agreed), Biodiversity Net Gain of at least 10% for 30 years (with monitoring fee), a financial contribution of at least £260,000 towards the Whitchurch LCWIP, and the long-term management and maintenance of public open space, SuDS, and ecological features. The permission should also be subject to the conditions set out in Appendix 1 below.
- 7.2.2 In considering the application due regard has been given to the following planning policies as relevant: The National Planning Policy Framework (NPPF, December 2024); Shropshire Core Strategy policies CS1 (Strategic Approach), CS3 (Market Towns and Key Centres), CS5 (Countryside and Green Belt), CS6 (Sustainable Design and Development Principles), CS8 (Facilities, Services and Infrastructure), CS9 (Infrastructure Contributions), CS11 (Type and Affordability of Housing), CS17 (Environmental Networks), CS18 (Sustainable Water Management); SAMDev Plan policies MD1 (Scale and Distribution of Development), MD2 (Sustainable Design), MD3 (Delivery of Housing Development), MD7a (Managing Housing Development in the Countryside), MD12 (Natural Environment), MD13 (Historic Environment), MD16 (Mineral Safeguarding) and S18 (Whitchurch Area); the Councils Type and Affordability of Housing SPD – as relevant to affordable housing delivery, tenure, and S106 requirements and other material considerations – including the Shropshire Five Year Housing Land Supply Statement (2024), contributor responses, and the submitted technical documents.

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.

10. Background

Relevant Planning Policies

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS8 - Facilities, Services and Infrastructure Provision
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD7A - Managing Housing Development in the Countryside
MD7B - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
MD16 - Mineral Safeguarding
Settlement: S18 - Whitchurch
SPD Type and Affordability of Housing

Central Government Guidance:
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPM/25/00023 Proposed residential development (Outline) with access to be considered
Unacceptable development 6th March 2025

11. Additional Information

List of Background Papers - View details online: [25/02878/OUT | Outline application for proposed residential development \(to include access\) | Land Adjacent To Cloverfield Chester Road Whitchurch Shropshire SY13 4QG](#)

Cabinet Member (Portfolio Holder) - Councillor David Walker

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Local Member - Cllr Andy Hall

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1 – Reserved matters

Approval of the details of the appearance of the development, the layout, the scale and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2 – Standard outline 2

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

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

3 – Standard outline 3

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

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

4 – Additional information

The following information shall be submitted to the Local Planning Authority concurrently with the first submission of reserved matters:

- The existing and proposed levels of the site (both before and after development), including finished floor levels of all buildings;
- Cross-sections through the site and adjacent land, showing relationships to neighbouring properties and boundaries;
- Proposed levels for all external works, including roads, footpaths, parking areas, and other hard surfaces.

Reason: To enable the Local Planning Authority to consider fully the details of the development and to ensure the development is of an appropriate standard.

5 – Hard and soft landscaping details

The reserved matters application(s) shall include full details of hard and soft landscaping proposals, including:

- o Plant species, sizes, numbers and densities, method of cultivation and planting, and an implementation timetable.
- o The location and specification of all hard surfaces, site furniture, play areas, and boundary treatments, with consideration of accessibility.
- o Details of how the landscaping proposals will contribute to the achievement of BNG targets.

Reason: To ensure a high standard of landscaping and support biodiversity, in accordance with local and national policy.

6 – Tree and hedge planting

The plans and particulars submitted in support of a reserved matters application shall include a landscaping scheme incorporating native tree and hedge planting, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The development shall subsequently be undertaken in accordance with the approved tree planting scheme.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

7 – Welsh Water 1

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8 – Construction hours

Construction works shall not take place outside 07:30 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

9 - Archaeology

(a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing.

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

Reason: The site is known to hold archaeological interest.

10 - Trees

No part of the development hereby approved, including the new site access, shall commence until a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version, have been submitted to and approved in writing by the LPA. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

11 – Landscape master plan

No development shall take place until a detailed Landscape Masterplan has been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. The Landscape Masterplan shall:

- o Illustrate the landscape strategy and design rationale for the whole site, with reference to local landscape character, public amenity, key views, and Biodiversity Net Gain (BNG) requirements.
- o Clearly identify all existing vegetation to be retained and protected, and the extent of proposed new planting.
- o Provide justification for any removal of existing vegetation.
- o Include annotated site-wide cross-sections to illustrate the proposed development within the surrounding landscape context, including proposed planting strategies and boundary treatments, and referencing key views, existing properties, and roads.

Reason: To ensure a comprehensive and high-quality approach to landscape design, mitigation, and integration with the local landscape character.

12 – Risk assessment

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

Submission and implementation of remediation scheme

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

Verification of remediation scheme

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

Unforeseen contamination

d) In the event that further contamination is found at any time when carrying out the approved development - that was not previously identified - it must be reported in writing immediately to the Local Planning Authority and no further development shall be carried out. Following this, an investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

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

13 - Drainage

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

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

14 – CMS

No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include, as a minimum:

- o Construction traffic routing and parking;
- o Site compound and materials storage arrangements;
- o Measures to control mud and debris on the highway;
- o Hours of construction and deliveries;
- o Arrangements for localised traffic management during the access works;
- o Noise and dust mitigation measures;
- o A community communication protocol.

The approved CMP shall be fully implemented in accordance with the approved details for the duration of the construction period.

Reason: To safeguard highway safety and residential amenity during construction.

15 – Internal highway details

No development shall take place until details of the design and construction of any new roads, footways and accesses together with details of the disposal of highway surface water and a phasing programme have been submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be fully implemented in accordance with the approved details and phasing programme.

Reason: To secure appropriate design and delivery of internal highways and highway drainage in the interests of highway safety and proper site integration.

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

16 – Welsh Water 2

Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at:

- i. The foul sewer manhole reference number SJ53422151, as indicated on the extract of the Sewerage Network Plan attached to this decision notice, or
- ii. Another point of connection on the public sewerage system is identified by a hydraulic modelling assessment, to be submitted to and approved by the local planning authority. Prior to the beneficial occupation of the development, the connection shall be made in accordance with the approved scheme following the implementation of any necessary reinforcement works to the sewerage network as may be identified by the hydraulic modelling assessment.

No building shall be occupied until it is served by the approved connection.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

17 – Access to accord with approved plan/s

The site access hereby approved shall be constructed and laid out strictly in accordance with the access details shown on the approved access plan(s) listed in Schedule 1 below prior to the first occupation of any dwelling.

Reason: To secure the detailed access arrangement approved at outline and ensure the development is served by adequate and safe access in the interests of highway safety.

18 – Estate roads

No dwelling shall be occupied until the estate road(s) and footway(s) serving that dwelling have been constructed in accordance with details that have firstly been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure safe and suitable access is provided for residents and service vehicles at the point of occupation.

19 - Wildlife boxes

Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 15 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 30 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings, sparrows, house martins, small birds, tit species, blackbirds/robins and wrens.
- A minimum of 1 tawny owl nest box.
- A minimum of 4 hedgehog boxes.
- A minimum of 10 bee bricks.

The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting.

Bat boxes should be erected on southerly aspects (south-west, south or south-east) and bird boxes should be erected on northerly or shaded east/west aspects.

The boxes shall thereafter be maintained for the lifetime of the development.

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

20– Lighting plan

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior

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lighting: getting it right. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

21 – Landscape management plan

Prior to first occupation, an Establishment Landscape Management Plan shall be submitted to and approved by the Local Planning Authority, setting out management and maintenance of all landscape areas for a minimum period of five years following planting, including measures to achieve biodiversity net gain design targets.

Note: Long-term (30-year) biodiversity net gain monitoring and maintenance, and long-term management of public open space and play areas, are secured via the Section 106 agreement.

Reason: To ensure successful establishment of landscape planting and early delivery of biodiversity benefits.

22 – Noise mitigation

No dwelling shall be occupied until details of noise mitigation measures, including minimum glazing and façade ventilation standards as set out in Figure 12 of the Sanctuary report, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to occupation of the affected dwellings and shall thereafter be retained for the lifetime of the development.

Reason: To protect the amenity of future occupiers from road traffic noise, in accordance with national and local planning policy.

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Committee and date
Northern Planning Committee
9 th December 2025

Development Management Report

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

Summary of Application

<u>Application Number:</u> 24/04834/FUL	<u>Parish:</u>	Hadnall
<u>Proposal:</u> Construction of 44 dwellings, vehicular access via Shrewsbury Road, public open space, landscaping and planting, associated infrastructure and enabling works		
<u>Site Address:</u> Proposed Residential Development Land East Of Shrewsbury Road Hadnall Shropshire		
<u>Applicant:</u> Cameron Homes Limited		
<u>Case Officer:</u> Jane Preece	<u>email:</u> jane.preece@shropshire.gov.uk	

<u>Grid Ref:</u> 352175 - 319568
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Recommendation:- Subject to the receipt and agreement of an amended internal road design to adoptable standards and a walking and cycling review, both to the satisfaction of the Highway Authority, it is recommended that planning permission be granted, subject to the prior completion of a Section 106 agreement to secure affordable housing, biodiversity net gain, long-term management of drainage infrastructure, and the delivery and management of public open space and play facilities; and subject to the conditions set out in Appendix 1 (with authority delegated to the Planning and Development Services Manager for minor amendments to conditions).

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed residential development has been subject to a series of amendments since its initial submission in December 2024.

The original application comprised 45 dwellings, vehicular access via Shrewsbury Road, a school car park, public open space, landscaping, and associated infrastructure.

During consideration, the scheme has been revised in response to consultation feedback and technical requirements. Key changes include:

- Reduction in dwelling numbers: The scheme has been reduced from 45 to 44 dwellings.
- Revisions to site layout and design: Multiple updates have been made to the arrangement of dwellings, access, parking, landscaping, and boundary treatments.
- Relocation of the SuDS drainage basin and associated change to the red line boundary/site area: The SuDS basin was moved further south within the site to address flood risk concerns and consultation responses, which required a corresponding amendment to the red line boundary/site area to accommodate the revised drainage layout.
- Affordable housing and housing mix: Adjustments have been made to the mix and tenure of dwellings, including the provision of bungalows and affordable homes.
- Removal of the school car park: The school car park originally proposed has been omitted from the revised scheme. This change was made following further review of site constraints and in response to feedback from consultees regarding the necessity and suitability of this provision within the development.
- Technical and infrastructure updates: Amendments have been made to drainage, highways, and wastewater network arrangements, including the introduction of a Grampian condition relating to occupation and network improvements.

These amendments reflect the applicant's response to ongoing consultation,

technical advice, and the need to address site-specific constraints and requirements.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The majority of the application site was identified as a preferred allocation for residential development in the now-withdrawn draft Local Plan for Hadnall. The site is located to the east of Shrewsbury Road, on the southern edge of the village, and comprises predominantly agricultural land. It is bounded by existing residential development to the north and west, and open countryside to the south and east. The site is relatively flat, with established hedgerows and trees along some boundaries, and is accessed directly from Shrewsbury Road (A49).
- 2.2 Both the Sustainable Drainage System (SuDS) basin and the public open space (POS) associated with the scheme are situated outside the area that was proposed for allocation in the draft Local Plan. The revised location plan has repositioned the SuDS basin southwards along the eastern side of the site from its original north-east position, in response to technical drainage concerns, while the POS remains outside the former draft allocation boundary. The remainder of the site is proposed for residential development, with associated landscaping and infrastructure.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Planning and Development Services Manager and Principal Planning Officers in consultation with the Northern Planning Committee Vice Chairman have taken the decision that the matters raised by this major planning application warrant committee consideration.

4.0 Community Representations Summary

4.1 Consultee Comments Summary

- 4.1.1 **SC Drainage** – SC Drainage initially commented in January 2025, requiring a pre-commencement condition for submission and approval of a detailed surface and foul water drainage scheme. Key concerns included the need for evidence of Severn Trent's consent for surface water discharge, maintenance of the on-site watercourse with a 3m easement and confirmation of riparian responsibility, relocation of the proposed SuDS pond to avoid pluvial flood risk, and submission of network simulation results demonstrating compliance with greenfield runoff rates and climate change allowances. Additional requirements included allowances for urban creep, a drained area plan, and confirmation of exceedance flow routes with a gully catchment plan. Upon re-consultation in July 2025, soakaways were confirmed as unfeasible, groundwater levels required clarification, and evidence of Severn Trent agreement remained outstanding. Concerns persisted regarding the SuDS pond location, network simulation results, urban creep allowances, and maintenance arrangements. In September

2025, revisions to the pond location, groundwater data, drainage area plan, and exceedance flows were acknowledged, with network simulation results subsequently requested and later submitted. Following final review, SC Drainage confirmed that the proposals are unlikely to increase flood risk and are therefore considered acceptable.

- 4.1.2 **SC Ecology** – SC Ecology initially advised that a Section 106 agreement would be required to secure the proposed Biodiversity Net Gain (BNG), with the original submission indicating a net gain of 0.55 (10.38%) habitat units and 0.49 (18.49%) hedgerow units on-site, later updated to 0.98 (18.97%) habitat units and 0.63 (23.75%) hedgerow units. Conditions and informatives were recommended to ensure the protection of wildlife and delivery of ecological enhancements in accordance with the NPPF, MD12, and CS17. The presence of great crested newts (GCN) was confirmed in several ponds within 500m of the site, and the applicant has entered the District Level Licensing scheme, with SC Ecology satisfied that impacts on GCN can be fully addressed under this scheme, subject to the inclusion of a District Level Licence condition. Additional recommended conditions include the provision of wildlife boxes for bats, birds, and hedgehogs, and the submission of a lighting plan to minimise disturbance to sensitive species. Informatives were also provided regarding the protection of nesting birds and general site practices to safeguard wildlife during construction. SC Ecology confirmed that, with the recommended conditions and legal agreement in place, the proposals are acceptable in ecological terms. The planning officer is required to complete the European Protected Species three tests matrix for great crested newts and include it in the committee report, as per legislative requirements.

- 4.1.3 **SC Highways** – SC Highways initially reviewed the application and supporting transport documentation, raising concerns regarding the site's reliance on car travel for most trips due to limited access to wider facilities, and highlighting the need for further work on the proposed access arrangements, internal layout, and car park provision. Specific issues included the relationship between the new access and the A49 speed limit changeover, the adequacy of swept path analysis, lack of visitor parking, and the internal street layout's limited permeability and quality. The car park's location was questioned in terms of its benefit for school parking, and the need for a clear construction access arrangement was emphasised.

Upon re-consultation, SC Highways maintained concerns about the access design, particularly the inability for vehicles to safely wait at the give-way line, and noted that most local facilities remained beyond reasonable walking distance. The removal of the car park from the proposals was acknowledged, and further work on access and internal layout was still required.

In a subsequent response, SC Highways referenced national policy on sustainable transport and requested that the applicant demonstrate how the site could be made more sustainable in transport terms.

Following submission of revised plans, SC Highways confirmed no objection subject to several requirements. These include securing the access and associated highways works (notably the relocation of the speed limit), and a condition requiring submission of a Construction Management Plan prior to commencement. Importantly, a walking and cycling review is required prior to determination to ensure safe and inclusive routes to and from the development.

SC Highways also advised that the internal streets would not be adopted by the highway authority and the development offered no wider public utility.

With these matters addressed, and on the basis that the roads are to be private, the highways authority considered the proposal acceptable in highways terms.

(NB: If the roads are proposed to be adopted, then further technical design amendments are required to bring them in line with adoptable standards).

- 4.1.4 **SC Trees** – SC Trees initially reviewed the application and supporting Arboricultural Implications Assessment (AIA), raising significant concerns regarding the proposed removal of the western roadside hedgerow (H1) and a mature oak tree (T3) within the site, both of which were considered to have notable landscape and amenity value. The Tree Team recommended that the hedgerow be retained if feasible and that the site layout be amended to allow for the retention of T3, which was regarded as a ‘natural asset’ under SAMDev Policy MD12. Concerns were also raised about the positioning of tree protection barriers in relation to construction near tree T5. The initial response concluded that the scheme, as submitted, would result in the loss of important trees and hedgerows, contrary to local and national policy, and could not be supported.

Upon re-consultation, it was acknowledged that the amended plans now retained the majority of the roadside hedgerow, addressed tree protection near T5, and improved the relationship between new dwellings and retained trees. However, objection was sustained to the loss of T3, as its retention would require further reduction in dwelling numbers. The Tree Team advised that, should the planning balance favour the scheme, robust tree protection and landscaping conditions should be imposed, including measures for the protection of retained trees and the implementation of a comprehensive landscaping scheme. In the final re-consultation, SC Trees confirmed no further comments on layout or tree retention, but recommended the use of proprietary root barriers for new tree planting adjacent to hard surfaces and reiterated the need for the previously recommended tree protection and landscaping conditions to ensure the long-term integration and protection of trees within the development.

- 4.1.5 **SC Conservation** – SC Conservation raised no objections from a heritage perspective and offered no specific comments regarding heritage impact. However, as the site forms a gateway to the historic village of Hadnall, which contains numerous listed buildings and a significant Scheduled Monument (“Moated site and associated ridge and furrow cultivation remains, 145m south of

St Mary Magdalene's Church"), officers advised that the design of the proposed dwellings should reflect local vernacular detail in terms of scale, materials, detailing, and layout. The Development Management Team is therefore encouraged to ensure that the scheme responds appropriately to the historic context of the village in its design approach.

- 4.1.6 **SC Affordable Houses** – SC Affordable Houses initially confirmed that the site is subject to a 15% affordable housing requirement, equating to the on-site provision of six affordable homes and a financial contribution for the remaining 0.75 unit, and welcomed the inclusion of bungalows within the affordable mix. Upon re-consultation, it was advised that affordable dwellings should meet the Nationally Described Space Standard (NDSS), with a specific concern raised that the proposed three-bedroom affordable home was undersized for a five-person occupancy and should be classified as a three-bedroom, four-person dwelling. It was also emphasised that affordable homes should be located on adopted roads and provided within each phase of the development.

Subsequent comments noted that a revised floor plan for the affordable three-bedroom, four-person dwelling had not been provided, but this was later resolved, with confirmation that the floor plan was now correct and that affordable dwellings would be situated on an adopted road, thereby addressing the outstanding concerns.

NB: It was later accepted that 10% was the relevant requirement – as for or the avoidance of doubt, the applicable affordable housing requirement for this scheme is 10% based on the Council's current policy position and viability context for Hadnall, which equates to four on-site affordable dwellings for a 44-home scheme, with a financial contribution to secure the remaining 0.4 fraction.

- 4.1.7 **SC Regulatory Services** – SC Regulatory Services raised no objection to the proposed development in principle, subject to the implementation of noise mitigation measures as recommended in the submitted noise assessment. The assessment identified the need for specific attenuation measures for glazing, vents, and acoustic barriers to ensure that noise levels within external spaces, bedrooms, and living rooms meet the standards set out in BS 8233. These requirements were illustrated in Figures 3, 4, and 5 of the relevant noise assessment reports, with the recommended condition updated to reflect the latest version of the report (ref 13371.03.v2). It was advised that all recommended mitigation measures should be fully implemented prior to occupation of the properties to ensure satisfactory living conditions for future residents.
- 4.1.8 **SC ESP Ltd - Landscape Consultant** – SC ESP Ltd initially reviewed the applicant's Landscape and Visual Appraisal (LVA) and found it generally well-presented and proportionate, with no disagreement regarding its findings. However, several recommendations were made to improve transparency and robustness, including clearer explanation of how judgements on landscape and

visual sensitivity were reached, explicit reference to the 2018 Shropshire Landscape & Visual Sensitivity Study, and more detailed consideration of mitigation, particularly along the northern site boundary to soften views to and from neighbouring properties. The LVA was considered to broadly align with local policy requirements, with the proposed landscape masterplan retaining most mature trees and enhancing biodiversity. Upon re-consultation, ESP Ltd confirmed that updates to the LVA and landscape masterplan addressed earlier comments, particularly through improved methodology, additional planting along the northern boundary, and clarification of mitigation measures. The revised proposals were considered to provide a relatively green development that responds to its landscape context. ESP Ltd recommended that, should planning permission be granted, conditions be imposed to secure detailed hard and soft landscaping schemes, including species, planting specifications, boundary treatments, and a minimum five-year management and maintenance plan, to ensure the successful integration of the development into its setting.

- 4.1.9 **SC Green Infrastructure Advisor** – SC Green Infrastructure initially highlighted the strategic importance of the site's western and southern boundaries for green infrastructure connectivity, recommending enhancement of these corridors with wider grassland verges and the planting of large native trees to replace those lost and to improve the site's below-target canopy cover. Concerns were raised regarding the narrowness of planting strips, proximity of new development to existing landscape features, and the limited space for new trees to reach maturity. The advisor also noted that the proposed public open space (POS) was located outside the allocated site, lacked formal and inclusive access, and provided minimal opportunities for recreation or play, recommending the inclusion of at least a Local Area for Play (LAP).

Further comments sought clarification on access to the SuDS basin, coordination of planting with easements, and advocated for more distributed SuDS features. Upon re-consultation, it was acknowledged that trim trail and gym equipment had been added, but further detail was required on their specification, safety, and accessibility, as well as on hard and soft landscaping proposals. The need for inclusive, accessible play and recreation features and improved natural surveillance of the POS was reiterated.

In the final review, previous requests for more detailed landscape and play provision remained relevant, with the advisor recommending that these matters could be addressed by condition, and emphasising the importance of holistic, well-connected, and safe outdoor spaces in line with policy MD2.

- 4.1.10 **SC Planning Policy** – No comments received.

- 4.1.11 **SC Waste Management** – SC Waste emphasised the importance of providing adequate storage space for waste at each new dwelling, recommending provision for three wheelie bins per property to accommodate general,

recyclable, and compostable waste in line with the updated collection service. It was highlighted that all access roads, bridges, and ramps must be constructed to a specification capable of supporting waste collection vehicles with a gross weight of up to 32 tonnes and a minimum single axle loading of 11 tonnes. The developer was advised to refer to Shropshire Council's refuse and recycling planning guidance for best practice, including vehicle tracking to demonstrate that collection vehicles can safely access and manoeuvre within the estate. Particular attention was drawn to plots on private drives, where collection vehicles may not access; in such cases, designated bin collection points should be identified, and residents informed that these are for collection only and not for permanent bin storage.

4.1.12 **West Mercia Constabulary** – No comments received

4.1.13 **SC Learning & Skills** – Shropshire Council Learning and Skills advised that current forecasts indicate a need for additional school place capacity at both primary and secondary levels to accommodate the educational needs arising from this and other planned housing developments in the area. It was emphasised that the scale of the proposed development will generate a requirement for additional early years, primary, secondary, post-16, and specialist educational provision. Using Department for Education yield data, it is projected that the development of 45 dwellings will result in demand for 4 new early years places, 12 primary places, 7 secondary places, 3 post-16 places, and 1 place requiring specialist provision. Accordingly, it is recommended that developer contributions are secured towards both primary and secondary education provision, with costings to be determined in line with the latest national benchmarking data.

4.1.14 **Severn Trent Water** – Severn Trent Water initially raised serious concerns regarding the capacity of the public wastewater network to accommodate additional flows from the proposed development, noting that investment was planned to address these issues. As such, Severn Trent requested the imposition of a Grampian condition preventing occupation of any dwelling until the necessary improvements to the public wastewater network had been completed, with an indicative completion date of 2028, though this was subject to change. Additional conditions were requested to ensure that drainage plans for foul and surface water were submitted and approved prior to commencement, that the scheme was implemented as approved, and that no surface water would be discharged to the combined wastewater network. Upon re-consultation, Severn Trent amended the Grampian condition to specify that no dwelling should be occupied before 31st December 2027, unless the required network improvements had been completed, and that, if necessary, a phasing strategy for occupation should be agreed with the Local Planning Authority in consultation with Severn Trent, informed by the status of the improvement works at that time. These measures are intended to ensure satisfactory drainage provision, reduce flood risk, and minimise pollution.

4.2 Public Comments Summary

4.2.1 **Hadnall Parish Council** - Hadnall Parish Council objected to the proposed development throughout all consultation stages, citing that the site lies outside the settlement boundary and is designated as open countryside under the adopted Local Plan, with no status as an allocated site in any current or emerging plan. The Council referenced previous appeal decisions and pre-application advice, expressing concern that the proposal would significantly alter the village's character, encroach on productive agricultural land, and erode the green buffer between settlements. Key objections included unresolved and ongoing issues with drainage, sewerage, and flooding, with the Parish Council highlighting the lack of a clear solution or timeline for infrastructure improvements and the risk of exacerbating existing problems. Additional concerns were raised regarding the capacity of local services, particularly the primary school and GP surgery, and the absence of meaningful recreation provision or integration with the wider village. The Council also noted highway safety issues, lack of pedestrian and cycle connectivity, and the reliance on car travel. The removal of mature trees and the impact on wildlife and green infrastructure were also opposed, with support expressed for the objections raised by the Tree Team and other consultees. The Parish Council felt that community feedback had not been adequately addressed, and that the development would bring significant and unwanted challenges to Hadnall without delivering local benefits. These objections were reiterated and expanded upon in subsequent responses, with continued emphasis on the need for infrastructure to be demonstrably fit-for-purpose before any further development is approved.

4.2.2 **Local Member** - The local elected member has submitted a detailed objection to the proposed development, closely reflecting and expanding upon the concerns raised by both residents and the Parish Council. The member draws particular attention to the withdrawal of the Local Plan and the site's designation as open countryside, emphasising that this status is a significant material consideration under the National Planning Policy Framework. Persistent issues with sewage and drainage are highlighted, with the member expressing frustration at the lack of progress from Severn Trent Water in addressing these longstanding problems. Additional concerns are raised regarding the capacity of local schools, GP surgeries, and the availability of employment opportunities, all of which are considered inadequate to support further development.

The member also points to the likely increase in traffic congestion and the inadequacy of local roads, noting the absence of any planned improvements to mitigate these impacts. The choice of a greenfield site is criticised as being contrary to planning guidelines, with further worries expressed about the potential for flooding, the loss of rural character, and negative effects on existing housing. Questions are raised about the effectiveness of the affordable housing provision, with a suggestion that conditions should be imposed to ensure that such homes are reserved for those in genuine need.

In conclusion, the local member is clear that the development should not proceed until the underlying infrastructure and service issues have been satisfactorily addressed.

- 4.2.3 **Local MP** – The local Member of Parliament, Helen Morgan MP, has submitted a formal objection to the proposed development. The MP draws attention to recent incidents where sewage has backed up into homes and serious flooding has affected residents, businesses, and road users in the area. It is noted that Severn Trent Water acknowledges the severity of these problems and is planning major remedial works, although these are expected to take several years to complete.

Helen Morgan MP expresses the view that the existing drainage network is already unable to cope with current demand, and that any additional pressure from further development would only exacerbate the situation. On this basis, the MP urges that any further development in Hadnall should be halted until the ongoing problems are resolved and the infrastructure is upgraded to accommodate increased demand. Allowing additional housebuilding before these improvements are made is described as irresponsible and contrary to the interests of both current and future residents.

4.2.4 **Public representations**

Number and Type of Representations

- Objections: 18 (which includes the Parish Council, Local Member and Local MP objections)
- Neutral representations: 1 (recommendation for biodiversity enhancement, not an objection)
- Support: 0

Main Issues and Concerns Raised in Public Representations

Drainage, Flooding, and Sewerage

- Widespread concern that the existing drainage and sewerage infrastructure is already inadequate, with frequent flooding, sewage surcharges, and health hazards reported.
- Fears that the proposed development will exacerbate these problems, particularly as the local system is a combined surface water and foul water network.
- Calls for no further development until infrastructure is upgraded and existing issues are resolved.

Loss of Privacy and Amenity

- Residents of Wedgefields Close and other neighbouring properties object to loss of privacy, overlooking, and loss of light due to the proximity and height of new dwellings.
- Requests for more substantial screening (trees/hedges) along boundaries have not been addressed.

- Concerns that the development will result in a terracing effect and visual intrusion, out of character with the area.

Flood Risk

- Reports of existing surface water flooding, with fears that new development will worsen the situation.
- Questions about the location, maintenance, and effectiveness of the proposed SuDS basin, and who will be responsible for its upkeep.

Strain on Local Infrastructure and Services

- Objections that local roads (notably the A49), schools, GP surgeries, and other services are already overstretched.
- Anticipated increase in traffic congestion and road safety risks, especially with additional commuting and school runs.

Overdevelopment and Unsustainable Location

- Claims that the proposal exceeds the number of dwellings allocated in the Local Plan and encroaches beyond the village boundary into open countryside.
- Concerns that the development is not in a suitable or sustainable location, with limited local employment and amenities.

Loss of Rural Character and Wildlife

- Objections to the loss of agricultural land and open countryside, with negative impacts on the rural character of Hadnall.
- Concerns about disruption to local wildlife, including bats and other species.

Inadequate Public Open Space and Play Provision

- Criticism that the proposed public open space is not well integrated, lacks accessibility, and does not provide sufficient recreational or play facilities for children.

Affordable Housing

- Concerns about the siting of affordable homes and their impact on neighbouring property values and privacy.
- Requests that affordable homes be reserved for local people or those in genuine need.

Process and Consultation

- Frustration that previous objections and feedback have not been addressed.
- Reference to previous refusals for development on this site, with questions as to why the situation has changed.

Other Issues

- Requests for biodiversity enhancements (e.g., installation of Swift nest

- bricks).
- Concerns about potential for anti-social behaviour associated with the proposed car park.
- Calls for more detailed plans and clarity on boundary treatments and landscaping.

In summary, the majority of public comments are objections, focusing on drainage and flooding, loss of privacy, overdevelopment, strain on local infrastructure, and loss of rural character. There is one neutral representation suggesting a biodiversity enhancement condition.

4.2.5 **NB:** The full content of consultee and public comments can be viewed on the Council's planning portal for the application case.

5.0 THE MAIN ISSUES

- Principle of development and policy
- Drainage, flooding and sewerage
- Highways and access
- Landscape, trees, green infrastructure and open space
- Ecology, biodiversity and Biodiversity Net Gain (BNG)
- Housing mix and affordable housing
- Heritage, design, layout and amenity
- Local services and Community Infrastructure Levy (CIL)
- S106 obligations and pre-commencement conditions

6.0 OFFICER APPRAISAL

6.1 Principle of development and policy

6.1.1 Under the adopted Shropshire Local Plan, Hadnall is classified as countryside, where open market residential development is generally not supported. The 2018 Strategic Land Availability Assessment (SLAA) reflected this position, finding sites in and around Hadnall unsuitable for allocation. However, as part of the Local Plan Review, Hadnall was identified as a potential Community Hub based on a points-based assessment, and the site was included as a preferred allocation in the draft Local Plan, supported by technical evidence and site assessments.

6.1.2 Whilst the majority of the application site was identified as a preferred allocation in the withdrawn draft Local Plan, the current red line boundary extends beyond this area to include land required for the SuDS basin and public open space. The justification for including this land, and its policy implications, are considered further below and as part of the overall planning balance.

- 6.1.3 Although the draft Local Plan has since been withdrawn, the Council's Cabinet has resolved that the supporting evidence base—including the settlement hierarchy and site assessments—remains a material consideration. This means that, while the site is not allocated in the adopted plan, the rationale for its previous allocation can be given weight in the planning balance, particularly in the context of housing land supply.
- 6.1.4 The inclusion of land beyond the withdrawn allocation boundary has been carefully considered. The applicant has demonstrated that this additional land is required to accommodate the relocated SuDS basin and the proposed public open space, following technical advice and consultee feedback. Both elements are essential to the delivery of a policy-compliant scheme and cannot be accommodated within the original allocation boundary.
- 6.1.5 The policy status of the additional land as open countryside means that its inclusion must be robustly justified. In this case, the technical need for the SuDS basin and the provision of public open space, both of which are integral to the scheme and required by policy and consultees, are considered to provide sufficient justification. The use of this land does not facilitate further residential development. Any additional impacts on landscape, ecology, and amenity arising from the extension have been assessed and are addressed in the relevant sections of this report.
- 6.1.6 The Council's latest Five Year Housing Land Supply Statement (February 2025) confirms a deliverable supply of 4.73 years, below the five-year requirement. As a result, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged, meaning the presumption in favour of sustainable development applies unless specific policies in the NPPF indicate otherwise or adverse impacts would significantly and demonstrably outweigh the benefits.
- 6.1.7 In summary, the site's progression from "not suitable" in the SLAA to a preferred allocation in the emerging Local Plan reflects Hadnall's reclassification as a Community Hub. Although the Local Plan has been withdrawn, the supporting evidence base is a material consideration. Given the current lack of a five-year housing land supply, the presumption in favour of sustainable development must be given significant weight in the planning balance.

6.2 **Drainage and flood risk**

- 6.2.1 The assessment of drainage and flood risk for this proposal is guided by the NPPF, the Shropshire Core Strategy (notably policies CS6, CS17, and CS18), and the Site Allocations and Management of Development (SAMDev) Plan (notably policies MD2, MD8, and MD12). These policies require that new development does not increase flood risk elsewhere, incorporates sustainable drainage systems (SuDS), and is resilient to climate change. The Shropshire SuDS Handbook and local technical standards are also material considerations.

6.2.2 Surface Water Drainage

The applicant has submitted a detailed surface water drainage strategy, which has been revised in response to consultee and public comments. The original concerns related to the feasibility of infiltration, the location and design of the attenuation pond, and the need for robust modelling of exceedance flows and urban creep. In response, the applicant has provided infiltration testing which demonstrates that soakaways are not feasible due to the low permeability of the glacial till underlying the site. As a result, surface water is now proposed to be discharged to the public surface water sewer at a controlled greenfield runoff rate, with attenuation provided by a SuDS basin sized for the 1 in 100-year storm event plus a 40% allowance for climate change. The calculations also include a 6% allowance for urban creep, in line with Shropshire Council's requirements. The revised SuDS basin has been re-located to avoid displacing pluvial flood risk onto neighbouring properties. The applicant has also provided a comprehensive SuDS maintenance plan, setting out regular, occasional, and remedial tasks to ensure the long-term effectiveness of the system.

6.2.3 These revisions have been reviewed by the Council's drainage consultee (WSP), who now confirm that the surface water drainage proposals are acceptable and are unlikely to increase flood risk. The consultee's most recent comments (September 2025) acknowledge the submitted network simulation results and confirm that no further technical objections remain, subject to conditions securing delivery. Ongoing maintenance of the SuDS will be secured through the s106 agreement, ensuring a responsible party is identified and long-term management is in place, as recommended by the drainage consultee.

6.2.4 It is considered that Public and Parish Council concerns regarding surface water flooding have been addressed through the revised SuDS design, which ensures that surface water is managed on-site and does not increase flood risk elsewhere.

6.2.5 In summary, the surface water drainage strategy has now been fully resolved to the satisfaction of the Lead Local Flood Authority (SC Drainage/WSP). The applicant has addressed all previous technical concerns, including the provision of network simulation results, confirmation of urban creep allowances, and the location and design of the SuDS basin. The most recent consultee response confirms that the proposals are unlikely to increase flood risk and are therefore acceptable.

6.2.6 Foul Drainage

Severn Trent Water, as the statutory sewerage undertaker, has a duty under the Water Industry Act 1991 to provide and maintain an effective foul drainage system and to plan for future demand, including that arising from new housing developments. Developers have a statutory right to connect foul water to the public sewer under Section 106 of the Act. Where capacity constraints exist, these should normally be addressed through planning conditions or phasing rather than forming the sole basis for refusal. Current guidance requires separate

foul and surface water systems, with no surface water discharge to foul sewers, and drainage strategies must be agreed prior to commencement.

- 6.2.7 It is a common concern that new development may be refused planning permission if the existing public sewerage network lacks capacity. However, national planning guidance and case law indicate that insufficient capacity in the public sewer should not, by itself, justify refusal, provided that the statutory undertaker has a plan to resolve the issue. The accepted planning approach is to use a 'Grampian' condition, which prevents occupation of new dwellings until the necessary improvements to the sewerage network have been completed. This ensures that new homes are not occupied until adequate foul drainage infrastructure is in place, while allowing the statutory undertaker to fulfil its legal obligations.
- 6.2.8 In relation to this application, Severn Trent Water has confirmed that significant improvement works are planned and fully funded, including a rising main upgrade, separation and rehabilitation of key sections of the gravity sewer to reduce surface water inflow and infiltration, and pump upgrades at the Hadnall pumping station. Modelling has demonstrated significant surcharging and drain down issues in the existing network, and the proposed works are designed to resolve these constraints. Contingency has been built into the project timeline to absorb minor delays; however, occupation of new dwellings cannot be considered until all works are completed.
- 6.2.9 Accordingly, a Grampian condition is proposed, preventing occupation of any dwelling before 31st December 2027 or until the required improvements are completed, with provision for a phased occupation strategy to be agreed with the Local Planning Authority and Severn Trent Water should works not be completed by that date. This approach ensures that foul drainage capacity will be sufficient to accommodate the proposed development and addresses both statutory obligations and local concerns regarding drainage infrastructure.
- 6.2.10 Recommended Grampian Condition:

No dwelling shall be occupied before 31st December 2027 to allow for the improvements required to improve capacity of the public wastewater network sufficiently that the development may connect to it to be fully implemented and completed by Severn Trent. Should the required improvements to the public wastewater network not be fully implemented and completed by this date, a strategy for the phased delivery and occupation of dwellings shall be submitted to and agreed by the Local Planning Authority in consultation with Severn Trent. The phasing strategy shall be informed by the status of the improvement works to the public wastewater network at that time.

Reason: To ensure that satisfactory foul drainage infrastructure is available to serve the development and to prevent an unacceptable risk of flooding or pollution of the environment, in accordance with the National Planning Policy

Framework and policies CS6 and CS18 of the Shropshire Core Strategy.

6.3 Highways and access

- 6.3.1 The assessment of highways and access is guided by the NPPF and relevant local policies, which require that new development provides safe and suitable access for all users, promotes sustainable travel, and does not result in an unacceptable impact on highway safety or the local road network. The proposal, as revised, is for 44 dwellings accessed via a new priority junction onto the A49 Shrewsbury Road. The access design includes 10.5 metre radii, a 5.5 metre carriageway, and 2 metre footways on both sides, tying into the existing pedestrian infrastructure. The scheme also involves relocating the 30mph/40mph speed limit transition further south, with associated changes to road markings and signage. Dropped kerbs with tactile paving are provided at the access, and the internal layout incorporates a bend on entry and short cul-de-sacs to discourage excessive speeds. Parking is provided at a minimum of two spaces per dwelling, through a mix of allocated spaces and garages, with provision for electric vehicle charging. Refuse vehicle swept path analysis and bin collection points have been demonstrated on the submitted plans.
- 6.3.2 The original Transport Statement was reviewed by the local highway authority, who raised concerns regarding the adequacy of the access junction, visibility splays, swept path analysis, and the need for a Stage 1 Road Safety Audit. In response, the applicant submitted revised access drawings, which now provide a 120 metre visibility splay to the south (in line with the 40mph speed limit), and demonstrate that a large car can pass a delivery van within the bellmouth. The speed limit relocation and associated road markings have been clarified, and the swept path analysis for refuse vehicles has been accepted by the highway authority. The Stage 1 Road Safety Audit identified several issues, including the need for adequate surface water drainage, maintenance of visibility splays, provision of street lighting at the access, removal of redundant carriageway markings, and the width of the access for two-way movements. The applicant's designer has accepted all recommendations except for the refuse vehicle manoeuvre, noting that such movements are infrequent and that the highway authority has accepted the swept path analysis for delivery vans and cars. The audit team has confirmed that the designer's response is acceptable and recommends that the details are forwarded to the highway authority for final approval and sign-off.
- 6.3.3 Local representations have raised concerns regarding the safety of the access onto the A49, the adequacy of visibility, the impact of additional traffic on the local network, and the potential for increased on-street parking. The submitted Transport Statement demonstrates that the development will generate a modest number of additional vehicle movements (26 two-way trips in the AM peak and 27 in the PM peak), which is not considered to have a material impact on the operation of the local highway network. The site access junction has been modelled using industry-standard software and is shown to operate well within

capacity, with negligible queues and delays. Accident data for the past five years indicates no pattern of highway safety issues in the vicinity of the site access. The internal layout has been designed to support a 20mph environment, with short straight sections and bends to discourage speeding. Parking provision meets local standards, and bin collection points and refuse vehicle access have been demonstrated. Electric vehicle charging points are included in the layout.

- 6.3.4 The acceptability of the access and highway proposals has been carefully considered in consultation with the Highway Authority. The current access arrangements, including the new priority junction onto the A49, visibility splays, and associated off-site works, are considered acceptable in principle by the Highway Authority and can be secured by condition and Section 278 agreement. The internal estate roads, as currently designed, are also considered acceptable for the purposes of serving the proposed development on the basis that they would remain private.
- 6.3.5 However, for the scheme to meet affordable housing requirements, it is necessary for the internal estate roads to be adopted by the Highway Authority, as Registered Providers will not accept affordable units on unadopted roads. In response to this, the Highway Authority has indicated that, in principle, adoption of the internal roads could be supported. Nevertheless, the current road design does not meet adoptable standards, with specific amendments required to achieve compliance—such as removal of raised treatments and alignment with the SMART manual. The Highway Authority has requested these design changes from the applicant's agent, and revised plans are awaited at the time of writing this report. The implications of the adoption status of the internal estate roads for the delivery of affordable housing are discussed further in section 6.6 below.
- 6.3.6 In addition, the Highway Authority has required the submission and approval of a Construction Management Plan by pre-commencement condition, to manage construction traffic, site logistics, and safety before any development starts. The Highway Authority has also made it a pre-determination requirement that a walking and cycling review is undertaken and agreed, to ensure that safe and inclusive routes to and from the development are provided in line with national and local policy. At the time of writing, both the amended internal road design and the walking and cycling review are outstanding and awaited from the applicant's agent. Determination of the application will be contingent on the receipt and agreement of these items. Any further technical amendments or off-site mitigation measures identified will be secured through appropriate planning conditions and/or legal agreements as advised.

6.4 **Landscape, trees, green infrastructure and open space**

- 6.4.1 The proposals for landscape, trees, green infrastructure, and open space have been developed in accordance with the NPPF, Shropshire Core Strategy, and SAMDev policies, which require the protection and enhancement of landscape character, the retention of important trees and hedgerows, and the delivery of

accessible public open space.

- 6.4.2 The scheme retains most boundary hedgerows and mature trees, with the exception of one internal oak (T3), which is offset by extensive new planting, including over 70 trees, native scrub, and hedgerow. The landscape strategy also features wildflower meadows, wetland planting around the SuDS basin, and informal open space with a gravel path and gym/trim trail equipment. The internal layout incorporates street trees and ornamental planting to enhance the streetscape.
- 6.4.3 A Provisional Tree Preservation Order (TPO) now covers key trees on or adjacent to the site, and all works to these trees require separate consent. The Arboricultural Implications Assessment and Tree Protection Plans ensure that retained trees are protected throughout construction, with robust measures in place in line with best practice.
- 6.4.4 In response to consultee and local comments—particularly from the Green Infrastructure Officer—the applicant has agreed to a comprehensive set of pre-commencement conditions. These require the submission and approval of detailed hard and soft landscaping schemes, a landscape management plan, and a scheme for play and gym equipment that is inclusive, accessible, and benefits from natural surveillance. A specific condition also requires a detailed scheme for the design and ecological integration of the SuDS and public open space, ensuring these features are holistically planned and contribute to the wider green infrastructure network, while allowing for the retention of important hedgerows.
- 6.4.5 In addition to these planning conditions, the delivery and long-term management of public open space, landscaping, and on-site play facilities will be secured through a Section 106 agreement. This will include a management plan for the ongoing upkeep of these areas, as required by the Green Infrastructure Advisor and landscape consultants.
- 6.4.6 The proposals have been revised to address concerns about tree loss, boundary treatments, and the integration of SuDS and open space. The Biodiversity Net Gain Assessment demonstrates a substantial gain, well above statutory requirements.
- 6.4.6 In summary, the landscape, tree, green infrastructure, and open space proposals are considered acceptable, subject to the agreed pre-commencement conditions, s106 obligations, and compliance with the TPO. These measures secure the delivery of a high-quality, policy-compliant scheme that responds to consultee and community feedback.
- 6.5 **Ecology, biodiversity and Biodiversity Net Gain (BNG)**
- 6.5.1 The ecological assessment for the scheme is guided by the NPPF, Shropshire Core Strategy, SAMDev policy MD12, and the statutory requirements for

Biodiversity Net Gain (BNG) under the Environment Act 2021. These policies require development to protect and enhance biodiversity, deliver measurable net gains, and safeguard protected species and habitats.

- 6.5.2 The application is supported by an updated Ecological Appraisal, BNG metric, and technical note. The scheme delivers a range of ecological enhancements, including extensive new tree, hedgerow, and wildflower planting, wetland and wildflower habitats around the SuDS basin, and the installation of bat, bird, and hedgehog boxes. The BNG metric demonstrates a net gain of 18.97% in habitat units and 23.75% in hedgerow units, significantly exceeding statutory requirements.
- 6.5.3 Consultee and local comments raised issues regarding survey adequacy, the presence of great crested newts (GCN), impacts on bats and nesting birds, and the long-term management of BNG. These have been addressed through updated survey work, the applicant's commitment to the District Level Licensing scheme for GCN, and robust management proposals. SC Ecology has confirmed that all relevant issues have been resolved, subject to appropriate conditions and a s106 agreement.
- 6.5.4 The delivery and long-term management (30 years) of on-site BNG, including a monitoring fee, will be secured through a s106 agreement. Planning conditions will require a District Level Licence for GCN prior to any development, approval and installation of wildlife boxes, and a lighting plan to protect ecological networks. Standard informatives will address the protection of nesting birds, reptiles, amphibians, and hedgehogs during site clearance and construction. In summary, the ecology, biodiversity, and BNG proposals are considered acceptable, subject to the agreed s106 obligations and planning conditions, which secure the delivery, enhancement, and long-term management of biodiversity in accordance with policy and consultee recommendations.

6.6 Housing mix and affordable housing

- 6.6.1 The proposal has been assessed against the NPPF, Shropshire Core Strategy, SAMDev policy MD7a, and the Type and Affordability of Housing SPD, all of which require new residential development to provide a mix of dwelling types and sizes that reflect local needs and to make an appropriate contribution to affordable housing. The scheme will deliver a total of 44 dwellings, offering a balanced mix of house types and sizes. This includes five bungalows, specifically located on plots 11 to 15, which provide accessible accommodation suitable for older people and those with mobility needs. The remaining thirty-nine dwellings are two-storey houses, with the overall mix comprising 13 two-bedroom homes, 19 three-bedroom homes, and 12 four-bedroom homes. The development includes both two and three-bedroom bungalows, and a variety of semi-detached and detached houses, ensuring a range of options for different household types.
- 6.6.2 Affordable housing provision is policy compliant, with four affordable dwellings to

be delivered on site—three for affordable rent and one for shared ownership—reflecting the Council’s standard 70:30 tenure split. All affordable homes are to be provided as semi-detached houses and will be integrated within the development so as to be indistinguishable from market housing. In addition, a financial contribution will be made to account for the remaining 0.4 of the affordable housing requirement, ensuring the scheme meets the requirements of the Core Strategy, SAMDev Plan, and SPD, and supports a mixed and sustainable community.

- 6.6.3 A key issue raised during the application process relates to the adoption status of the internal estate roads. The Affordable Housing Officer has confirmed that the Council’s most active Housing Associations will not accept affordable units on unadopted roads. The applicant will therefore need to clarify which Registered Provider they have engaged with and provide evidence of agreement if the roads are not to be adopted. Should the applicant confirm that the internal roads will remain private, the Section 106 agreement will need to include provisions to exempt affordable housing residents from any private road maintenance charges. While this would represent an exception to the norm and is considered necessary to avoid placing additional financial burdens on those households, it does not guarantee that a Registered Provider will take the units, and the risk to affordable delivery remains unless clear evidence is provided. At the time of writing, the matter of road adoption is not fully resolved, but either outcome is considered technically resolvable, subject to the above controls and the provision of evidence from the applicant regarding Registered Provider engagement.
- 6.6.4 Some local representations raised concerns about whether the scheme provides an adequate number of smaller homes and sufficient affordable housing. The submitted plans and schedules demonstrate that the development includes a good proportion of two and three-bedroom homes, including bungalows and accessible units, and meets the Council’s affordable housing policy in both the number and tenure mix of affordable dwellings. The Council’s Housing Enabling Officer has confirmed that the proposed housing mix and affordable housing provision are policy compliant, subject to the completion of a Section 106 agreement to secure the delivery of the affordable dwellings and the required financial contribution. The integration and distribution of affordable units within the site are considered acceptable.
- 6.6.5 In conclusion, the proposed housing mix and affordable housing provision are considered acceptable, subject to a Section 106 agreement to secure the delivery of four affordable dwellings (three for affordable rent and one for shared ownership) and the financial contribution for the remaining 0.4 fraction. The affordable homes must be delivered in accordance with the approved plans and should be indistinguishable from market housing in terms of design and materials. Allocation and management of the affordable housing will be in accordance with the Council’s policies and local connection criteria.

6.7 Heritage, design, layout and amenity

- 6.7.1 The proposed development has been assessed against the NPPF, Shropshire Core Strategy, SAMDev policies, and the Type and Affordability of Housing SPD, all of which require high standards of design, respect for local character, the safeguarding of residential amenity, and the conservation of heritage assets and their settings. The submitted plans demonstrate a clear commitment to delivering a varied and high-quality residential environment, with a mix of two, three, and four-bedroom houses and five bungalows arranged around a legible network of streets and open spaces. The layout establishes a hierarchy of routes, with dwellings orientated to provide active frontages to public spaces and private drives, supporting natural surveillance and a strong sense of place.
- 6.7.2 A variety of house types are proposed, including accessible units designed to M4(2) and M4(3) standards, ensuring inclusive design. The plans indicate a mix of materials, such as brick, render, and tiled roofs, with architectural detailing that draws on local vernacular traditions. Elevational treatments and material palettes are indicative at this stage, with final details to be secured by condition to ensure compatibility with the surrounding context. Private gardens are provided for all dwellings, and the scheme incorporates areas of public open space. The landscape masterplan has been revised to address consultee and community feedback, including additional planting and the introduction of a trim trail. While some concerns remain regarding the adequacy and accessibility of open space and play provision, these matters can be addressed through planning conditions requiring further detail on play equipment and natural surveillance.
- 6.7.3 The layout has been carefully considered to minimise overlooking and loss of privacy for both new and existing residents. In response to local representations, particularly from residents of Wedgefields Close, the applicant has amended the scheme to reduce the height and massing of dwellings in sensitive locations and has provided enhanced boundary treatments, including fencing and new planting, to mitigate potential impacts. Boundary treatments are confirmed through the enclosures and materials plans, which show a mix of fencing, hedging, and walling to define plot boundaries. The use of locally characteristic materials and detailing is supported by the Council's Conservation Officer, subject to final approval of materials by condition.
- 6.7.4 Noise and amenity have been robustly addressed. The application is supported by a detailed noise assessment, which evaluates the potential impact of external noise sources—primarily road traffic on Shrewsbury Road and occasional trains—on the proposed dwellings and their amenity spaces. The assessment, undertaken in accordance with BS8233:2014, ProPG: Planning & Noise, and relevant Building Regulations guidance, concludes that, with appropriate mitigation, the development can achieve the recommended noise standards for both internal and external amenity areas. Mitigation measures include the installation of localised 2.3m and 1.8m high acoustic barriers at key locations along the site boundary, enhanced glazing and acoustic ventilation for living rooms and bedrooms facing higher noise exposures, and standard cavity

masonry construction for walls and roofs. These measures ensure that internal and external noise levels meet the relevant standards, and Regulatory Services have confirmed that noise can be satisfactorily controlled by the design of the development, subject to a condition requiring full implementation of the recommended mitigation measures prior to occupation.

- 6.7.5 The site occupies a prominent position at the gateway to the historic village of Hadnall, which contains several listed buildings and a Scheduled Monument. The Council's Conservation Officer has raised no objection to the proposal from a heritage perspective, provided that the design, scale, and materials of the new dwellings reflect local vernacular and respect the setting of heritage assets. The submitted plans demonstrate a variety of house types and materials, with architectural detailing that draws on local character. The layout has been designed to retain key views and incorporates landscaping to soften the transition to the surrounding countryside. No designated heritage assets are directly affected by the development, and the proposal is considered to preserve the setting of nearby listed buildings and the Scheduled Monument, subject to the use of appropriate materials and landscaping.
- 6.7.6 The Landscape and Visual Appraisal has been reviewed by the Council's Landscape Consultant, who confirms that the updated assessment and masterplan address previous concerns regarding landscape character, visual impact, and mitigation planting. The revised masterplan includes additional tree planting along the northern boundary and the relocation of the SuDS basin to reduce visual impact. The landscape scheme is considered acceptable, subject to detailed planting plans and management arrangements to be secured by condition.
- 6.7.7 Local residents and the Parish Council have raised concerns regarding loss of privacy, overlooking, adequacy of open space and play provision, drainage, and the impact on local character. The applicant has responded by amending the layout to reduce the height and massing of dwellings near existing properties, providing additional boundary planting, and revising the landscape masterplan. While some concerns regarding privacy and open space provision remain, these can be addressed through planning conditions. Consultee responses are generally supportive, subject to conditions. The Council's Conservation Officer supports the scheme, provided that final design and materials reflect local character. The Landscape Consultant and Green Infrastructure Advisor support the revised landscape masterplan, subject to further detail on planting and play provision. The Tree Officer maintains an objection to the loss of a mature oak tree (T3) but acknowledges that, in the long term, new planting may compensate for this loss. Regulatory Services support the scheme subject to implementation of noise mitigation measures, and Highways have no objection subject to conditions regarding access, speed limit relocation, and a walking/cycling review. Drainage consultees require conditions to secure detailed drainage design and management.

6.7.8 In conclusion, the proposed development achieves a high standard of design and layout, reflecting local character and providing a mix of dwelling types and sizes. The scheme preserves the setting of heritage assets and, subject to conditions, provides appropriate landscaping, boundary treatments, and noise mitigation. The submitted noise assessment demonstrates that, with the recommended mitigation measures in place—including acoustic barriers, enhanced glazing, and acoustic ventilation—the development will provide an acceptable standard of amenity for future residents in accordance with the NPPF, BS8233, and local policy. While some concerns remain regarding privacy and open space, these can be addressed through planning conditions. The proposal is therefore considered to comply with the NPPF, Core Strategy, SAMDev, and SPD policies relating to heritage, design, layout, and amenity, subject to the recommended conditions and planning obligations.

6.8 Local services and Community Infrastructure Levy (CIL)

- 6.8.1 The National Planning Policy Framework (NPPF) and local development plan policies require that new development is supported by adequate infrastructure, including education, health, and community facilities. Policy CS6 (Sustainable Development) and CS8 (Facilities, Services and Infrastructure Provision) of the Shropshire Core Strategy seek to ensure that development contributes to the provision of necessary infrastructure and does not place undue pressure on existing services.
- 6.8.2 In accordance with these policies, the proposed development will be liable for the Community Infrastructure Levy (CIL). CIL is used to fund a range of infrastructure projects identified in the Shropshire Place Plans, which are reviewed annually in consultation with local communities and infrastructure providers.
- 6.8.3 For Hadnall, the Place Plan identifies the expansion of Hadnall C of E Primary School as a priority, reflecting the anticipated increase in pupil numbers resulting from new housing. The Council's Learning & Skills team has confirmed that CIL and S106 contributions from this development will be directed towards supporting local education provision. This approach is consistent with the requirements of Core Strategy Policy CS8 and ensures that the scheme will help to mitigate its impact on local schools.
- 6.8.4 With regard to health services, Hadnall does not have its own GP surgery, and residents typically access primary care in neighbouring villages such as Clive, Shawbury, Wem, or Shrewsbury. While health infrastructure improvements are eligible for CIL funding, no specific health project is currently identified for Hadnall in the Place Plan. The lack of a local GP and existing capacity pressures have been raised in public representations and by the Parish Council. However, at present, CIL allocations in Hadnall are focused on education, play provision, and community facilities.
- 6.8.5 The Place Plan also identifies improvements to play and recreation facilities,

including the provision of a new play area and enhancements to the Village Hall, as local priorities. These projects are eligible for CIL funding and may be brought forward as funding becomes available and local need is demonstrated.

In summary, the proposed development will contribute to local infrastructure through CIL and S106, in accordance with national and local planning policy. The scheme will help to address the need for additional school places and support the delivery of community facilities identified in the Place Plan. While health service capacity remains a concern, there is currently no specific CIL-funded health project for Hadnall, but this may be reviewed in future Place Plan updates should local need be identified.

6.9 S106 obligations and pre-commencement conditions

- 6.9.1 A range of Section 106 (S106) obligations and pre-commencement conditions are proposed to secure the delivery, management, and long-term maintenance of key elements of the scheme, in line with consultee recommendations and policy requirements.
- 6.9.2 The S106 agreement will secure the delivery of affordable housing, with four affordable dwellings provided on site and a financial contribution for the remaining fraction, in accordance with policy and the requirements of the Council's Housing Enabling Officer. The agreement will also secure the creation and long-term management (minimum 30 years) of habitats and hedgerows to deliver Biodiversity Net Gain (BNG), as required by the Environment Act 2021 and ecology consultees. This includes a monitoring fee and a management plan to ensure that BNG is maintained and monitored over the long term.
- 6.9.3 Long-term management and maintenance of Sustainable Drainage Systems (SuDS) and any watercourses within the site will also be secured through the S106, including identification of the responsible party, as recommended by the drainage consultee. This ensures that the SuDS infrastructure will be properly maintained and will continue to function as designed, addressing a key concern raised by both technical consultees and local objectors.
- 6.9.4 The S106 will further secure the delivery and long-term management of public open space, landscaping, and on-site play facilities. A management plan will be required for the ongoing upkeep of these areas, as recommended by the Green Infrastructure Advisor and landscape consultants. This will ensure that the public open space and play provision remain accessible, safe, and well-maintained for the benefit of future residents and the wider community.
- 6.9.5 In addition to the S106 obligations, a comprehensive suite of pre-commencement conditions has been agreed with the applicant to address technical and environmental matters prior to the start of development. These include a requirement for the submission and approval of a Construction Management Plan, which will address construction access, vehicle routing, site safety, and mitigation of impacts on the local highway network, ensuring responsible

management of construction activities from the outset. Robust arboricultural (tree protection) measures are also required, including the implementation of tree protection fencing, completion of any necessary pre-commencement tree works, and submission of photographic evidence to the Local Planning Authority before development begins.

6.9.6 Further pre-commencement conditions require the submission and approval of detailed hard and soft landscaping schemes, a landscape management and maintenance plan, and a detailed scheme for play, trim trail, and gym equipment. These must include inclusive and accessible features, as well as measures to maximise natural surveillance and safety. A specific condition also requires a detailed scheme for the design, planting, management, and ecological integration of the SuDS and associated public open space, ensuring these features are holistically planned and contribute to the wider green infrastructure network, while allowing for the retention of important hedgerows.

6.9.7 Other technical matters, such as detailed drainage design, noise mitigation, and ecological enhancements, have already been addressed through the submission of detailed schemes and will be secured by compliance conditions rather than pre-commencement conditions.

Together, these S106 obligations and pre-commencement conditions provide a robust framework to secure the delivery, management, and long-term stewardship of affordable housing, biodiversity, drainage, green infrastructure, and public open space, in accordance with national and local policy and the recommendations of technical consultees.

7.0 **Planning balance and recommendation**

7.1 **Planning balance**

7.1.1 In weighing this application, it is necessary to consider the benefits of the proposed development against any adverse impacts, taking full account of the adopted development plan, the evidence base for the withdrawn Local Plan, consultee responses, public representations, and the requirements of the National Planning Policy Framework. The site is located in the countryside under the adopted Shropshire Local Plan, where open market residential development is generally not supported except in exceptional circumstances. However, the Council cannot currently demonstrate a five-year supply of deliverable housing land, and the presumption in favour of sustainable development is engaged. The evidence base for the withdrawn Local Plan, including the reclassification of Hadnall as a Community Hub and the technical assessment of the site, is a material consideration and lends support to the principle of development in this location.

7.1.2 In reaching the planning balance, it is acknowledged that the application site includes land beyond the area previously identified as a preferred allocation in the withdrawn draft Local Plan. The inclusion of this additional land, required for

the SuDS basin and public open space, has been justified on technical and policy grounds and does not facilitate further residential development. The planning balance has taken account of the policy status of this land, the technical and policy justification for its inclusion, and any additional impacts arising. On balance, it is considered that the benefits of the scheme—including the delivery of housing, essential infrastructure, and public open space—outweigh the limited harm arising from the inclusion of land beyond the allocation, and the application is recommended for approval.

- 7.1.3 The scheme will deliver 44 new homes, including a policy-compliant mix of dwelling types and sizes, accessible bungalows, and affordable housing. It will secure substantial biodiversity net gain for 30 years, provide new public open space and green infrastructure, and contribute to local infrastructure through CIL and S106, supporting education and community facilities. The proposals have been revised to address consultee and public concerns, including the relocation of the SuDS basin, enhanced boundary treatments, and improved play provision. Technical matters relating to highways, drainage (including foul drainage), noise, landscape, and ecology have all been resolved to the satisfaction of consultees, subject to recommended conditions and planning obligations.
- 7.1.4 There are some adverse impacts, including the loss of a mature oak tree (T3), although this is offset by extensive new planting and long-term management of green infrastructure. Some residual concerns remain from public and Parish Council representations regarding policy, infrastructure capacity, privacy, and amenity, but many of these have been addressed through scheme amendments and planning obligations.
- 7.1.5 On balance, it is considered that the benefits of the scheme outweigh the identified harms, and the proposals are acceptable when assessed against the development plan as a whole and the presumption in favour of sustainable development.

7.2 Recommendation

- 7.2.1 Subject to the receipt and agreement of an amended internal road design to adoptable standards and a walking and cycling review, both to the satisfaction of the Highway Authority (including the incorporation of any additional conditions or legal agreements required as a result of these reviews), it is recommended that planning permission be granted, subject to:
- the completion of a Section 106 agreement to secure affordable housing, biodiversity net gain, long-term management of drainage infrastructure, and the delivery and management of public open space and play facilities; and
 - the list of conditions appended to this report, which includes a Grampian condition relating to foul drainage infrastructure and a comprehensive suite of pre-commencement conditions covering construction management, tree protection, detailed landscaping, play and gym

equipment, and the design and management of SuDS and public open space.

- 7.2.2 The European Protected Species (EPS) three tests matrix for great crested newts has been completed and is included in this report as Appendix A.

7.3 Policy and legislation

- 7.3.1 In considering the application due regard has been given to the relevant planning policies, consultee and public comments, and all other material considerations. This includes the Shropshire Core Strategy (CS1, CS5, CS6, CS7, CS8, CS9, CS11, CS17, CS18), Site Allocations and Management of Development (SAMDev) Plan policies (MD1, MD2, MD3, MD7A, MD12, MD13, S17), the Council's SPD on the Type and Affordability of Housing, and the National Planning Policy Framework.

- 7.3.2 Special regard has also been given to the desirability of preserving the setting of listed buildings, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as reflected in the comments from SC Conservation. Consideration has also been given to the impact on the nearby Scheduled Monument, in line with the Ancient Monuments and Archaeological Areas Act 1979 and relevant national and local planning policies.

8.0 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.

9.0 Risk Assessment and Opportunities Appraisal

9.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned

with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

9.2 Human Rights

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

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

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

9.3 Equalities

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

10.0 Financial Implications

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

APPENDIX A

EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

24/04834/FUL

Proposed Residential Development Land East Of, Shrewsbury Road, Hadnall, Shropshire
Construction of 45 dwellings, vehicular access via Shrewsbury Road, school car park, public open space, landscaping and planting, associated infrastructure and enabling works

NB: The description of development has since been amended to 'Construction of 44 dwellings, vehicular access via Shrewsbury Road, public open space, landscaping and planting, associated infrastructure and enabling works'

Date:

28th January 2025

Officer:

Sophie Milburn
Planning Ecologist
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Test 1:

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Although the application site is located in the countryside and is not allocated for development in the adopted development plan, the Council is currently unable to demonstrate a five-year supply of deliverable housing land. In accordance with paragraph 11(d) of the National Planning Policy Framework (NPPF), the presumption in favour of sustainable development applies. The proposal would deliver 44 new homes, including affordable housing, in an area with identified housing need, and would provide additional community benefits such as public open space and significant biodiversity enhancements. The site was also identified as a proposed allocation in the evidence base for the now withdrawn local plan, indicating its suitability for development. The delivery of new housing and associated benefits is considered to be in the overriding public interest, both socially and economically, and will also deliver environmental gains through measurable biodiversity net gain.

Test 2:

Is there 'no satisfactory alternative'?

The site is being brought forward in the context of the Council's housing land supply shortfall and has been identified in the local plan evidence base as suitable for residential development. The layout and design of the scheme have been informed by ecological surveys and have been revised to avoid and minimise impacts on protected species and habitats. The use of the District Level Licensing scheme for great crested newts ensures that impacts are fully compensated and that the population

will be maintained at a favourable conservation status. While it is not possible to state with certainty that no alternative sites exist in the wider area that could deliver the required housing and associated benefits without some ecological impact, the presence of great crested newts is widespread in the local landscape and it is likely that most comparable sites would present similar ecological constraints. The proposed approach is considered to represent an appropriate balance between meeting housing needs and safeguarding protected species.

Test 3:

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

A total of 28 ponds were identified from maps and aerial imagery within a 500m radius of the site.

An eDNA survey was undertaken on pond P23 (180m to the south) in 2021 and returned a positive result.

Presence/absence surveys were carried out in 2022. GCNs were found to be present in ponds P23, P18 (265m to the east), P24 (340m to the south), P25 (380m to the south) and P26 (430m to the south).

It is considered that there are two metapopulations of GCN utilising the ponds within a 500m radius of the site. GCN utilising pond P18 is one GCN meta population, and GCN utilising ponds P23-P26 is a second meta population.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (Enquiry no. DLL-ENQ-SHRP-00067) has been submitted which confirms that the project is eligible to enter the District Level Licensing scheme and that the developer intends to do so.

With the submission of the IACPC, and provided that works are carried out under the District Level Licensing scheme, SC Ecology are satisfied that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations. As stated in the IACPC, '[I]n signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy regulation 55(9) (b) of the 2017 Regulations ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range") and has concluded that the payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of great crested newts at favourable conservation status within their natural range, provided that the 'District Level Licence condition for GCNs' condition included in the response

from Sophie Milburn to Jane Preece (dated 28th January 2025) is included on the decision notice and are appropriately enforced.

Guidance

The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report, and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Preserving public health or public safety must also be shown to constitute a reason of overriding public interest. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.

If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there 'no satisfactory alternative'?

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS7 - Communications and Transport
 CS8 - Facilities, Services and Infrastructure Provision
 CS1 - Strategic Approach
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS9 - Infrastructure Contributions
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD13 - Historic Environment
 MD3 - Managing Housing Development
 MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 Settlement: S17 - Wern
 SPD Type and Affordability of Housing
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/04559/OUT Outline application (layout, scale and access not reserved) for 40 dwellings. including 8 bungalows with open space and access to A49 (Amended description) REFUSE 21st January 2015
 PREAPP/22/00620 Residential development with access and associated infrastructure to include open space, drainage and additional car parking for Hadnall C of E Primary School PREUDV 31st January 2023
 24/04834/FUL Construction of 44 dwellings, vehicular access via Shrewsbury Road, public open space, landscaping and planting, associated infrastructure and enabling works PCO

Appeal

15/02248/REF Outline application (layout, scale and access not reserved) for 40 dwellings. including 8 bungalows with open space and access to A49 (Amended description) DISMIS 21st July 2015

11. Additional Information

List of Background Papers [View details online:](#)

[24/04834/FUL | Construction of 44 dwellings, vehicular access via Shrewsbury Road, public](#)

[open space, landscaping and planting, associated infrastructure and enabling works | Proposed Residential Development Land East Of Shrewsbury Road Hadnall Shropshire](#)

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member

Cllr Alison Williams

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. Construction works shall not take place outside 07:30 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until detailed hard and soft landscape schemes for the whole site have been submitted to and approved in writing by the Local Planning Authority. These details shall follow the Landscape Masterplan (C06), the Surface Materials Layout (2217-07-M), and the Enclosures Plan (2217-15-K) approved as part of this planning consent and shall include:

- o For soft landscaping: plant species, sizes, numbers and densities, method of cultivation and planting, and an implementation timetable.
- o For hard landscaping: the location and specification of all hard surfaces (with reference to the approved Surface Materials Layout), and all boundary treatments (with reference to the approved Enclosures Plan), and consideration for accessibility for wheelchair users.

Notwithstanding the submitted Enclosures Plan, prior to the commencement of above ground works, full details of the design, materials, and finish of all boundary walls and fences (with the exception of the acoustic fence, which is covered by a separate condition in this consent) shall

be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be carried out in complete accordance with the approved details.

A landscape management and maintenance plan for the landscape proposals shall also be submitted and approved prior to commencement. The approved management and maintenance plan shall be followed for a minimum of five years following planting.

All hard and soft landscape works, including hard surfacing and boundary treatments, shall be carried out in accordance with the approved details and implementation timetable. The works shall be completed prior to the occupation or use of any part of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: To ensure the provision, establishment and maintenance of a high-quality landscaping scheme in the interests of visual amenity, local character, biodiversity, and accessibility.

5. Notwithstanding the details shown on the approved landscape masterplan, prior to the installation of any play, trim trail, or gym equipment within the public open space, a detailed scheme for play and recreation provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- o The location, specification, and layout of all play equipment, trim trail, and gym equipment, ensuring provision for a range of ages and abilities, including children, young people, and adults.
- o Details of safety surfacing, free/fall zones, and product specifications for all equipment.
- o Inclusive and accessible features, including wheelchair-friendly equipment and routes.
- o Measures to maximise natural surveillance and safety, including the positioning of equipment in areas overlooked by active frontages, and any necessary amendments to planting or boundary treatments.
- o A management and maintenance plan for the play and recreation areas and equipment.

The approved scheme for play, trim trail, or gym equipment within the public open space shall be fully implemented and made available for use prior to the occupation of more than 22 of the 44 dwellings hereby permitted, and the play and recreation areas shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure that the play and recreation facilities within the public open space are safe, inclusive, accessible, and appropriately designed for a range of users, and that their management and maintenance are secured in the interests of residential amenity, public safety, and compliance with local planning policy.

6. Prior to the commencement of development, a detailed scheme for the design, planting, management, and ecological integration of the Sustainable Drainage System (SuDS) and associated public open space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- o Details of planting within and around the SuDS basin, hedges, and wildflower meadows, designed to maximise biodiversity, habitat connectivity, and visual integration, referencing the approved masterplan.
- o A statement demonstrating how the SuDS and POS contribute to the strategic green infrastructure network, including links to SEN corridors and ancient woodland.
- o A management and monitoring plan for the SuDS and associated planting, with objectives for ecological enhancement and connectivity, and measures for ongoing maintenance.
- o Confirmation that public access to the SuDS pond is not required, but maintenance access is provided as necessary.

The approved scheme shall be implemented prior to the occupation of any dwelling and thereafter managed and monitored in accordance with the approved details.

Reason: To ensure the SuDS and public open space are holistically designed and managed to deliver strategic green infrastructure benefits, maximise biodiversity and habitat connectivity, and support the wider ecological network.

7. No development shall take place (including any ground works or site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall, as a minimum, provide details of:

- o The parking of vehicles of site operatives and visitors;
- o Loading and unloading of plant and materials;
- o Storage of plant and materials used in constructing the development;
- o The erection and maintenance of security hoarding;
- o Wheel washing facilities;
- o Measures to control the emission of dust and dirt during construction;
- o Waste recycling and disposal strategy;
- o Construction working hours;
- o Measures for the protection of the public highway and footpaths during construction.

Reason: To minimise the impact of construction traffic and activities on the local environment, highway safety, and the amenity of neighbouring residents.

8. No development shall take place (including vegetation clearance and ground works) until a District Level Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority.

Reason: To ensure the protection of great crested newts, which are European Protected Species.

9. a) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape 'Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

b) The approved landscaping scheme shall be implemented as specified and completed prior to first occupation, or otherwise in accordance with a phased programme of delivery to the written approval of the LPA. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: To ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

10. In this condition 'retained tree' means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any 'retained tree':

a) No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Any approved tree works shall be specified and carried out by a competent arborist in accordance British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

b) Prior to commencement of development, any pre-commencement tree works and all tree protection measures detailed in the approved Arboricultural Implications Assessment (24.1891.R1A Rev A, Ian Stemp Landscape Associates, 27.06.2025) and Tree Protection Plans (24.1891.020 Rev A and 24.1891.021 Rev A) shall be fully implemented to the written approval of the LPA. Photographic evidence to demonstrate satisfactory installation of the approved tree protection measures shall be submitted to the written approval of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

c) The development shall be implemented in accordance with the approved Arboricultural Implications Assessment (24.1891.R1A Rev A, Ian Stemp Landscape Associates, 27.06.2025) and Tree Protection Plans (24.1891.020 Rev A and 24.1891.021 Rev A). The approved tree

protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

d) All services and drainage infrastructure will be routed outside the Root Protection Areas indicated on the approved Tree Protection Plans (24.1891.020 Rev A and 24.1891.021 Rev A) or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the LPA prior to any work commencing on site. Thereafter the development shall be carried out strictly in accordance with the approved method statement and tree protection plan.

e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The LPA will be informed of the identity of said person.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

11. a) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape ' Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

b) The approved landscaping scheme shall be implemented as specified and completed prior to occupation of the first dwelling, or otherwise in accordance with a phased programme of delivery, to the written approval of the LPA. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

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

12. The external materials to be used in the construction of the dwellings, garages, brick screen walls, and hard surfaces shall be in full accordance with the details shown on the approved Building Materials Layout drawing and the Surface Materials Layout drawing, and as supplemented by the Design and Access Statement (White Ridge Architecture, June 2025). Notwithstanding the approved plans, no roof tiles shall be laid or applied to any dwelling, garage, building or structure until full details of the roof tiles (including manufacturer, product name, colour, size, texture, and profile) have been submitted to and approved in writing by the Local Planning Authority.

Any variation to these materials, including the roof tiles, shall be submitted to and approved in writing by the Local Planning Authority through a formal application to discharge this condition prior to their use.

Reason: To ensure that the external appearance of the development, including the dwellings, garages, brick screen walls, and hard surfacing, is satisfactory and to safeguard the character of the area in the interests of visual amenity.

13. All recommended noise mitigation measures, as set out in the submitted noise assessment report ref 13371.03.v2 (including those detailed in Figures 3, 4, and 5 and including acoustic barriers, glazing, and ventilation), shall be fully implemented prior to occupation of the affected dwellings.

Notwithstanding the details shown on Figure 3, the locations and installation of acoustic barriers must comply in full with the requirements of condition 10 (tree and hedge protection).

Reason: To ensure satisfactory living conditions for future residents and to safeguard the protection of retained trees and hedges in accordance with the approved tree protection measures.

14. Prior to first occupation / use of the buildings, the makes, models and locations of wildlife boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design) and house martins (house martin nesting cups).
- A minimum of 3 hedgehog boxes. The boxes shall be sited in suitable locations, with a clear flight path where appropriate, and where they will be unaffected by artificial lighting.

The boxes shall thereafter be maintained for the lifetime of the development.

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

15. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (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 and section 4.24 of the Ecological Appraisal (FPCR, December 2024). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

16. No dwelling shall be occupied until the site access and all associated highways works, including the relocation of the speed limit, have been completed and certified as satisfactory by the local highway authority under a Section 278 agreement, and written confirmation of such certification has been provided to the Local Planning Authority.

Reason: To ensure safe and suitable access to the site and in the interests of highway safety.

17. The development shall be carried out in accordance with the approved surface water drainage scheme (as detailed in [insert drawing/report reference numbers]), and the scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

18. No dwelling shall be occupied before 31st December 2027 to allow for the improvements required to improve capacity of the public wastewater network sufficiently that the development may connect to it to be fully implemented and completed by Severn Trent. Should the required improvements to the public wastewater network not be fully implemented and completed by this date, a strategy for the phased delivery and occupation of dwellings shall be submitted to and agreed by the Local Planning Authority in consultation with Severn Trent. The phasing strategy shall be informed by the status of the improvement works to the public wastewater network at that time.

Reason: To ensure that satisfactory foul drainage infrastructure is available to serve the development and to prevent an unacceptable risk of flooding or pollution of the environment, in accordance with the National Planning Policy Framework and policies CS6 and CS18 of the Shropshire Core Strategy.



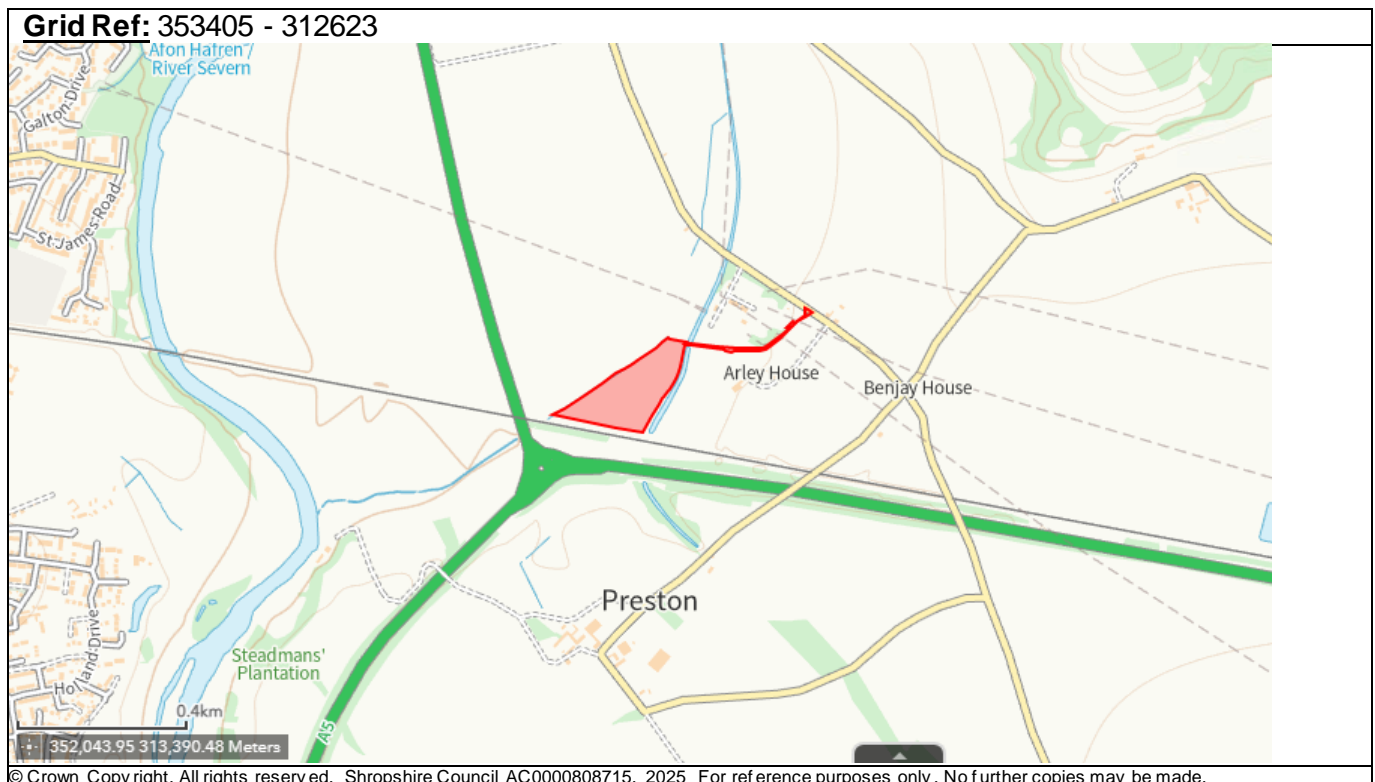
Committee and date
Northern Planning Committee
9 th December 2025

Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/00531/FUL	<u>Parish:</u>	Upton Magna
<u>Proposal:</u> Installation of a Battery Energy Storage System (BESS) and associated infrastructure.		
<u>Site Address:</u> Electricity Sub-station Uffington Shrewsbury Shropshire		
<u>Applicant:</u> Mr T Main		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> kelvin.hall@shropshire.gov.uk



Recommendation: Grant planning permission subject to the completion of a Section 106 agreement to secure BNG and to the planning conditions set out in Appendix 2.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the installation of a battery energy storage system (BESS) and associated infrastructure on land south-west of Shrewsbury Substation near the village of Uffington. The BESS compound would measure approximately 165 metres x 47 metres and would contain the following elements:
- 26 pairs of battery units, each measuring approximately 2.4 metres x 6 metres x 2.9 metres high. Their appearance would be similar to shipping containers
 - 26 battery interface cabinets, measuring 1.9 metres x 0.8 metres x 1.8 metres high;
 - 26 inverters, measuring 3 metres x 2 metres x 2.2 metres high
 - 13 Twin skids: 5.4 metres x 2.2 metres x 2.3 metres high
 - Spare parts container: 6.1 metres x 2.5 metres x 2.6 metres high
 - Welfare container: 6.1 metres x 2.5 metres x 2.6 metres high
 - Customer switchgear container: 10.4 metres x 3.8 metres x 3.3 metres high
 - Auxiliary transformer: 2.2 metres x 1.8 metres x 2.1 metres high
 - Perimeter palisade fencing, 2.4 metres high
 - CCTV cameras, 4 metres high
 - Timber acoustic fencing, 4 metres high
- 1.2 Adjacent to the main compound would be a substation compound, measuring approximately 79 metres x 28 metres with the tallest element measuring approximately 6.8 metres high. This would connect the site back to the main Shrewsbury substation to the north-east. There would be a 240,000 litre capacity water tank at the south western side of the site, measuring 10.1 metres in diameter and 3 metres high. The compound would include access points to the north and south, and an access track around its perimeter.
- 1.3 It is proposed that the site would be landscaped with native trees and hedgerow. The application states that the BESS infrastructure would be expected to have a useful life of around 40 years. It is proposed that the facility would be decommissioned and removed from the site within 45 years.
- 1.4 The application is accompanied by a number of detailed assessment reports, in relation to matters including ecology, transport, flood risk, noise, heritage and fire safety.
- 1.5 The applicant carried out pre-application engagement with the local community and the local planning authority. This included a public exhibition which was held at a local village hall; direct notification of the proposals to all households within 1km of the site; and a request for pre-application advice from the planning authority.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located approximately 1km to the south of the village of Uffington. The site comprises a relatively flat pasture field extending to an area of approximately 3 hectares. Surrounding land is predominantly in agricultural use. The Shrewsbury – Telford railway line runs adjacent to the southern boundary on an embankment, and beyond this is the A5 public highway. Further to the west is the A49 Shrewsbury bypass. To the north-east, approximately 65 metres away, is the Shrewsbury electricity substation. Running alongside the eastern boundary is the disused Shrewsbury and Newport canal. The nearest residential dwellings are The Manse, approximately 125 metres to the east and Arley House, approximately 200 metres to the east.
- 2.2 Vehicle access to the site would be gained from the public highway to the north-east, via an existing track which leads to the site. This track would be upgraded.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The views of the Parish Council are contrary to the officer recommendation however it was agreed at the agenda-setting meeting that it was appropriate for the application to be considered by Planning Committee in view of the representations received and in relation to the scale of the proposal.

4.0 COMMUNITY REPRESENTATIONS

This section provides a summary of consultee comments and public representations. The full comments can be viewed on the planning file at: [Simple Search](#)

4.1 Consultee Comments

- 4.1.1 *The main part of the site lies within the parish of Uffington. The access road to the site lies within the parish of Upton Magna.*
- 4.1.2 **Uffington Parish Council** *Objects, on the grounds that the entrance to the development impacts on the Canal; and the resulting volume of traffic which would be exacerbated by the current parking issues in the village.*

Uffington is a small rural village with a narrow two-lane highway. Pedestrians and horse riders regularly use the narrow roads through the village. Concerns have previously been raised regarding traffic and speeding, and the existing road infrastructure is insufficient to manage an increase in traffic. The Parish Council is concerned that the safety of residents will be adversely affected by the increase in traffic.

Furthermore, the proposed access routes are not suitable for the type or volume of heavy goods vehicle traffic required during the construction and operational phases of a BESS facility. This contravenes Shropshire Council's Core Strategy Policy CS6 (Sustainable Design and Development Principles), which requires development to be accessible and safe for all users.

The site does not comply with guidance of the National Fire Chiefs Council, with poor site access for the emergency services to quickly attend and stop the fire spreading through the rest of the battery containers. The site is immediately adjacent to the A49 at

Uffington, and any incidents could result in severe congestion, severely delaying the response from Shropshire Fire and Rescue units.

In addition, the risk of thermal runaway in lithium-ion battery cells is a well-documented safety hazard. The Fire Chiefs Council guidance specifically recommends minimum access distances and separation between battery containers, which this application appears not to meet. It is therefore contrary to Paragraph 110 and 112 of the National Planning Policy Framework (NPPF), which require developments to be safe, and to consider emergency access arrangements.

There will be an environmental impact as a result of this application. There is potential noise pollution from continuous operational noise which will have an impact on residents.

This application fails to provide a comprehensive Environmental Impact Assessment (EIA), contrary to the requirements under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In the absence of verified baseline noise data and modelling of operational noise (including cooling systems and inverters), the application should be considered premature. Noise intrusion would directly affect residential amenity, contravening Shropshire Local Plan Policy MD7a and NPPF Paragraph 185.

There are significant safety concerns regarding the possible hazards associated with this application. The Parish Council would like to request that all concerns raised by Councillor Mallon are addressed by Shropshire Council as part of the planning process.

In particular, the Parish Council requests that a full Quantitative Risk Assessment (QRA) and Fire Safety Management Plan be submitted before any approval is considered. The absence of these assessments means that the development may not comply with the Health and Safety at Work Act 1974 and The Regulatory Reform (Fire Safety) Order 2005. These are material considerations when assessing planning applications for high-risk infrastructure such as BESS.

Additionally, the site lies in close proximity to residential properties and agricultural land, with no clear mitigation strategy for potential leachate or chemical spill containment. This raises further concerns under NPPF Paragraph 174, which requires that planning decisions prevent unacceptable risks from pollution and land instability.

The Parish Council also notes that no meaningful community engagement has taken place in advance of this application, which conflicts with Paragraph 39 of the NPPF encouraging early and effective engagement to resolve issues before formal applications are submitted.

Given the lack of evidence of compliance with national safety guidance, the potential impact on residential amenity, the risks to public safety, and conflicts with established local and national planning policy, the Parish Council strongly objects to this application and urges Shropshire Council to refuse planning permission.

4.1.3 **Upton Magna Parish Council** The Parish Council remain neutral on the proposal.

4.1.4 **Uffington Parish Council / Upton Magna Parish Council**

In addition to the individual comments above from the Parish Councils, the following joint comments have also been received:

Joint comments:

Uffington and Upton Magna Parish Councils wish to raise a concern regarding the increased volume of traffic, in particular heavy goods vehicles travelling in the surrounding areas, should both BESS applications be approved. It is felt that this would create a risk to residents and have a huge impact on the environment.

4.1.5 **Environment Agency** Standing advice applies.

BESS sites are not currently regulated under the Environmental Permitting Regulations (EPR). BESS also do not fall within Hazardous Substances Consent or COMAH regimes.

Risks to the environment from BESS developments: *BESS developments could present the following risks in our interest: they could be at risk of flooding; pollution risks (including fire-related risk) to surface water and groundwater; the links between flood risk and pollution risk; management of end-of-life batteries.*

Flood risk vulnerability classification: *For standalone BESS development, until the vulnerability classification is updated, or other guidance is provided by DLUHC (or DESNZ), we would advise that such facilities should be treated as 'essential infrastructure' if providing 'grid and primary substations storage' (e.g. if the BESS is connected to the national grid).*

Lifetime of development: *If applicants are suggesting a lifetime of 30 years or less we would recommend that a time-limited planning permission or controls that require flood risks to be re-assessed and addressed in future are confirmed.*

Risk to groundwater and surface water: *Under normal operation BESS developments do not present significant risks to groundwater or surface water. There is, however, potential for pollution of the water environment due to abnormal and emergency situations at BESS developments, in particular: fires. There is a risk that highly polluting chemicals in batteries could enter groundwater in firewater or rainfall. Applicants should assess risks to groundwater and the water environment, and ensure robust mitigation is in place for containment of this water. Where possible the applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring.*

While in the event of a fire at a BESS, it is accepted best practice to let the containers on fire burn out, it is likely water will be used to cool neighbouring containers. This water could enter burning containers through surface run off or directly from spray cooling neighbouring containers. Furthermore, during or following a fire at a BESS

development, water could enter exposed containers through rainfall during the period of time it takes to remove, or cover burnt out containers. The site must be able to accommodate an appropriately sized water storage for these events.

There should be appropriate space available on site for firefighting water storage and containment. We would suggest that the surface water drainage system incorporates suitable measures to prevent pollution of the water environment from firefighting run-off, in the event of a fire. For example, 'containment' through tanks or appropriately sealed containment drainage (lagoons tanks or storage) systems, on impermeable surfaces to hold firewater. Use of shut off valves, spill kits and drainage covers.

It may also be important to consider the risk of failure of mitigation measures to manage identified risks. For example, the risk that a containment system to contain surface water in the event of a fire failing because of the fire. The extent of the measures taken to assess and manage this risk may depend on the sensitivity of the groundwater or surface water bodies affected.

4.1.6 SC Archaeology Recommends a condition.

The proposed development site comprises approximately 3.12ha of agricultural and pastoral land east of Shrewsbury. The site is near several settlements with early medieval origins that were recorded in the Domesday Survey in the 11th century, the nearest of which is Uffington to the north of the site.

There are several known heritage assets in the vicinity of the site. The line of the former Shrewsbury Canal follows the eastern boundary of the site and crosses the proposed access, and the Shrewsbury to Wolverhampton railway line follows the southern boundary.

A multiperiod cropmark enclosure and field system comprising possible field boundaries and ditches of prehistoric to post medieval date is immediately to the east of the site and crosses part of the proposed access. Several other cropmark enclosures are recorded within approximately 600m of the site and the scheduled monument Uffington Roman Temporary Camp is approximately 400m to the northwest.

Officers concur with the heritage assessment conclusions that there is low potential that archaeological remains of the prehistoric periods and early medieval to medieval periods survive within the site, moderate potential for remains of the Iron Age or Roman period, and high potential for remains of industrial/post medieval to modern periods.

It is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an initial geophysical survey and subsequent targeted trial trenching across the site, followed by further mitigation as necessary.

4.1.7 SC Conservation No objection.

We concur with the findings of the Heritage Assessment and also note the landscape

mitigation measures being proposed. We previously commented on the need for appropriate and recessive colour finishes for the storage system and related infrastructure within this rural context, and reiterate this comment again. No heritage objection is raised, where these comments are made having regard to local policies CS5, CS6 and CS17; MD2 and MD13; national policies and guidance including the National Planning Policy Framework (NPPF) at Chapter 16, as well as Historic England Guidance including GPA3, and we would also note the legislative requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as revised where the Act requires the need to pay special regard to the preservation of listed buildings and their settings.

4.1.8 SC Ecology Recommends conditions.

Biodiversity Net Gain

The BNG Assessment states that a net gain of 1.42 (14.82%) habitat units and 0.57 (18.66%) watercourse units will be provided on-site. The BNG is considered to be significant, therefore a s106 will be required to secure the BNG for 30 years.

Great crested newts

The Ecological Appraisal states that ‘A single waterbody is located 45m north of the site at the nearest point and is known to support great crested newts.’ A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate has been submitted which confirms that the project is eligible to enter the District Level Licensing scheme and that the developer intends to do so.

With the submission of the IACPC, and provided that works are carried out under the District Level Licensing scheme, SC Ecology are satisfied that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations. As stated in the IACPC, ‘[I]n signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy regulation 55 (9) (b) of the 2017 Regulations (“that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”) and has concluded that the payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant’s proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range.’

A European Protected Species 3 tests matrix will need to be completed and must be included in the planning officer’s report and discussed/minuted at any committee at which the application is considered.

Conditions and informatives

Conditions are recommended to require that a District Level Licence for great crested newts is obtained; that bird and bat boxes are erected in accordance with details to be agreed; and that approval is obtained in respect of any external lighting.

4.1.9 **SC Trees** No objections. Recommends conditions.

The proposed development will require the removal of a small portion of a young group of trees for the visibility splay associated with the site access, which can be readily compensated by the new native tree and hedge planting indicated on the submitted landscaping plan. The root protection area (RPA) of 5 retained trees will be partially affected by construction of the new access track to and around the perimeter of the BESS site. However, a 'no-dig' methodology is proposed within the RPA, utilising a 3 dimensional cellular confinement system to act as a load bearing sub-base, thereby avoiding damage to tree roots, which are retained in situ. Three of the five trees already have an existing field access of compacted grass or stone and gravel passing through their RPA, on the same route as the proposed track. Additional impacts should therefore be negligible for these trees.

Tree protection conditions are recommended should permission be granted.

4.1.10 **SC Landscape** Recommends conditions.

The assessment of landscape and visual effects has been carried out in a clear, robust and evidence-based approach in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) and other technical guidance notes. It has been undertaken by a Chartered Landscape Architect with suitable experience.

The predicted landscape effects in respect of landscape elements and landscape character are concluded to be no greater than Slight adverse when considered on a receptor unit level.

There would be 'Negligible' effects for twelve of the sixteen visual receptors. For the remaining receptors, 'Moderate' adverse effects are predicted at Year 1 for two receptors (residents of 1 and 2 Brickyard Cottage and visitors to Haughmond Hill toposcope and other elevated viewpoints) which would reduce to 'Slight Adverse' effects by Year 10. For residents of The Manse and users of the Wolverhampton-Shrewsbury railway line, effects would be 'Slight Adverse' at Year 1 reducing to 'Negligible' for residents of The Manse by Year 5.

The effects predicted in the LVA are summarised in the table below.

Receptor	Year 1	Year 5
Landscape receptors		
Landscape Elements: Vegetation of the Site and its boundaries	Negligible	Slight beneficial
Landscape Elements: Landform of the Site and its environs	Slight Adverse	Slight adverse

Landscape Character: Estate Farmlands Landscape Type	Slight adverse	Slight adverse
Landscape Character: Wooded Hills and Farmlands Landscape Type	Negligible	Negligible
Visual receptors (residents)		
Residents of The Manse	Slight adverse	Negligible
Residents of Arley House	Negligible	Negligible
Residents of The Chimneys and Manse Lodge	Negligible	Negligible
Residents of 1 and 2 Brickyard Cottage	Moderate adverse	Slight adverse
Residents of southern edge of Uffington and Bridge Farm	Negligible	Negligible
Residents of eastern edge of Shrewsbury	Negligible	Negligible
Visual receptors (recreational)		
Users of PRowS 0437/30/1, 0435/5/1, 0437/30/2, 0435/7/1, 0435/7/2 at base of Haughmond Hill	Negligible	Negligible
Users of PRow 0437/30/3 and 0435/30/1 on Haughmond Hill	Negligible	Negligible
Users of PRow 0443/9/2 of Severn Way	Negligible	Negligible
Users of 0443/UN12/1 edge of Shrewsbury	Negligible	Negligible
Visitors to Haughmond Hill toposcope and other elevated viewpoints	Moderate adverse	Slight adverse (Year 10)
Visitors to Monkmoor Community Woodland and Monkmoor River Ground	Negligible	Negligible
Visual receptors (vehicular)		
Users of minor road passing the Site entrance	Negligible	Negligible
Users of the A49	Negligible	Negligible
Users of other minor roads within the Study Area	Negligible	Negligible
Users of Wolverhampton-	Slight adverse	Slight adverse

Shrewsbury railway line		
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The LVA can be relied upon to support making an informed planning decision. The predicted adverse effects are localised, and it is considered that the Proposed Development generally complies with relevant aspects of the Council's Local Plan policies on landscape and visual amenity. It is recommended that conditions are added to the decision to require that details of maintenance of landscaping, and the external materials and colour of structures, are submitted for approval.

4.1.11 SC Environmental Protection Recommends conditions.

The revised noise assessment proposing the use of different equipment, namely, the battery units and inverters providing a reduced noise source which would provide better assurances that noise would be mitigated providing an acoustic fence is also installed with the scheme, as originally proposed. This approach would be consistent with other approved sites around the UK.

A condition should be imposed to required that the units detailed in the noise assessment are installed; that the acoustic fence is installed prior to operation; and that a post-commissioning noise assessment is undertaken.

4.1.12 SC Highways No objection. Recommends conditions.

From a highways perspective, it is considered that, once fully operational the proposed Battery Energy Storage System (BESS) would be unlikely to significantly adversely impact on the surrounding highway network, with one to two maintenance visits per month.

A detailed Transport Statement and Construction Traffic Management Plan has been submitted with this application and the access from the public highway is to be improved to accommodate construction traffic. The Transport Statement shows that at peak construction there would be up to 4 two way HGV movements per day falling to 1-2 HGV's every other day. It is also noted that all deliveries will be managed on a 'just in time' delivery basis.

Conditions are recommended to cover the following matters:

- *Completion of access improvements prior to use of development*
- *Construction of access apron in accordance with the Council's specification*
- *Provision of visibility splay prior to use of development*
- *Completion of internal access track, turning and servicing areas*
- *Restriction on erection of gates within 15 metres of the highway boundary*
- *Adherence to Construction Traffic Management Plan.*

4.1.13 SC Drainage No objection. Recommends a condition.

The submitted FRA and outline drainage strategy is acknowledged. The pluvial flood risks identified in the FRA are in agreement with information reviewed by the LFA. The proposed location of the developed areas within the site boundary is appropriate. Asset

mapping also indicates a high risk of groundwater flooding in the southwest corner and therefore drainage features such as infiltration basins and attenuations basins should not be located in this area.

It is recommended that a condition is imposed to require that a scheme of surface and foul water drainage is submitted for approval. This should include the following details: infiltration testing; layout plans and calculations; a SuDS maintenance plan.

4.1.14 SC Emergency Planning No comments received.

4.1.15 Canal and River Trust No objections. Recommends conditions.

The proposed access is over land within the Trust's freehold ownership. The route of the Shrewsbury and Newport Canal is safeguarded in the local development plan and its restoration is promoted within the Site Allocations and Management of Development Plan (2006-26) policy MD11. The Trust is supportive in principle of canal societies' aspirations to restore canals and are aware that the Shrewsbury and Newport Canals Trust is actively working towards securing the restoration of this canal to full navigation, in particular the section adjacent to the application site.

The Trust are in negotiation with the developer for a cable crossing to the substation.

The LVIA should be revised so that it recognises the former Shrewsbury and Newport Canal (SNC) as a recreational resource rather than as 'disused'. The proposed landscaping is thin and does not create further layers of vegetation, such as a woodland mix.

Conditions are recommended as follows:

- *submission of a Construction Environmental Management Plan for approval, to prevent pollution of the canal environment*
- *submission of details of materials and colour treatment, landscaping retention and augmentation, tree planting/retention/protection measures, and boundary treatment*
- *compliance with the recommendations in the Preliminary Ecological and Arboricultural Appraisals*
- *details of external lighting to protect the ecology of the canal corridor*
- *details of cable routing and directional drilling requirements, and construction methodology of the access route/bridge over the canal restoration line*

Biodiversity Net Gain

The scheme does not include watercourse units within its BNG assessment. The Council should also reassure itself that a sufficient justification for the absence of watercourse units within the submitted BNG metric, if applicable, has been put forward.

4.1.16 Shrewsbury and Newport Canals Trust Recommends planning conditions.

The S&NCT is actively restoring the Shrewsbury Canal in order ultimately to restore it to full navigation. Work is taking place on the stretch of canal alongside the Shrewsbury

Electricity Sub Station and the next phase will be the stretch alongside the proposed BESS. Initial engineering and potential financial plans are in place for a planned crossing of the A5, and active restoration of the canal on the other side of the A5 is taking place.

It is requested that details are provided of any cable duct or culvert that may be required under the canal. We have no objection in principle to the use of a Bailey Bridge to allow the crossing of the canal by construction traffic, however details should be provided. The S&NCT suggests that a lifting bridge or fixed bridge is installed for operational traffic. The S&NCT has had initial discussions with the applicant on the above matters. These matters should be agreed as part of pre-commencement conditions.

4.1.17 Network Rail No objections.

4.1.18 Shropshire Fire and Rescue Service No objections.

Even though there are relatively few recorded fire incidents involving battery energy storage systems (BESS), when affected by fire, they pose a significant environmental and safety hazard. Further measures may be required to mitigate the risk of fire and the risk posed to the environment in the event of a fire. This may include compensatory features to limit the runoff of contaminated water into nearby waterways. Consideration should be given for lithium-ion battery failure and implementing mitigating measures such as best practice in BESS design and installation that can reduce the risk or impact of failure. The causes and effects of thermal runaway, rapid pressure build-up and toxicity of gases should be considered, with suitable control measures applied. Early consultation with Shropshire Fire and Rescue's operational department will ensure effective approaches can be followed.

In addition, as part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" included in the links below

<https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>

<https://www.gov.uk/government/publications/grid-scale-electrical-energy-storage-systems-health-and-safety>

<https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

4.1.19 Cllr Brendan Mallon (Local Member – Tern) Objects.

Scope and Missing Information

- 01• The applicant has referenced National Fire Chief Council guidance and contacted the Fire and Rescue Service regarding access and water provision.
- 01• However, there are missing details about normal and emergency monitoring and control of the batteries, as well as fundamental risks associated with the site.

Lithium-Ion Battery Technology and Hazards

- Lithium-ion battery technology is a mature technology but poses significant risks, especially when scaled up for large storage applications.
- Main hazards include mechanical, electrical, and thermal damage, with thermal runaway being particularly dangerous and difficult to stop once initiated.
- Fires in large battery installations are intense, self-sustaining, and produce toxic gases and heavy metal pollution, which can have both immediate and long-term health and environmental impacts.

Real-World Incidents and Risks

- There have been several major incidents, including fires and explosions at battery storage sites in California, Arizona, South Korea, and the UK.
- The Moss Landing fire in California (January 2025) resulted in significant health complaints and environmental contamination, with heavy metal levels far exceeding safe limits even miles from the site.
- The risk of catastrophic failure increases with battery size, and the document highlights a poor risk profile for large-scale battery storage facilities.

Statistical Risk Assessment

- Data from the Electric Power Research Institute (EPRI) suggests a 50:50 chance of a failure at a 200 MWh site over a 50-year lifespan.
- Of the five largest battery storage sites worldwide, three have experienced fires in less than five years.
- The UK has already seen a major fire at a large site (Thurrock, February 2025) among just 18 large installations commissioned since 2022.

Uffington Proposal Specifics

- The site has two access points and water provision plans, but concerns remain about the effectiveness of emergency response due to potential traffic disruption.
- There is no mention of automated or remotely activated water spraying systems, and the proposed "aerosol fire extinguishing system" is deemed ineffective for lithium-ion fires.
- The proposal lacks detail on environmental management for contaminated run-off and on the specifics of battery monitoring and control, especially given the scale (over 200,000 cells).

Environmental and Public Health Risks

- Toxic gases and heavy metals from fires pose risks to nearby built-up areas, with prevailing winds potentially carrying pollutants to Uffington, Upton Magna, and even Shrewsbury.
- There is a need for more information on how these risks will be managed and mitigated.

Summary

- BESS is still an experimental technology with an absolutely appalling safety profile
- operational testing is being conducted 'live', exposing the public to the now well-

known hazards

- ongoing testing of this technology should remain confined to isolated, controlled sites and certainly not where it exposes the wonderful ecology, heritage and people of Shropshire to such ecological and health risks.

Addendum

- the site is only accessible from a single track to the north-east, in contravention of NFCC guidance to have at least two, separate access points.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice. 19 public objections have been received. In addition, a petition objecting to the application which has been signed by 41 people the local area has been submitted. The matters raised are summarised below. The full representations can be viewed on the planning file.

Traffic, Access, and Road Safety

- increased construction and operational traffic, especially heavy goods vehicles (HGVs), on narrow village roads.
- roads are already congested, with limited parking and weight restrictions, making them unsuitable for large construction vehicles.
- risks to pedestrians, cyclists, horse riders, and residents are highlighted, with fears of accidents and further road damage.
- construction traffic is expected to last over a year, with daily HGV journeys far exceeding what the village infrastructure can handle.

Impact on Rural Character and Visual Amenity

- the development would industrialise a rural, scenic area, permanently altering the village's character and diminishing its natural beauty.
- loss of open fields and scenic views is a significant concern, with impacts on heritage and daily enjoyment.

Noise Pollution and Disturbance

- Continuous operational noise from the BESS (especially cooling fans and electrical components) would disrupt the tranquillity of the area, particularly at night.
- Construction noise and vibration will further impact residents' quality of life.

Property Devaluation

- reduction in property values due to proximity to the BESS, increased traffic, and noise.

Human Rights and Wellbeing

- the proposal would infringe residents' rights to enjoy their homes and private lives peacefully ref. Article 8 of the Human Rights Act 1998
- cumulative effect of noise, pollution, and disruption would be detrimental to both physical and mental health.

Environmental and Safety Risks

- risk of fire (including reference to recent BESS fires elsewhere in the UK) and potential for toxic gas release are serious safety concerns.
- proximity to sensitive sites such as a primary school and Attingham Park.
- queries about emergency access, fire service response times, and evacuation plans.
- fears of soil contamination, loss of habitats, and long-term ecological damage.

Consultation and Process

- insufficient consultation with local residents and relevant groups (e.g., canal restoration trusts).

Matters raised in the petition:

- proposal would blight the community and environment; the build phase would be 18 months of traffic chaos and misery for all villages; the environment should be protected not destroyed

5.0 THE MAIN ISSUES**5.1**

- Environmental Impact Assessment screening
- Planning policy context; principle of development
- Siting, scale and design; landscape and ecological considerations
- Residential and local amenity considerations
- Historic environment considerations
- Traffic and access considerations
- Ecological considerations
- Flood risk and drainage considerations

6.0 OFFICER APPRAISAL**6.1 Environmental Impact Assessment (EIA) screening****6.1.1**

Battery storage proposals are not specifically referred to in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, they can be considered to fall within Category 3(a) of Schedule 2 as an 'Industrial installation for the production of electricity, steam and hot water'. As its area exceeds 0.5 hectare it is Schedule 2 development. The selection criteria for screening Schedule 2 developments are set out in Schedule 3 of the 2017 Regulations. Planning Practice Guidance (PPG) on Environmental Impact Assessment provides further advice in relation to screening. This includes indicative criteria to help to determine whether significant effects are likely. For category 3(a) development the PPG states that EIA is more likely to be required where the thermal output is more than 50MW, and that small stations using novel forms of generation should be considered carefully. The PPG states that key issues to consider are the level of emissions to air, arrangements for the transport of fuel, and any visual impact. The proposed development has been considered in relation to relevant regulations and guidance. The site does not lie within a 'sensitive' area as defined in the regulations. The proposed development does raise land-use impacts due to its scale, nature and location, and these have been considered as part of the planning process. However, in terms of EIA, taking account of matters such as the sensitivity of the area; any likely pollution, nuisance or waste generation; the nature and

probability of impacts; and the possibility of effectively reducing the impact, it is not considered that the proposed development would be likely to have significant effects on the environment by virtue of its characteristics; its location; and the type and characteristics of the potential impact. On this basis, the Council adopts a Screening Opinion that EIA is not required.

6.2 Planning policy context; principle of development

6.2.1 The BESS would enable energy from renewables, such as solar and wind, to be stored and then released when consumers need the power the most. Fossil-fuel fired plants have traditionally been used to manage peaks and troughs of energy demand. BESSs help to offset the need for this by being able to release stored energy in response to peaks in demand. The proposed development would have the capacity to store enough electricity to power over 26,666 typical local homes for a day. The proposal would therefore provide a key part of an increase in the proportion of energy which is generated by renewable means.

6.2.2 National and Development Plan policy

Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050, and support renewable and low carbon energy and associated infrastructure. Paragraph 168 of the NPPF states confirms when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

6.2.3 National planning practice guidance (PPG) on Renewable Energy states:

“Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity” (Paragraph: 032 Reference ID: 5-032-20230814).

6.2.4 This type of facility is supported by national government through its planning practice guidance and through its ambitions such as Clean Power 2030 to significantly increase battery storage capacity. The Government's Overarching National Policy Statement for Energy (EN-1) (November 2023) is a material consideration in determining planning applications. It states that “storage has a key role to play in achieving net zero and providing flexibility to the energy system...” (para. 3.3.25) and “Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher” (para. 3.3.26).

6.2.5 Strategic Objective 9 of the Council's Development Plan seeks to promote a low carbon Shropshire, through measures such as delivering development which mitigates, and adapts to, the effects of climate change, more efficient use of energy and resources, and the generation of energy from renewable sources. The proposal aligns with the

Council's planning policies to support renewable energy generation, and also the Council's strategies for this. These include Core Strategy policy CS8 which positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation.

- 6.2.6 SAMDev Plan policy MD8 states that new strategic energy infrastructure will be supported in order to help deliver national priorities, where its contribution to agreed objectives outweighs the potential for adverse impacts. Relevant considerations are discussed below.

6.3 Siting, scale and design; landscape considerations

- 6.3.1 The site lies in an area which is defined as countryside for planning policy purposes. Core Strategy policy CS5 provides support for such locations to be used for infrastructure which cannot be accommodated within settlements. There is no in principle planning policy concerns regarding this countryside location for the proposal. Policy CS6 states that development should respond to the challenge of climate change and protect, restore, conserve and enhance the natural, build and historic environment. Policy CS17 has similar objectives. SAMDev Plan MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value.

- 6.3.2 Siting: The application states that this particular location has been selected due to its proximity to the main Shrewsbury substation. In addition, a grid connection has been secured for the project. Natural screening is provided in the landscape by existing vegetation and the railway embankment.

- 6.3.3 Landscape and visual considerations: A Landscape and Visual Appraisal (LVA) has been submitted as part of the application. This assesses impacts at year 1 and that at year 5 once the landscape mitigation planting has begun to establish. Trees within and adjacent to the site would be retained. Mitigation planting would include 30 native trees and 45 metres of native hedge near the site entrance. The LVA identifies that that landscape effects would reduce to between slight adverse and slight beneficial after 5 years of operation. Visual effects on residents of the dwellings to the north would reduce to slight adverse by year 5, and for visitors to Haughmond Hill they would reduce to slight adverse at year 10. For other residents, visual effects would be negligible.

- 6.3.4 The Council's landscape consultant has confirmed that the LVA can be relied upon, that the predicted adverse effects are localised, and that the proposal generally complies with landscape and visual amenity-related planning policies. Officers conclude that, with the landscape mitigation in place, the proposal would not result in unacceptable impact in relation to landscape and visual receptors.

- 6.3.5 Canal considerations: Access to the proposed BESS would be across the disused Shrewsbury & Newport canal via an existing low-level crossing which provides access to agricultural land by farm vehicles. No changes to the crossing are proposed.

- 6.3.6 As noted by the Canal and River Trust (CRT), the line of the disused canal is

safeguarded as part of the Development Plan and its restoration is promoted under policy MD11. The proposed development would only utilise the existing low level crossing point and would not impact on the canal channel either side. The proposal therefore does not conflict with any safeguarding objectives.

- 6.3.7 The CRT raise no objection to the proposals. Any legal agreement that they may require the applicant to enter into in relation to works on their land would be a non-planning matter to be dealt with separately by the two parties. The matters raised by the Shrewsbury & Newport Canal Trust are acknowledged. Those relating to construction traffic can be dealt with through agreement of a Construction Environmental Management Plan. A planning condition can be imposed to require that details of any cabling and any works to the canal crossing are submitted for approval.

6.4 Residential and local amenity considerations

- 6.4.1 Core Strategy policy CS6 requires that development safeguards residential and local amenity and is designed to be safe.

6.4.2 Noise considerations:

A Noise Impact Assessment has been submitted as part of the application. This assessment predicts noise impact in relation to the nearest noise-sensitive properties. It is based upon a worst case scenario which includes receptors being downwind of the site, all plant items operating simultaneously, and there being no acoustic barriers. The assessment concludes that there would be a low impact at the receptors during daytime and night-time. It states that the dominant noise source in the area is road traffic from the A5 and A49, and that noise from the BESS would be low in comparison. To provide additional noise attenuation it is proposed to erect a 4 metres high acoustic barrier around the site.

- 6.4.3 Subject to the imposition of conditions to require that the units and barrier specified in the application are provided, the Council's Environmental Protection Officer has raised no objections on noise grounds. As an additional safeguard, a post-commissioning noise survey can be required to ensure that the relevant noise limits are not exceeded.

6.4.4 Safety considerations:

The concerns that have been raised through public representations and by the local member are acknowledged. National planning practice guidance (PPG) encourages applicants to engage with the relevant local fire and rescue service before submitting planning applications for BESSs. This is so matters relating to their siting and location, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made. The PPG also encourages applicants to consider [guidance produced by the National Fire Chiefs Council](#) when preparing the application. The applicant has followed this advice.

- 6.4.5 The PPG states "The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004".

- 6.4.6 The application states that there are multiple protection and safety devices incorporated within the design of the BESS. These include fire detection in each container, over-temperature protection, ventilation systems, and aerosol fire extinguishing system. A Fire Strategy Plan has been submitted. This confirms that the site has been designed in accordance with the guidance contained in the Fire and Rescue Services document as referred to above. The Plan confirms that the proposal complies with the following:
- Compliance with UL 9540A (Test Method for BESSs); provision of secondary access/exit point for emergency vehicles giving consideration to varying wind conditions; provision of localised water hydrants; provision of passing places on access route which are suitable for fire service vehicles; 3 metres spacing between battery storage units; sufficient distance to occupied buildings; avoidance of battery storage units within 10 metres of combustible vegetation; suitable internal access for fire rescue emergency vehicles.
- 6.4.7 In line with Government advice, the local fire and rescue service has been consulted on this application. They have provided advice and have raised no objections to the design of the proposal.
- 6.4.8 Officers consider that the relevant planning advice and recommendations have been adhered to, and that consultation with the relevant technical bodies has not resulted in any significant safety issues being raised.
- 6.4.9 It is considered that it would be appropriate to require that a Detailed Battery Safety Management Plan (DBSMP) and a detailed Emergency Response Plan (ERP) is submitted for approval. This can be dealt with through a planning condition, and is in line with other planning permissions granted for BESSs, including those granted by the Planning Inspectorate on appeal.
- 6.4.10 Lighting
The site would be unmanned and lighting would only be required during maintenance periods which would be undertaken during normal working hours, or in an emergency. Any lighting would be background lighting pointing downwards. A planning condition can be imposed to require that the design of any lighting is submitted for approval.
- 6.5 Historic environment considerations**
- 6.5.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 require that development protects, restores, conserves and enhances the built and historic environment and is appropriate in scale, density, pattern and design, and that harm or loss is avoided.
- 6.5.2 A planning condition can be imposed to require that an appropriate level of archaeological investigation work is undertaken prior to any construction works commencing, as requested by the Council's Archaeologist, in view of the potential archaeological interest of the site. The submitted Heritage Assessment identifies that the proposed development would affect the setting of a scheduled monument which is at the summit of Haughmond Hill approximately 1.18km away, but that this would be at the lowest end of less than substantial. Paragraph 212 of the NPPF states that great weight should be given to the conservation of heritage assets. This is discussed further

in the planning balance section below.

6.6 Traffic and access considerations

- 6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity.
- 6.6.2 Once operational, the BESS would be unmanned and would be operated and monitored remotely. The site includes parking spaces to accommodate occasional visits which would be likely to comprise fortnightly maintenance visits using a small van or 4x4 type vehicle.
- 6.6.3 The construction phase would take approximately 14 months. Traffic associated with construction, decommissioning and operational phases would access the site via the existing field access from the public highway. This access would be widened and re-surfaced. The informal grass track would be surfaced with stone, and passing places would be provided. Due to physical constraints, HGV construction traffic would access and egress the site to/from the northwest. This is the most expedient route to and from the principal road network.
- 6.6.4 In relation to traffic, the main impacts would occur during the construction phase. The Transport Statement predicts that there would be a peak of four 2-way HGV movements per day, and an average of one 2-way movement every other day. Other traffic would be associated with contractors is predicted to amount to up to 30 2-way movements per day by light vehicles. The Council's Highways Officer has raised no objections to the proposal and has confirmed that the Construction Traffic Management Plan is acceptable. A condition can be imposed on the decision to require that this is adhered to.

6.7 Ecological considerations

- 6.7.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets.
- 6.7.2 Protected species:
There are trees in the vicinity of the site with roosting features for bats, and these would be retained. There are records of great crested newt nearby. The applicant proposes to enter the Great Crested Newt licensing scheme. Acceptance onto this scheme, run by Natural England, confirms that the impacts on this protected species would be adequately compensated, and that the requirements of the Habitats Regulations would be met. The relevant European Protected Species 3 tests matrix has been completed and is appended to this report.
- 6.7.3 Biodiversity Net Gain (BNG)
The Biodiversity assessment has been revised to incorporate a watercourse assessment. The submitted information demonstrates that the statutory 10% BNG would be achieved on site. This would be achieved by carrying out works to raise the

condition of the ditch which runs along the north-western boundary of the site from 'poor' to 'moderate'. A Section 106 agreement would secure BNG for 30 years and facilitate monitoring of this.

6.7.4 Ecological protection and enhancement

Other enhancement work would include the planting of trees at the site, adjacent to the disused canal. The conditions that have been recommended by the Council's Ecological for ecological protection and enhancement purposes can be included on the decision notice.

6.8 Flood risk and drainage considerations

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

6.8.2 The submitted Flood Risk Assessment acknowledges that the western half of the application site is at risk of surface water flooding. However, the BESS structures would not be situated at this part of the site and would be constructed on a raised platform to ensure it is resilient to local flood risk. It is intended that surface water runoff from the BESS would be conveyed to an infiltration basin or attenuated before discharging to an existing watercourse at greenfield runoff rates. In the event of a fire, polluted run off would be directed into a fire water storage system. Detailed arrangements for surface water drainage can be agreed as part of a scheme to be submitted for approval should permission be granted, as recommended by the Drainage team. This would include infiltration testing to inform the most appropriate method of water management.

7.0 Planning Balance and Conclusion

7.1 The proposed BESS would support the increase in renewable energy generation and the transition to net zero by improving demand management. It would provide more than 14% BNG, exceeding the statutory requirement of 10%. Officers acknowledge the concerns that have been raised in relation to this proposal through public representations. Nevertheless, Officers consider that the location, design and layout of the facility is acceptable. There are no objections raised by technical consultees. Detailed matters can be agreed through planning conditions, including those relating to detailed safety management issues. The proposal would result in some local disturbance during the construction period, and planning conditions can be imposed to ensure that this is minimised.

7.2 The proposed development would affect the setting of a scheduled monument, and this harm would be at the lowest end of less than substantial. Officers consider that this harm would be outweighed by the public benefits of the proposal, and therefore the test required by paragraph 215 of the NPPF is met.

7.3 This type of facility is supported in principle under Government policy and the proposal is in line with national planning policy and Development Plan policy. On this basis, Officers recommend that planning permission is granted subject to the completion of a Section 106 agreement to secure BNG, and to the conditions set out in Appendix 2.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

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

EUROPEAN PROTECTED SPECIES: The ‘three tests’

Application reference number, site name and description:

25/00531/FUL
Electricity Sub-station, Uffington, Shrewsbury, Shropshire, .
Installation of a Battery Energy Storage System (BESS) and associated infrastructure.

Date:

23rd July 2025

Officer:

Sophie Milburn
Planning Ecologist
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Test 1:

Is the development ‘**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The proposed development would provide significant environmental benefits in terms of supporting the development of renewable energy generation, and is therefore of overriding public interest.

Test 2:

Is there ‘**no satisfactory alternative?**’

There is no satisfactory alternative means of providing this facility which would result in the same environmental benefits as would be provided by the proposed

development.

Test 3:

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

A single waterbody is located 45m north of the site at the nearest point and is known to support great crested newts.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (Enquiry no. DLL-ENQ-SHRP-00082) has been submitted which confirms that the project is eligible to enter the District Level Licensing scheme and that the developer intends to do so.

With the submission of the IACPC, and provided that works are carried out under the District Level Licensing scheme, SC Ecology are satisfied that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations. As stated in the IACPC, '[I]n signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy regulation 55 (9) (b) of the 2017 Regulations ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range") and has concluded that the payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of great crested newts at favourable conservation status within their natural range, provided that the 'District Level Licence condition for GCNs' condition included in the response from Sophie Milburn to Kelvin Hall (dated 23rd July 2025) is included on the decision notice and is appropriately enforced.

Guidance

The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report, and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Preserving public health or public safety must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there 'no satisfactory alternative'?

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Development Plan policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD8 - Infrastructure Provision
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPM/24/00201 Installation of a battery energy storage system (BESS) and associated infrastructure PREAMD 5th December 2024

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SRJ8WFTDFRM00>

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 Brendan Mallon
Appendices APPENDIX 2 - Conditions

APPENDIX 2 - 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 BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

Reason: The site is known to hold archaeological interest.

5. WORDING TO BE ADDED

6. The development (including any works of site preparation / remediation) shall proceed only in strict accordance with a Construction and Environmental Management Plan which has been submitted to and approved in writing by the local planning authority. The Plan shall include / provide for:

- a) the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in site preparation and in constructing the development;
- b) measures to control the emission of dust and dirt during site preparation and construction;

- c) details of protective measures (both physical measures and sensitive working practises) to avoid negative impacts on the canal restoration line during site preparation and construction;
- d) A timetable to show phasing of site preparation and construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);
- e) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation
 - iii) Installation of physical protection measures during site preparation and construction;
 - iv) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during site preparation and construction;
 - v) Provision of training and information about the importance of Environment Protection measures to all site preparation and construction personnel on site.

Reason: To safeguard the environment of the canal restoration line in accordance with Policy CS6 of the Shropshire Core Strategy 2011 and Policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

7. No development shall take place until details of the external materials and colour of the battery storage units and infrastructure (cabins and fencing) associated with the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

8. No development shall take place (including vegetation clearance and ground works) until a District Level Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority.

Reason: To ensure the protection of great crested newts, which are European Protected Species.

9. The internal access track, turning and servicing areas shall be satisfactorily completed and laid out in accordance with the Site Plan Drawing No. 22-0226-PL-01_REV.07 prior to work commencing on the BESS site. The approved areas shall thereafter be maintained at all times for that purpose.

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

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

10. All pre-commencement tree works and tree protection measures as detailed in Section 2 (Arboricultural Impact Assessment), Section 3 (Arboricultural Method Statement), Appendix 5 (Tree Protective Barrier), Appendix 6 (Ground Protection), Appendix 7 (Cellweb) and Plan 2 (Tree Protection Plan) of the approved Arboricultural Appraisal (P:934_AA, Salopian Consultancy Ltd, 30.01.2025) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

11. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and time scales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

12. (a) No above ground works shall take place until methods of cultivation and planting; and a maintenance regime for the landscape proposals outlined in the Landscape Mitigation Plan (T1101-001) have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

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

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

13. No alterations or works to the canal crossing shall be undertaken other than in accordance with details that have received the prior approval of the local planning authority.

Reason: To ensure that work to the canal is acceptable in relation to its protected status.

14. The development shall be implemented in accordance with the Arboricultural Method Statement (Section 3) and Tree Protection Plan (Plan 2) of the approved Arboricultural Appraisal (P:934_AA, Salopian Consultancy Ltd, 30.01.2025). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

15. The development hereby permitted shall not be brought into use until the acoustic fence as shown in Drawing SD-13 and positioned as shown in Proposed Layout Drawing PL-01.1 as been erected.

Reason: To protect local amenity.

16. Prior to first occupation / use of the site, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 2 artificial nests, of external box design, suitable for starlings (42mm hole, starling specific) and/or sparrows (32mm hole, terrace design).

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

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

17. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition), or on local amenity. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species; and protect local amenity.

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

18. The approved Construction Traffic Management Plan shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

19. The development hereby permitted shall not be brought into use until the improvements to the existing access have been completed. The access shall be a minimum width of 6 metres for the first 15 metres and provided with 7.5 metre radii. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To provide a safe access to the development in the interests of highway safety.

20. The access apron shall be constructed in accordance with the Council's specification currently in force and shall be fully implemented prior to the development being brought into use.

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

21. Prior to the commencement of the use hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan Drawing No. SA51536-BRY-ST-PL-C-0002. The splay shall thereafter be maintained at all times free from any obstruction above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

22. No alternative battery unit or associated plant shall be provided at the site to those which have the sound power level as specified within Noise assessment Report Ref 13890.01.V2 Table 5. Any alternative plant shall not be provided other than as approved in writing by the local planning authority.

Reason: To protect local amenity.

23. Within four months of the scheme being fully operational a noise assessment should be undertaken to provide evidence that the level of noise does not adversely affect the nearest noise sensitive receptors. This assessment will be submitted as proof of compliance and maintained thereafter. If compliance has not been achieved the report will propose further mitigation measures to achieve compliance.

Reason: to protect amenity

24. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 15.0 metres of the highway boundary.

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

25. The development hereby permitted shall be limited to a period of 45 years from the date of the first export of electricity to the Grid. This date is referred to hereinafter as 'the First Export Date'. Written notification of the First Export Date shall be given to the Local Planning Authority within 1 month of the First Export Date.

Within a period of 44 years and 6 months following the First Export Date, or in the event of the development hereby permitted ceasing to export electricity to the Grid for a continuous period of more than 12 months then within 6 months from the end of that 12 month non-electricity storing period, a Decommissioning Scheme to include details of the removal of all structures, equipment, and infrastructure relating to the development hereby permitted shall be submitted to the Local Planning Authority. Additional details or a revised Decommissioning Scheme must be submitted if requested by the Local Planning Authority, within its stated timescale. Once the Decommissioning Scheme is approved in writing, the development hereby permitted shall be decommissioned in accordance with the approved details.

Reason: To ensure satisfactory decommissioning and restoration of the site to protect amenity and the character of the area.

Informatives

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

2. HIGHWAYS ADVICE

Works on, within or abutting the public highway

Planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

S184 Licence

The applicant will require a licence, issued by the Highway Authority, to carry out the necessary works to form the widened access. Details of how to obtain this licence, the charges made and the specification for the works are available by following the link attached to the informative note 'Works on, within or abutting the public highway' attached.

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Therefore, it is in the developer's best interest to contact the Council's Streetworks Team, prior to the commencement of any works, to agree the condition of the local highway. If no pre-start condition survey/agreement is made, the Council will assume that the affected street, is in a satisfactory condition. Therefore, any damage occurring to any part of the street during the period of construction, will subsequently become the responsibility of the developer, to repair or contribute towards any additional required maintenance, to make good the damage.

3. ECOLOGY ADVICE

District Level Licence informative

No development shall take place (including vegetation clearance and ground works) until a District Level Licence with respect to great crested newts has been obtained by the developer from Natural England, in accordance with the Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (Enquiry no. DLL-ENQ-SHRP-00082).

Bats and trees informative

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Nesting birds informative

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

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

All vegetation clearance, tree removal, 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.

General site informative for wildlife protection

Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as

amended).

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

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

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

If a 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. NETWORK RAIL ADVICE

Due to the nature of the proposals we recommend the applicant contact Network Rail Asset Protection (assetprotectionwales@networkrail.co.uk) prior to works commencing.

5. CANAL AND RIVER TRUST

1. The Applicant/Developer is advised that the works should be carried out in accordance with the 'Trust's Code of Practice for works affecting the Canal and River Trust'. To ensure that any necessary consents are obtained and the works are compliant with the Trust's current "Code of Practice for Works Affecting the Canal & River Trust" please contact Danilo Cugler, Works Engineer in the first instance on Danilo.Cugler@canalrivertrust.org.uk

2. The Applicant/Developer is advised to contact Jeff Peake in the Trust's Estates Team on 07795 226721 or email Jeff.Peake@canalrivertrust.org.uk to ensure that the necessary licences or agreements are obtained before any works are carried out.

3. The Applicant/Developer is advised to contact the Canal & River Trust's Utilities Team to continue discussions in relation to directional drilling for cable crossings, plus any direct or indirect surface water discharges from the development to the adjacent canal restoration line (including any continued use of existing discharges) as it may be necessary to obtain a fresh agreement from the Trust to do so. Please contact Philippa Walker, Regional Utilities Surveyor, at Philippa.Walker@canalrivertrust.org.uk in the first instance.

6. DRAINAGE ADVICE

a. General

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related documents section on the council's website at:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should also be followed.

Any proposed drainage system should follow the drainage hierarchy.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1% Annual Exceedance Probability rainfall event plus an allowance of 40% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site, equivalent to a greenfield runoff, rate must be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1% AEP rainfall event + 40% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The total site area used to estimate the existing Greenfield runoff rate should equal the impermeable area within the proposed development, it should not include any area of soft landscaping or other permeable area.

b. Tanker access

Swept path analysis for the site should include a typical tanker vehicle that would be required to remove contaminated fire water from the site.

c. Foul water - if applicable

If main foul sewer is not available for connection, British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.

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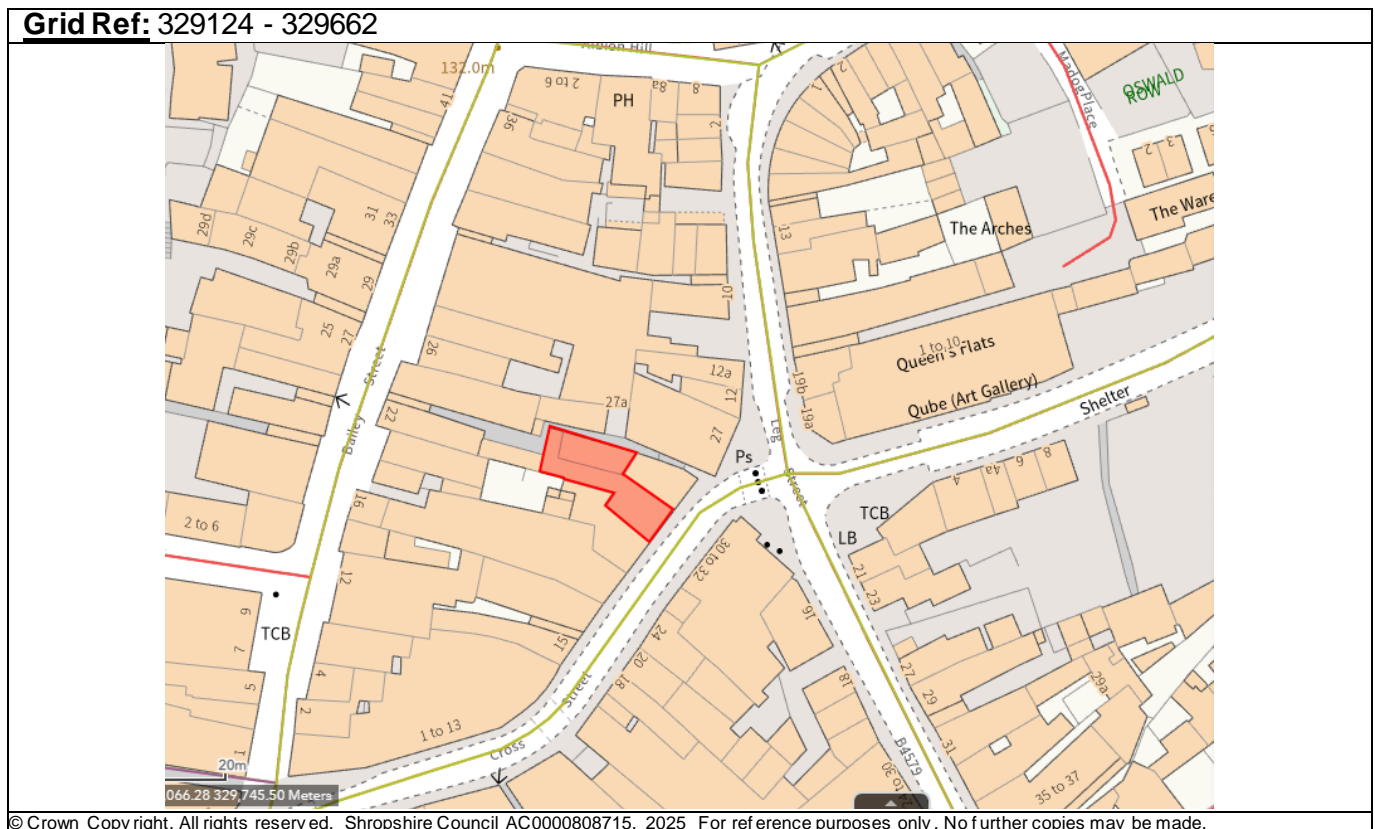
Committee and date
Northern Planning Committee
9th December 2025

Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/02860/FUL	<u>Parish:</u>	Oswestry Town
<u>Proposal:</u> Proposed Conversion of upper floors into 6-Bedroom (6 persons) House in Multiple Occupation (HMO) (Use Class C4)		
<u>Site Address:</u> 23 Cross Street Oswestry Shropshire SY11 2NF		
<u>Applicant:</u> Mr Jassy Sidhu		
<u>Case Officer:</u> Alison Lloyd	<u>email:</u> alison.lloyd@shropshire.gov.uk	



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

REPORT

1.0 BACKGROUND

This planning application was presented to North Planning Committee at its meeting on 18th November 2025, with an officer recommendation that delegated authority is given to the Planning Services Manager to grant planning permission subject to conditions. Members discussed the application and resolved:

That planning permission be refused contrary to officer's recommendation for the following reasons:

- Over intensification
- Lack of amenity provision
- Inadequate provision for waste management
- The adverse impact on the conservation area and non-designated heritage asset
- Concerns relating to the access and fire safety implications

Since that planning committee, Officers have reviewed the reasons for refusal and have concerns that some reasons provided are not defensible. Part 5 of the Council's Constitution - paragraph 17.4 of the Local Protocol for Councillors and Officers dealing with Regulatory Matters states:

Where the Planning Committee is minded to determine an application contrary to the officer recommendation, it may not continue to determine that application at that Planning committee meeting if the application represents a significant departure from the Development Plan or where the Committee's resolution might not in the view of the Group Manager (Environment) or the Development Manager in consultation with the Corporate Head of Legal and Democratic Services (Monitoring Officer) be defensible if challenged and result in compensation or damages being available to, or claimed by, the applicant under a statutory provision. In these circumstances the matter will stand referred to the next relevant Planning Committee for decision.

It is under this part of the Constitution that the application is being returned to committee for reconsideration.

THE PROPOSAL

- 1.1 Proposed conversion of vacant upper three floors into 6-Bedroom (6 persons) House in Multiple Occupation (HMO) (Planning Use Class C 4)

2.0 SITE LOCATION/DESCRIPTION

- 2.1 23 Cross Street is a four storey terraced building located in Oswestry Town Centre, the building is considered a non-designated heritage asset (NDHA) and falls within

the town's Conservation Area. The site sits close to the intersection of Cross Street and Leg Street, surrounded by retail / commercial businesses.

2.2 The property comprises four floors, with the ground floor currently serving retail purposes. The upper floors are presently unused due to separate ownership. The upper floors were previously used for storage in connection with the ground floor before they came under separate ownership.

2.3 The upper three floors to which this application relates have a pedestrian access via an external staircase to the rear, this leads over the ground floor flat roof, leading to the first floor rear entrance door.

2.4 The site falls within the town's Development Boundary, Conservation Area, Town Centre and Primary Shopping Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council have submitted a view contrary to officers based on material planning reasons, the material considerations cannot be overcome by condition or negotiation, the Team Manager (in consultation with the Committee Chair and Local Member agrees that the Town Council have raised material planning issues and that the application be determined by the planning committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Environmental Health Officer - No comment

4.1.2 Highway Officer - No objection

4.1.3 Historic Environment Officer - No objection subject to condition

4.1.4 Archaeology Officer - No comments

4.1.5 Ecology Officer - No objection

4.1.6 Affordable Housing Officer - As this is an HMO no affordable housing contribution is payable

4.1.7 Drainage Officer - No objection

4.2 Public Representations

4.2.1 Oswestry Town Council- Object

The Town Council resolved to object to the application as there have been no substantial changes to the proposed development following the planning officer's decision to refuse permission on application 25/01940/FUL.

The application does not align with the overall aim of the National Planning Policy Framework and policy CS6 of the local development plan. The development would not only have a detrimental impact on the amenity of future residents but would

have a significant impact on neighbouring businesses on a key commercial street which has been targeted for regeneration and therefore investment. The proposed approach for dealing with waste remains inadequate and poses fire safety risks to adjacent properties.

The applicant has not demonstrated that the development does not represent over intensification of the site with 6 double bedrooms poor access arrangements, inadequate internal living accommodation and facilities, insufficient outside private amenity space, and inadequate waste / refuse management.

The Town Council have previously identified that applications such as this and others will create additional pressures on town centre parking (streets and public car parks). This needs strategic review as development is happening on a piecemeal basis with infrastructure requirements not considered. Town Centre car parks are not intended for residential parking.

4.2.2 A planning site notice was displayed on the site from 12.08.2025 and a notice was also published in the newspaper on 13.08.2025.

4.2.3 Letters of Representation x 6

Objections raised x 5

- Impact to character of the surrounding Conservation Area
- Inadequate supporting HIA
- Inadequate means of residential amenity
- Inadequate waste storage arrangements
- Town centre vitality and commercial impacts
- Missed opportunity to explore more suitable uses, such as office space, creative enterprises, or high-quality residential units.
- Inadequate parking
- Unsafe means of access, noncompliant with fire safety standards

Support / Neutral x 1

- No concerns subject to accommodation meeting planning standards

4.2.4 The above material planning concerns raised are fully acknowledged by Officers and have been considered in line with adopted planning policies, these considerations are detailed within section 6 of this report.

5.0 THE MAIN ISSUES

PRINCIPLE OF DEVELOPMENT

SCALE, LAYOUT, DESIGN AND NDHA / CONSERVATION AREA

RESIDENTIAL AMENITY / WASTE MANAGEMENT

ACCESS/HIGHWAY SAFETY

PLANNING BALANCE

6.0 OFFICER APPRAISAL

6.1 PRINCIPLE OF DEVELOPMENT

- 6.1.1 Houses in multiple occupation (HMOs) form a vital part of the private sector housing offer, often providing cheaper accommodation for people whose housing options are limited.

Policy MD3 delivery of housing development states in addition to supporting the development of the allocated housing sites set out in Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a.

- 6.1.2 The National Planning Policy Framework at Para 135 (f) advocates that development should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

- 6.1.3 Shropshire Core Strategy Policy CS6 requires development to:
Protect, restore, conserve and enhance the natural, built and historic environment' and to be 'appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character'. Furthermore, development is required to be 'designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision.....'

- 6.1.4 It is further stated that development should be '*designed to be adaptable, safe and accessible to all....and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11' and should contribute to the health and wellbeing of communities, including safeguarding residential and local amenity.*'

- 6.1.5 The Council's Supplementary Planning Document (SPD) 'Shropshire Type and Affordability of Housing SPD 2012' supplements the Shropshire Core Strategy and seeks to help deliver the following strategic objective 5:

'Provide for a mix of good quality, sustainable housing development of the right size, type, tenure and affordability to meet the housing needs and aspirations of all sections of the community, including provision for specialist needs and the elderly.'

- 6.1.6 The Shropshire Type and Affordability of Housing SPD also refers to the importance of maintaining acceptable living standards for the occupants of dwellings, in terms of the internal size of living accommodation and the provision of external private amenity space is also dealt with in paragraph 2.16, it is stated that developments must not provide cramped accommodation and minimal outside amenity space.
- 6.1.7

Paragraph 2.17, goes on to note, in assessing planning applications for residential developments, including multiple and single plots, extensions, subdivisions and conversions, the Council is required to:

'take account of the internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants, as well as protecting the living conditions of neighbours who might be affected. Developments providing unacceptably cramped accommodation will be resisted.'

'With regard to private open space / storage facilities, developments will normally at least provide for a satisfactory level of external drying of washing, storage of tools and garden equipment, secure bicycle storage, water butts, waste, compost and recycling bins.'

'All developments should provide acceptable facilities / conditions for the storage and collection of waste and recycling' (the Council publishes guidance for developers on waste and recycling storage and collection, in the Sustainable Design SPD)

- 6.1.8 CS15 Town and Rural Centres supports the appropriate re-use or regeneration of land and premises.
- 6.1.9 Policy S14 Oswestry of the SAMDev Plan states:
Development proposals will be expected to demonstrate that they have taken account of the policies and guidelines contained in the Oswestry 2020 Town Plan (2013) and any other future community-led plan or masterplan that is adopted by Shropshire Council.

The Oswestry 2020 Town Plan (2013) objectives include:

Tackling the number of vacant and underused buildings in the town centre and help bring them back into beneficial use with a focus on key premises in key locations

The number of vacant town centre premises, and particularly the concentration of large vacant units on Cross Street, is a particular concern.

Attention also needs to be focused on unused upper floors, in particular their potential for residential use.

The town centre has three key public spaces, where residents and visitors can stop, sit and take time to relax and where the community can come together for

events. These are Cae Glas Park, Festival Square and the Bailey Head. Spaces such as these are important to the 'public life' of the community and the civic, cultural and commercial activities that take place within the town centre.

Cae Glas Park in particular is a well treasured space, often seen as the 'jewel in the crown'.

58% of survey respondents feel Oswestry's green open spaces meet their needs 'quite well', a further 13% think their needs are met 'extremely well'.

Cae Glas Park open Monday - Sunday 7am - 8:30pm,

Oswestry Hill Fort open Monday - Sunday 9am - 5pm,

The Racecourse open Monday - Sunday 24hrs a day, are the town's most used green spaces.

- 6.1.10 In addition to gaining formal planning permission, the proposed HMO accommodation will be subject to a separate HMO license under The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, which sets out the legislative requirements for satisfactory management and maintenance of appropriate physical standards.

This would deal with issues of maximum occupancy numbers, mandatory national minimum sleeping room sizes, waste disposal provision requirements and mandatory conditions in relation to gas, electrical and fire safety and preventative conditions in the event of antisocial behaviour.

Any breach of licence conditions can ultimately result in landlords being prosecuted and their licence being revoked and it should be noted that it is not the role of the planning system to duplicate control of other regulations in making land use planning decisions.

Furthermore the accommodation will also be subject to stringent Building Regulation approval and Fire Safety legislation.

- 6.1.11 In view of the site's location within Oswestry Conservation Area adopted policies relating to the protection of the Historic Environment, including Core Strategy Policy CS17 (Environmental Networks) and SAMDev Policies MD2 (Sustainable Design) and MD13, are also deemed to be relevant in the consideration of this application.
- 6.1.12 The site lies within a central position in Oswestry town centre where there are essential services and facilities, including employment opportunities, shops, restaurants, public transport and car parking.
- 6.1.13 The proposal is considered to provide low cost housing for single persons within a highly sustainable location, therefore the principle of development is supported.

6.2 SCALE, LAYOUT, DESIGN AND NDHA/ CONSERVATION AREA

SCALE / LAYOUT & LIVING STANDARDS

- 6.2.1 The proposal will see the first, second and third floors converted into residential use, to allow for 6 single bedrooms, creating a House of Multiple Occupation (HMO).

Due to the change in ownership, the upper floors to which this application relates, are no longer connected to the ground floor, making the primary and only entrance and exit to the accommodation at first-floor level at the rear of the property. Access is provided via an external staircase that leads over a flat roof.

- 6.2.2 Proposed floor plans have been submitted detailing the proposed layout.

The first floor rear entrance door will lead into a hallway area. Beyond the entrance hallway on the first floor, sits a shared kitchen area, a wc, hallway (to include a staircase) bedroom 1 and a living room.

There is one kitchen area to support the 6-bed accommodation and this will provide:

- 2 sinks
- 1 cooker
- 1 fridge

The second floor will provide three bedrooms, a bathroom and a staircase up to the third floor.

The third floor will provide two bedrooms, a laundry room and a bathroom.

The first, second and third floor habitable rooms, will be served by one window opening with the exception of the living room area and bedroom 4 which will have two windows, bedroom 5 will have a roof light providing natural light and ventilation into the room.

The first floor wc and second floor bathroom will be served by one window, whilst the third floor bathroom will have no openings.

The floor plans show a single bed space in each room, and as per the development description the accommodation will accommodate a maximum of 6 people, while a suitably worded condition can be applied to a decision document, this will also be controlled and monitored under The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018.

- 6.2.3 No extensions are proposed as part of the development and the external alterations to proposed relate to the replacement of the existing windows, which are in need of repair. Timber windows are proposed to the front of the property

and slimline uPVC windows are proposed to the rear.

MINIMUM SLEEPING ROOM SIZES FOR HMO'S

- 6.2.4 From 1 October 2018 local housing authorities must impose conditions as to the minimum room size which may be occupied as sleeping accommodation in the HMO. A room smaller than the specified size must not be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum. The purpose of this condition is to reduce overcrowding in smaller HMOs. The standards adopted are similar, but not identical to, those relating to overcrowding in dwellings under section 326 of the Housing Act 1985.

The minimum sleeping room floor area sizes are:

- 6.51 m² for one person over 10 years of age
- 10.22 m² for two persons over 10 years
- 4.64 m² for one child under the age of 10 years

Any room of less than 4.64 m² may not be used as sleeping accommodation and the landlord will need to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 m². The measurement is one of wall to wall floor area where the ceiling height is greater than 1.5m.

No part of a room should be included in the measurement where the ceiling height is less than 1.5m.

- 6.2.5 The proposal as submitted exceeds to the minimum sleeping rooms sizes for HMO'S.

NATIONALLY DESCRIBED SPACE STANDARDS

- 6.2.6 Nationally Described Space Standards deal with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

The guidance relating to a dwelling house consisting of up to 6 bedroom / 7 persons across three floors, requires a minimum internal floor area of 129sqm with a minimum built in storage provision of 4sqm.

- In order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide.
- Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage

- 6.2.7 Officers note the third floor accommodation sits within the roof space of the building, the internal ceiling heights of 1.8 metres, are noted on the proposed floor

plans

The building exceeds the minimum internal area of 129sqm with a 4sqm built in storage provision, while the bedroom accommodation exceeds the single room space standards.

DESIGN / NDHA AND CONSERVATION AREA

- 6.2.8 23 Cross Street is an unlisted but prominent four storey building dating to the 19th century and is a pair with number 25 with matching design of red brick and stone panelling/mouldings topped with half timbered gable. The building is located within the Oswestry Conservation Area and would be considered as a non-designated heritage asset.

Given the building's location within the town's Conservation Area, it is necessary to have special regard to preserving or enhancing its character and appearance, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is noted that there will be minimal external alterations to the building, with water/waste outlets and pipework kept to the rear of the building, and other works internal. However, the sash windows are proposed to be changed to double glazed UPVC slimline heritage units. Ensuring these units are a close match to existing will be important to ensure they do not stand out from the matching units at number 25.

Full details of the units should therefore be provided, along with photos/dimensions of the existing units in order to demonstrate they are sufficiently close in terms of proportions (specifically the meeting rail), horn detail and glazing bars. These details will be controlled by condition.

- 6.2.9 The proposed development will secure the long-term future of this non-designated heritage asset (NDHA) by bringing the currently vacant upper floors back into active use. The design has been sensitively considered, with the use of conservation-approved materials and detailing that ensures compatibility with the character and appearance of the surrounding Conservation Area.

Following consultation with the Council's Historic Environment Officer, no objections have been raised. The conclusions of the submitted heritage assessment have been reviewed and are supported, confirming that the proposal would not result in harm to the significance of the NDHA or the wider historic environment.

6.3 RESIDENTIAL AMENITY / WASTE MANAGEMENT

RESIDENTIAL AMENITY

- 6.3.1 Type and Affordability of Housing SPD states:

'With regard to private open space / storage facilities, developments will normally at least provide for a satisfactory level of ...external drying of washing, storage of tools and garden equipment, secure bicycle storage, water butts, waste, compost and recycling bins.'

'All developments should provide acceptable facilities / conditions for the storage and collection of waste and recycling....' (the Council publishes guidance for developers on waste and recycling storage and collection, in the Sustainable Design SPD).

- 6.3.2 The proposed HMO comprising six bedrooms is likely to result in an increased level of activity, including comings and goings. However, such levels of activity are not necessarily excessive and may be broadly comparable to those associated with a larger family household.

Given the site's town centre location, where ambient noise levels are typically higher due to surrounding commercial and retail uses, it is considered unlikely that the proposed development would give rise to significant noise impacts on neighbouring properties or the wider built environment.

- 6.3.3 There is no private outdoor amenity space associated with the subject building, and therefore no dedicated external provision to support the proposed accommodation.

However, the site benefits from being within close proximity to a range of public recreational spaces within Oswestry town, all of which are accessible within a reasonable walking distance. While these do not constitute private amenity space, they offer opportunities for informal recreation and outdoor activity for future occupants.

The accommodation includes a dedicated laundry facility, providing residents with access to appropriate clothes washing and drying provision on site.

WASTE MANAGEMENT

- 6.3.4 As part of the Sustainable Design SPD and in line with Core Strategy Policy CS19 (Waste Management Infrastructure), Shropshire Council will require applications for all types of development to include information about the management of waste during construction and for the life of the development as part of the completion of a Sustainability Checklist, consistent with national policy as detailed in PPS10 paragraphs 35-36.

- 6.3.5 A shared area located within the rear alleyway is proposed to accommodate the bin store provision. This will include two general waste bins and one recycling bin, which are considered sufficient to serve the development.

A Waste Management Statement has been submitted in support of the application. It confirms that residents will be responsible for placing general waste and

recycling bins out onto Cross Street for collection. Communal areas will be cleaned on a weekly basis by contracted cleaning staff, who will also be responsible for addressing any unattended waste within those areas.

- 6.3.6 Sufficient information has been submitted regarding the proposed waste management arrangements for the site. These provisions are considered adequate to ensure that the development would not result in harm to the amenity of future occupants or neighbouring occupiers. As such, the proposal is not considered to conflict with Core Strategy Policies CS6 and CS19, which seek to secure sustainable development and protect residential amenity.

6.4 ACCESS / HIGHWAY SAFETY

- 6.4.1 The site's means of access to the proposed accommodation is via an external staircase at first-floor level. Due to the change in ownership the uppers floors are no longer associated with the ground floor and the rear first floor access is the only means of access into and out of the proposed accommodation. This arrangement inherently limits accessibility and may not be suitable for all potential occupants, particularly those with mobility impairments.
- 6.4.2 While the access limitations are noted, they are not considered sufficient grounds to warrant refusal of the application, particularly given the broader benefits of bringing an underutilised building back into use and supporting housing delivery in a sustainable urban setting. Furthermore, the development will be subject to building regulations, fire safety and HMO licensing requirements, which will ensure a suitable and safe means of access is provided for the future occupants. Given the town centre location and the nature of the accommodation, it is anticipated that the proposal will appeal to individuals for whom the access arrangements are not prohibitive.
- 6.4.3 Concerns have been raised with regards to the accommodation exacerbating parking issues and compromising highways safety.
- 6.4.4 Officers acknowledge that the introduction of additional residential accommodation may result in an increased demand for roadside parking within the locality. However, given the town centre location of the site, where parking restrictions are in place, alongside the availability of nearby public parking facilities within walking distance and access to sustainable modes of transport, it is considered that the modest increase of six occupants would not result in an unacceptable or detrimental impact on the amenity of the area.
- 6.4.5 Furthermore, in this instance, and taking into account the sustainable nature of the location, officers are of the opinion that the proposed development is unlikely to give rise to significant traffic generation or adversely affect highway safety in the surrounding area.
- 6.4.6 The Council's Highways Engineer has been consulted on the proposal, and no objections have been raised, their comments are as follows:

In this case HMO housing in an area with strict parking restraint including no motor vehicles, yellow lines and other parking restrictions would not lead to car ownership having an unacceptable impact should any future tenants be car owners. They will need to arrange their own parking needs. The location is a town centre location with access to the full range of the offer of Oswestry on foot, by cycling and public transport.

6.5 PLANNING BALANCE

Benefits of Development

- 6.5.1 HMOs offer lower-cost housing options for individuals, especially single adults, students, and low-income workers. This supports Core Strategy Policy CS11, which promotes mixed, balanced, and inclusive communities through varied housing types and tenures.
- 6.5.2 The proposed development will secure the long-term future of this non-designated heritage asset (NDHA) by bringing the currently vacant upper floors back into active use. The design has been sensitively considered, with the use of conservation-approved materials and detailing that ensures compatibility with the character and appearance of the surrounding Conservation Area.
- 6.5.3 Converting the underutilised upper floors into HMOs is a sustainable approach that reduces the need for new development whilst providing:
- Small scale stock of housing in an urban location
 - Affordable accommodation
 - Suitable internal living arrangements
 - Sustainable location
 - Low-cost council car parks available
 - Support local businesses and services
 - Subject to stringent building regulations, fire safety and HMO licensing requirements
 - Built in social environment
- 6.5.4 HMO accommodation offers a strategic solution to housing affordability, urban regeneration, and heritage preservation. When sensitively designed and policy-compliant, HMOs can enhance the housing mix, revitalise vacant buildings, and contribute positively to local communities.

Disadvantages of Development

- 6.5.5
- First Floor Access Level
- Officers recognise that access to the proposed accommodation is only via an external first-floor staircase, which restricts accessibility for those with mobility issues. However, the scheme will provide affordable housing in a sustainable town centre location, which is a significant benefit. While the access limitations are noted, they are not considered sufficient to justify refusal, given the wider

advantages of bringing an underused building back into use and supporting local housing delivery. The development will also be subject to building regulations, fire safety, and HMO licensing, ensuring safe and suitable access for occupants.

- Private Outside Amenity Space / Parking

6.5.6 It is acknowledged that the application site does not benefit from associated private outdoor amenity space. However, this is not uncommon within built-up urban environments, particularly in town centre locations where space constraints limit such provision. In this instance, the applicant is unable to provide dedicated external amenity space for future occupants. Nevertheless, the site is centrally located within Oswestry town and benefits from close proximity to a range of public recreational areas, all accessible within a reasonable walking distance. While these spaces do not constitute private amenity provision, they do offer opportunities for informal recreation and outdoor activity, contributing positively to the overall living environment for future residents.

6.5.7 It is also important to note that the town centre location benefits from well-lit public spaces, with street lighting operating during early mornings and late evenings. This enhances the accessibility and usability of these areas, enabling occupants to walk, cycle, and engage in outdoor activities throughout the day, including outside typical working hours.

6.5.8 It is recognised that individuals seeking sole occupancy, low-cost accommodation may not necessarily desire the additional expense, maintenance responsibilities, or practical burden associated with private outdoor amenity space or vehicle ownership. In this context, the absence of dedicated external amenity provision and on-site parking is not considered to be a significant shortcoming.

6.5.9 The town centre location offers convenient access to a range of public recreational spaces and sustainable transport options, which are likely to appeal to prospective occupants. These factors contribute positively to the overall suitability of the accommodation and support its role in meeting local housing needs within a sustainable urban environment.

7.0 CONCLUSION

7.1 The proposed development involves the conversion of an existing, underutilised building into a six-bedroom House in Multiple Occupation (HMO) within Oswestry town centre. The scheme will deliver low-cost, small-scale residential accommodation in a sustainable location, thereby contributing positively to the local housing mix and economy. The proposal will also secure the long-term future of a non-designated heritage asset (NDHA), supporting its ongoing viability and bringing vacant upper floors back into active use.

7.2 The internal layout is considered to provide suitable living accommodation that exceeds national living standards. The scale and design of the development are appropriate to the context and are not anticipated to result in any harmful impact on neighbouring uses or residential amenity. While the access arrangements and lack

of private outdoor amenity space are acknowledged limitations, these are not considered sufficient grounds to warrant refusal, particularly given the site's sustainable location, proximity to public recreational spaces, and the broader benefits of supporting housing delivery and urban regeneration.

- 7.3 The application is considered to be in accordance with adopted development plan overall, including policies CS6 (Sustainable Design and Development Principles), CS11 (Type and Affordability of Housing), CS19 (Promoting Sustainable Transport), MD2 (Sustainable Design), and MD3 (Delivery of Housing Development), as well as the Type and Affordability of Housing SPD (2012), the Sustainable Design SPD (Part 1, July 2011), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the overarching aims of the National Planning Policy Framework (NPPF), particularly in promoting sustainable development, efficient use of land, and the provision of a range of housing types.

Accordingly, it is recommended that planning permission be granted.

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. BackgroundRelevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS3 - The Market Towns and Other Key Centres
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 CS19 - Waste Management Infrastructure
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S14 - Oswestry
 National Planning Policy Framework
 SPD Sustainable Design Part 1
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

- OS/97/09821/ADV Provision of illuminated fascia and projecting signs GRANT 10th July 1997
- 14/02561/FUL Change of use from A1 to A3 (cafes/restaurants) GRANT 6th August 2014
- 14/02562/ADV Erect and Display one non-illuminated fascia sign GRANT 5th August 2014
- OS/95/8984/FUL New shop front and internal shop fitting GRANT 28th March 1995
- 25/01940/FUL Conversion of upper floors into 6-Bedroom HMO Accommodation REFUSE 30th July 2025
- HEPRE/25/00136 Gas supply installation to front wall HEAP 12th September 2025

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T0BU7GTDJQA00>

List of Background Papers
Cabinet Member (Portfolio Holder) - Councillor David Walker
Local Member Cllr Duncan Kerr
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITIONS**

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. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details
Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

CONDITION THAT IS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. The property shall not be occupied by more than 6 persons at any one time. Each bedroom shall be occupied by no more than one person.
Reason: To ensure that the intensity of occupation does not exceed the capacity of the property and its facilities, in the interests of residential amenity and internal living conditions.



Committee and date
Northern Planning Committee
9th November 2025

SCHEDULE OF APPEALS AS AT COMMITTEE 09.12.2025

LPA reference	25/02169/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs O'Hagan
Proposal	Outline permission for single self-build dwelling with all matters reserved apart from access and scale
Location	Proposed Dwelling To The West Of Dovaston Shropshire
Date of appeal	28.11.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	25/04865/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Gareth Stephens
Proposal	Erection of a tennis court including change of use of land
Location	Roden Farm Barn Brandwood Myddle Shrewsbury
Date of appeal	15.07.2025
Appeal method	Written Representations
Date site visit	7 th October 2025
Date of appeal decision	11 th November 2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/01260/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs S Lloyd
Proposal	Outline planning application for 2No. detached dwellings with formation of shared access.
Location	Proposed Dwelling To The North Of Nobold Lane Shrewsbury Shropshire
Date of appeal	18.07.2025
Appeal method	Written Reps
Date site visit	7.10.25
Date of appeal decision	13.11.25
Costs awarded	
Appeal decision	DISMISSED

LPA reference	24/04581/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Carl Elson
Proposal	Demolition of existing dwelling and construction of six dwellings and associated landscaping
Location	Oteley Bungalow Sutton Grange Drive Shrewsbury SY2 6QJ
Date of appeal	28.07.2025
Appeal method	Written Reps
Date site visit	07.10.2025
Date of appeal decision	19.11.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/01318/FUL

Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Tim & Debbie Holiday
Proposal	Proposed single storey side/rear extension
Location	Kings Thursday Christ Church Lane Market Drayton
Date of appeal	9.9.25
Appeal method	Written Reps
Date site visit	13.11.25
Date of appeal decision	19.11.25
Costs awarded	
Appeal decision	ALLOWED

LPA reference	25/00941/DSA106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr P Bate
Proposal	Discharge of Section 106 Agreement attached to planning permission reference N/96/350/WS/37
Location	Adina Weston Under Redcastle Shrewsbury SY4 5LR
Date of appeal	29.05.2025
Appeal method	Written Reps
Date site visit	15.10.2025
Date of appeal decision	21.11.2025
Costs awarded	
Appeal decision	DISMISSED

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 Shropshire
Date of appeal	12.08.2025
Appeal method	Written Reps
Date site visit	11.11.25
Date of appeal decision	28.11.25
Costs awarded	
Appeal decision	ALLOWED

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Appeal Decision

Site visit made on 7 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/L3245/W/25/3369253

Roden Farm Barn, Brandwood, Myddle, Shrewsbury SY4 3RF

- 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 Gareth Stephens against the decision of Shropshire Council.
 - The application Ref is 24/04865/FUL.
 - The development proposed is the change of use of a paddock area to install a domestic tennis court/sports pitch with surrounding planting.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site is within the recreational impact zone for the Cole Mere, part of the Midlands Meres and Mosses Phase 2 Ramsar. Whilst not cited as a reason for refusal by the Council, the Court of Justice of the European Union has ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA). This responsibility now falls to me within this appeal. With this in mind I have considered whether or not the proposal has the potential to affect the protected area within my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - protected species, with specific regard to great crested newts.

Reasons

Character and Appearance

4. The appeal site is located in a paddock area which is adjacent to Roden Farm Barn, a residential property. Beyond the buildings which form this property, the site is surrounded by undeveloped fields with boundaries defined by mature trees and hedges. The area therefore has a traditional open, rural character and appearance, to which the paddock area makes a positive contribution.
5. The residential curtilage of Roden Farm Barn is defined by a loose row of trees and vegetation to the south of the site. The proposed tennis court would be located approximately 20 metres beyond the residential curtilage, within the adjoining

paddock. Due to this separation, it would be an isolated and incongruous feature, unrelated to the residential property. Whilst I appreciate that the court would not be visible from Noneley Turning, it would be prominently visible from the public footpath which crosses the paddock to the north of the site. The proposal would appear as an alien addition in the otherwise open and undeveloped landscape.

6. It is stated that the tennis court would be enclosed with fencing, although there is scant detail in the submission about its appearance. The application form refers to variable height fencing, including up to 2.75metres in height, but again, there is very little before me on what scale of enclosure is proposed. Reference is made to an image in a tennis court provider's brochure (En-Tous-Cas Group), which shows black wire fencing with obelisk supports. This fencing would be visually discordant with the rural character of the area, further emphasising the incongruity of the proposal's appearance in the landscape.
7. While it is suggested that trees and hedgerows could be planted around the tennis court to help integrate it into its verdant surroundings, no details of a planting scheme have been submitted. Moreover, I note that the site location was chosen to avoid proximity to existing trees, to prevent leaf fall onto the court. It is therefore not clear whether planting around the court would be feasible. The appellant suggests that the detail of a landscaping scheme could be secured by condition but given the relatively limited information on the overall detail of the scheme before me and the open, rural context I do not find that imposing a landscaping condition would overcome the harm identified.
8. Other reasons given for the site being detached from the residential curtilage, include the presence of a septic tank and visibility of the site from the house. There is little before me to substantiate these reasons and in any event, these considerations do not justify the location of the proposal in light of the harm I have found.
9. Taking all of the above into account, I find that the proposal would unacceptably harm the character and appearance of the area. As such, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev). Taken together these policies require development proposals to be of high quality design which respects local context and character and responds appropriately to the form and layout of existing development.

Protected Species

10. Great crested newts (GCN) are European protected species, protected under the Conservation of Habitats and Species Regulations 2017 (as amended). According to Natural England's standing advice, a survey should be undertaken if there is a suitable waterbody, such as a pond or ditch, within 500 metres of the proposed development.
11. There is a pond located approximately 60 metres from the site of the proposed court. Although the appellant contends that this is a man-made feature, this does not preclude the potential presence of GCN. Furthermore, no survey evidence has been provided to confirm the presence or likely absence of protected species.

12. In the absence of this information, the presence of GCN cannot be ruled out, nor can I be certain as to the extent to which they may be affected. Moreover, if protected species were affected, I cannot be satisfied that appropriate mitigation measures could be secured.
13. I therefore conclude that insufficient evidence has been submitted to demonstrate that the proposal would not have an adverse impact on protected species, specifically GCN. Consequently, the proposal conflicts with Core Strategy Policy CS17 and SAMDev Policy MD12, which together require development to identify and protect Shropshire's environmental assets, including protected species.

Other Matters

14. The site is within the recreational impact zone for the Cole Mere which is part of the Midlands Meres and Mosses Phase 2 Ramsar. The Council has confirmed that it has not identified any potential effect pathway by which the proposal might impact upon the Cole Mere. Given the proposal would not increase the number of households residing in the catchment, I am satisfied it would not result in additional recreational pressure on Cole Mere.
15. Although not cited in the reasons for refusal, the Council's Officer Report identifies that the application had failed to demonstrate a 10% net gain in biodiversity. As part of their appeal submission, the appellant has submitted a Biodiversity Net Gain Assessment which demonstrates the development could achieve a 28.1% gain in biodiversity. Nevertheless, this consideration does not outweigh the harms I have found in relation to the main issues of this appeal.
16. The appellant asserts that the proposal would provide them with access to a health and fitness facility including for the health and well-being of a child with specific needs. However, this would largely be a private benefit. It is a well-founded principle that the planning system does not exist to protect private interests. Allied to this, the appellant submits that the facility would reduce the need to travel, thereby lowering carbon emissions. There is, however, relatively little information before me on the extent to which travel could be reduced. As such I can only conclude minimal environmental benefits would arise in this regard. Therefore, these considerations do not alter my conclusions.

Conclusion

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

A O'Neill

INSPECTOR

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Appeal Decision

Site visit made on 7 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/L3245/W/25/3369392

Land on Nobold Lane, Nobold, Shrewsbury SY5 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs S Lloyd against the decision of Shropshire Council.
 - The application Ref is 25/01260/OUT.
 - The development proposed is described as: Outline planning application for 2 No detached dwellings with formation of shared access.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. Plans have been submitted showing how development could be accommodated on the site. I have taken these plans into account for indicative purposes only.
3. The Council's reason for refusal does not cite any development plan policies in relation to the second main issue set out below. However, the Council's Conservation Officer comments references development plan policies which I have had regard to.

Main Issues

4. The main issues are:
 - whether the site is in a suitable location, having regard to the Council's strategy for the location of housing and the site's access to services and facilities;
 - the effect of the proposal on the character and appearance of the area, with particular regard to the setting of the Grade II listed buildings known as Nobold Hall and Nobold Grange and the non-designated heritage asset known as Nobold Farmhouse; and,
 - whether the proposal would make effective use of agricultural land.

Reasons

Suitable location

5. The Council's development strategy is set out in the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and the Shropshire Council Site Allocations and Management of Development 2015 (the

SAMDev). SAMDev Policy MD1 identifies locations for sustainable development across the area.

6. The appeal site is located in the small settlement of Nobold. It is common ground between the main parties that Nobold is not a settlement which has been identified for new development in Policy MD1. The site is therefore located in open countryside for the purposes of planning policy. CS Policy CS5 and SAMDev Policy MD7a limit new residential development in the open countryside to a number of exceptions, none of which are applicable to this proposal. As such the site location does not accord with the Council's strategy for the location of housing.
7. The National Planning Policy Framework (the Framework) expects development to promote walking, cycling, and the use of public transport, while recognising that sustainable transport solutions will vary between urban and rural areas. There are no services or facilities within Nobold. Future occupiers would need to travel to Shrewsbury to access day to day services and facilities.
8. Access from the site to Shrewsbury is along Nobold Lane and then Longden Road. Nobold Lane is a narrow, unlit lane with no dedicated footpaths and it has a steep incline towards its junction with Longden Road. Longden Road also does not have dedicated footpaths or streetlights for much of its length between Nobold Lane and the edge of Shrewsbury. Furthermore, whilst there are employment facilities approximately 300 metres from the site, schools, retail and medical facilities are located in excess of 900 metres from the site. This would exceed a reasonable walking distance, particularly for young children travelling to school or when carrying shopping.
9. I understand that Longden Road forms part of National Cycle Route 44, however access to Longden Road from the site is not particularly attractive to cyclists given the lack of streetlighting and the steep incline of Nobold Lane. As such, I find that the site location does not provide a safe, convenient or attractive route for pedestrians or cyclists. I have not been provided with any evidence of public transport services between the site and Shrewsbury. Consequently, future occupiers would be reliant on private vehicles to access services and facilities.
10. The appellant asserts that the appeal site is located closer to Shrewsbury than a cluster of nearby settlements which are identified to accommodate further development in accordance with Policy CS4 of the CS. However, I note that Policy CS4 seeks to cluster new development alongside the enhancement of services and facilities within the locations identified in order to reduce the need to travel further afield. This consideration therefore does not lead me to an alternative conclusion on this matter.
11. I understand that a previous planning application for 2 dwellings at the site was recommended for approval subject to the completion of a Section 106 Agreement, prior to the adoption of the SAMDev (Application Reference 14/00425/OUT). However, the Section 106 Agreement was not completed, and consequently this application was refused following the adoption of the SAMDev. My attention has also been drawn to an approval for two dwellings located to the east of this appeal site (Planning Application reference 14/03050/OUT, 10 July 2014). However, I note that this application was also determined prior to the adoption of the SAMDev and in line with a previous version of the Framework. As such, these

considerations do not alter my conclusion on this matter which I have determined in accordance with the current development plan.

12. It is stated that previous planning applications on this site were not refused for reasons relating to its location. Be this as it may, in the context of the development plan policies before me now and the current version of the Framework, I have found that the site is not in a suitable location for housing.
13. Reference is made to an approved planning application for 1 dwelling adjacent to Karriholme on Nobold Lane (Planning application reference 20/03061, 30 November 2020). In that case the Council took the view not to follow the adopted development plan policies. I note that this site occupies a different location within the village, and I do not have details of the evidence on which this decision was made. I therefore do not know whether that example is directly comparable to the appeal proposal before me now. As such, this consideration does not alter my findings.
14. Permitting the proposed dwellings would be harmful in that the strategy for the distribution for housing would be undermined and the site location does not offer convenient access to sustainable travel. Given that the proposal is inconsistent with an important element of the Council's approach to development I have judged the magnitude of harm to be substantial.
15. Taking all of the above into account, I find that the appeal site is not in a suitable location having regard to the Council's strategy for the location of housing and its access to services and facilities. As such, the proposal conflicts with CS Policy CS5, SAMDev Policy MD7a, and the sustainable travel aims of the Framework, as set out above.

Character and appearance with particular regard to the setting of the listed buildings and non-designated heritage asset

16. The appeal site is open land located at the edge of Nobold. It forms part of the former agricultural holding associated with Nobold Farmhouse which is adjacent to the western boundary of the site and is a non-designated heritage asset (NDHA). Nobold Hall is located to the east of the site and Nobold Grange is located to the south on the opposite side of Nobold Lane, both of which are Grade II listed buildings. Nobold is a small settlement with sparse built development, surrounded by agricultural fields giving the area a traditional open, rural character and appearance.
17. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the setting of these listed buildings. Paragraph 216 of the Framework confirms that the effect on the significance of a non-designated heritage asset should also be taken into account in determining an application.
18. Nobold Hall and Nobold Grange are both listed for their architectural interest. The Grange dates from the 17th Century and is of timber frame and brick construction. The Hall dates from the mid 18th Century and is finished in render over brick. Nobold Farmhouse is recorded as a historic farmstead in the Historic Environment Record. The appeal site's historic connection with the Farmhouse contributes to its significance. The settings of these 3 buildings are linked by Nobold Lane and the

appeal site. Collectively they make a significant contribution to the character of this part of the settlement.

19. The appellant's Heritage Impact Assessment (CJ Richards MBE Heritage Services, 18/03/2025) (HIA) recognises that the site contributes to the setting of the heritage assets. The HIA finds that the proposed development will alter the existing character of this part of Nobold and that this would result in less than substantial harm to the setting of the heritage assets. The assessment goes on to conclude that if the development is designed sensitively at the reserved matters stage, it would address the relevant requirements of the Framework and the development plan. However, this point is not further substantiated in the HIA.
20. In its undeveloped state, the site contributes positively to the character and appearance of the area and the setting of the heritage assets. The introduction of built development and the likely associated domestic paraphernalia to the site would detract from its open and rural character, thus also diminishing the setting of the heritage assets.
21. This proposal is in outline with only an indicative layout submitted. In the absence of the detailed design and layout of the proposed development, I cannot be satisfied that the proposal would preserve the setting of the adjacent heritage assets. The appellant suggests that the proposed dwellings would be set back into the site, ensuring views of Nobold Hall are not obstructed. However, this does not overcome the concerns that development on the site has the potential to harm the setting of all 3 heritage assets.
22. The fact that the impact on heritage assets was not identified in the reasons for refusal on previous planning applications on the site, does not alter my conclusion on this matter. In any event, I have a statutory duty to have special regard to the desirability of preserving the setting of listed buildings and the Framework requires me to consider the effect on the significance of the NDHA.
23. Taking all of the above into account, I find that the proposal would cause harm to the character and appearance of the area, and it would fail to preserve the settings of the Grade II listed buildings Nobold Hall and Nobold Grange and the NDHA Nobold Farmhouse. As such it conflicts with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD17. Taken together, these policies require development to protect and enhance the local character of Shropshire's natural, built and historic environment including the context and character of heritage assets, their significance and setting.

Heritage balance

24. Taking all of the above into account, I find the harm to the setting of the listed buildings to be less than substantial, but nevertheless of considerable importance and weight. Paragraph 215 of the National Planning Policy Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. Paragraph 216 requires a balanced judgement having regard to the scale of any harm to a NDHA.
25. The proposal would deliver 2 new dwellings and deliver some economic uplift in the local economy during the construction process and from the future spending of occupiers. Generally, the provision of housing is a clear public benefit that carries

considerable weight, particularly in light of the Council's housing land supply position, set out below. However, the weight I give to this is lessened significantly by the fact that the proposal would only deliver 2 dwellings and by my conclusion that the appeal site is not in a suitable location having regard to the council's spatial strategy and its access to services and facilities. The economic benefits would also be limited. Therefore, these benefits do not outweigh the great weight that I give to the assets' conservation.

Effective use of agricultural land

26. The Council identifies the appeal site as grade 3 agricultural land. Although it does not set a presumption in favour against development on agricultural land, paragraph 187 of the Framework highlights the economic and other benefits of Best and Most Versatile agricultural land. The proposal would lead to the loss of agricultural land across the whole site. However, given the relatively small size of the site the associated economic and other benefits of the agricultural land in this case would be limited.
27. The Framework also seeks to make efficient use of land. However, this is subject to caveats that expect development to promote sustainable travel modes and do not have an adverse impact on the character and appearance of the area. As I have concluded on the preceding main issues, the appeal site location would not promote sustainable travel modes. Furthermore, the proposal would harm the character and appearance of the area, and it would fail to preserve the setting of the adjacent heritage assets. As such, it does not represent an efficient use of land in the context of the Framework.
28. For the reasons given, while the proposed development would result in the loss of agricultural land, the harm to the associated economic and other benefits would be limited. However, the proposal would not represent an efficient use of land and, as I have set out above, I attach significant weight to the harm associated with the appeal site location and the proposal's impact on character and appearance, including the setting of the heritage assets.

Other Matters

29. The proposed development would have limited social and economic benefits. Two additional houses would make a positive, albeit limited, contribution to the overall supply of housing, as would the support that their construction and future occupancy would provide to construction employment and the local economy. I therefore attribute these benefits limited weight in the planning balance.
30. Concerns regarding the way in which the Council dealt with the application and presented its reason for refusal fall outside the scope of this decision.

Planning Balance

31. The appeal site location conflicts with CS Policy CS5 and SAMDev Policy MD7a, and the sustainable travel aims of the Framework. The proposal also conflicts with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD17 insofar as they require development to protect and enhance the local character, including the historic environment.
32. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In

this respect the Framework expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use. Furthermore the Framework recognises that heritage assets are an irreplaceable resource, which should be conserved in a manner appropriate to the significance. Finally, the countryside is not protected for its own sake, but its intrinsic character and beauty is recognised by the Framework which also indicates development should maintain the prevailing setting and character. Therefore, the conflict between the proposal and Policies CS5, MD7a, CS6, CS17, MD2 and MD17 should be given significant weight in this appeal.

33. In circumstances where the Council cannot demonstrate a five year supply of deliverable housing sites, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out of-date. The approach in paragraph 11 d)(i) of the Framework is therefore engaged. This states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework confirms the policies referred to are those in the Framework relating to, amongst others, designated heritage assets.
34. The Council has confirmed it has a current supply of 4.68 years. As described above, the social and economic benefits of 2 dwellings would be limited, even taking into account the Framework's objective of significantly boosting housing land supply. For the reasons set out above, I find that the application of policies in the Framework that protect designated heritage assets provides a strong reason for refusing the proposal. As a result, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

35. For the reasons given above, the proposal would fail to satisfy the requirements of the Act and it would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR

Appeal Decision

Site visit made on 7 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: 6000432

Oteley Bungalow, Sutton Grange Drive, Shropshire, Shrewsbury SY2 6FN

- 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 Carl Elson, CSE Properties Ltd against the decision of Shropshire Council.
 - The application Ref is 24/04581/FUL.
 - The development proposed is the demolition of existing dwelling and construction of six dwellings and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. As part of their case the appellant has submitted a revised access arrangements plan. I am mindful that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issues

3. The main issue is the effect of the proposal on highway safety with particular regard to the access.

Reasons

4. The appeal site was formerly used as a plant nursery and currently comprises a vacant single storey detached bungalow and garage along with a car parking area and large garden. To the east and north of the site are residential properties which were delivered as part of a Sustainable Urban Extension (SUE). To the west of the site is a care home and its associated gardens.
5. Sutton Grange Drive is an existing vehicular access to the site from Oteley Road. This access is located in proximity to the signalised junction of Oteley Road with Thrower Road and Murrell Way which was installed as part of the SUE development.
6. During my site visit I saw frequent vehicle movements in both directions along Oteley Road. On the eastbound side, vehicles stopped by the traffic lights regularly resulted in queues extending past the access to Sutton Grange Drive. Consequently, vehicles turning right into the site from Oteley Road would need to

- stop in the westbound carriageway and wait for the queue of traffic to clear before being able to enter the site.
7. Whilst vehicle speeds may be reduced through the junction, I saw that vehicles travelling west on Oteley Road generally accelerated soon after the junction. Those travelling westbound through the junction are unlikely to be anticipating vehicles slowing to turn right towards the site. Furthermore, given the proximity of Sutton Grange Drive to the junction, drivers would have little opportunity to signal their intention to turn right into the access. There is also limited space available within the westbound carriageway for vehicles to wait to turn right into the site, whilst allowing other vehicles to pass safely. This combination of factors is likely to result in driver confusion and conflict between vehicles, increasing the risk of collisions.
 8. Furthermore, there is a cycle way marked within the eastbound carriageway of Oteley Road. Signage within the footway near to Sutton Grange Drive also indicates it may be shared by pedestrians and cyclists. Consequently, there is the potential for vehicles waiting on the footway to exit the site to conflict with the movement of pedestrians and cyclists travelling along this part of Oteley Road, increasing the risk of vehicles colliding with other users of the highway.
 9. The appellant has submitted a Stage 1 Road Safety Audit (Highway Associates, 20/05/25) as part of their appeal submission. This recommends a dedicated space within the carriageway for vehicles waiting to turn right into the site and a yellow box or 'keep clear' markings in the eastbound carriageway to facilitate vehicles moving into and out of the site. However, there is scant detail before me of these proposed mitigation measures. As such, I cannot be certain that they would enable safe and suitable vehicular access to the site. Furthermore, there is no suggested method by which to secure these measures given they would be required on land outside of the boundary of the appeal site.
 10. The submitted plans only show a visibility splay to the west of the site. No visibility splay is shown to the east, and the Council contends that visibility in this direction is restricted by the boundary fencing of the adjacent property. However, during my site visit I saw that this fencing is low level and set back from the footway along Oteley Road. I therefore consider that an acceptable visibility splay could be achieved to the east of the site. Details of the visibility splay could be secured by the imposition of an appropriate condition, if the development had been otherwise acceptable.
 11. I understand that the plant nursery was still in operation and accessed via Sutton Grange Drive, without issue, for some time after the SUE development and the signalised junction on Oteley Road was introduced. It is also suggested that the proposed development would generate fewer vehicle movements than the previous use. However, there is little before me to substantiate these points. As such, this consideration does not alter my conclusion on this matter.
 12. Reference is made to other access roads in the vicinity of the site and access arrangements in Shrewsbury town centre. However, I have not been provided with details of these. Therefore, I do not know whether they are directly comparable to the appeal proposal, which I have determined on its own merits.
 13. Taking all of the above into account, I find that it has not been demonstrated that safe and suitable vehicular access to the site can be achieved and the proposal

would therefore have a harmful effect on highway safety. As such, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS), which requires all development to be safe and accessible to all.

Other Matters

14. I note the letters of support for the proposal, and I acknowledge that no objections have been received. However, the lack of objection does not equate to a lack of harm.
15. I acknowledge the comments with regard to the manner in which the planning application was considered by the Council. However, I have determined the appeal on its planning merits.

Planning Balance

16. The appeal proposal conflicts with Policy CS6 of the CS which requires all development to be safe and accessible. Paragraph 232 of the National Planning Policy Framework (the Framework) makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect, paragraph 115 of the Framework expects development proposals to ensure safe and suitable access to the site can be achieved for all users. Therefore, the conflict between the proposal and Policy CS6 should be given significant weight in this appeal.
17. The proposal would make an efficient use of land and would contribute to the Council's housing supply through the delivery of 6 additional dwellings. The Council has not raised objection in terms of the site location, the layout and appearance of the proposal and I have no reason to reach an alternative conclusion. The Framework outlines support for bringing forward small and medium sized sites, acknowledging that they can make an important contribution to meeting the housing requirements of an area. I therefore give the benefits associated with the delivery of 6 residential units moderate weight.
18. The Council has confirmed that it cannot currently demonstrate a five-year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that paragraph 11d) is engaged.
19. Paragraph 11 d) ii) states planning permission should be granted unless '*any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies...*'. Paragraph 115 of the framework constitutes a key policy for the purposes of paragraph 11 d) ii).
20. The Council has not specified the extent of its shortfall, however, as described above, the benefits of 6 dwellings would be moderate, even taking into account the Framework's objective of significantly boosting housing land supply. Consequently, the proposal's failure to demonstrate a safe and secure vehicular access and the associated harm to highway safety would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

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

A. O'Neill

INSPECTOR



Appeal Decision

Site visit made on 13 November 2025

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: 6000613

Kings Thursday, Christ Church Lane, Market Drayton TF9 1DZ

- 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 Tim & Debbie Holiday against the decision of Shropshire Council.
- The application Ref is 25/01318/FUL.
- The development proposed is single storey side/rear extension to property.

Decision

1. The appeal is allowed and planning permission is granted for single storey side/rear extension at Kings Thursday, Christ Church Lane, Market Drayton, TF9 1DZ in accordance with the terms of the application, Ref 25/01318/FUL, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Job No. 23-008), Proposed Block Plan (Job No. 23-008-13), Ground Floor Plan as Proposed (Project No. 23-008-09) (Sheet 9), First Floor Plan as Proposed (Project No. 23-008-10) (Sheet 10), West & East Elevations as Proposed (Project No. 23-008-11a) (Sheet 11A), North & South Elevations as Proposed (Project No. 23-008-12a) (Sheet 12A).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the application form (dated: 28th March 2025).

Main Issue

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

Reasons

3. The appeal site comprises a dwelling known as Kings Thursday, a 2-storey dwelling situated in a generously-sized plot in a predominantly residential area. The local area consists of a mix of architectural styles, dwelling typologies and dwelling sizes, although several dwellings in the vicinity of the site are also found in spacious plots.
4. Due to its length and width, the proposed extension would undoubtedly constitute a sizeable addition to Kings Thursday. Even so, it would be single-storey only, with a flat roof with 2 roof lights, meaning that it would appear subservient in scale to

the remainder of Kings Thursday. The use of suitable materials and its unassertive design would ensure that it would not detract from Kings Thursday's appearance.

5. The proposed extension would be sited on the elevation facing the highway. Its prominence in the street scene would be considerably mitigated by its substantial set-back from the footway. Moreover, it would be seen in the context of large structures close to the highway, including the double garage which is connected to The Willows and the detached double garage which serves Dale View. I observed that, despite the boundary treatments adjacent to these structures, due to their size and scale, both of these structures are highly visible in nearby views. In this context, due to its substantial set-back referred to above and its overall height, the proposed extension would not appear unduly prominent or obtrusive in the street scene.
6. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the area. It would comply with Policy CS6 of the Core Strategy¹ and with Policy MD2 of the SAMDev Plan² which collectively provide that, amongst other things, all development must be appropriate in scale and design taking into account the local context and character.

Conditions

7. I have considered the need for conditions against the advice on conditions set out in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development (condition 1) and the approved plans (condition 2), respectively. A condition is necessary controlling external materials to ensure that the proposed development would have an acceptable appearance (condition 3).
8. The Local Drainage Authority stated that the proposed development would be unlikely to significantly increase flood risk, and put forward text for an informative note. However, the PPG advises that informative notes do not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes³. Nevertheless, in implementing the proposed development, the appellants will be aware of the comments of the Drainage and SUDS team in relation to sustainable drainage matters.
9. As this appeal relates to a householder application, the biodiversity gain condition is not applicable.

Conclusion

10. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

¹ Shropshire Local Development Framework: Adopted Core Strategy (adopted 2011)

² Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (adopted 2015)

³ Paragraph 21a-026-20140306



Appeal Decision

Site visit made on 15 October 2025

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/L3245/Q/25/3366462

Adina, Land adjacent to the Bungalow, Linford, Weston-under-Redcastle, Shropshire SY4 5LR

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 (as amended) against a refusal to discharge a planning obligation.
- The appeal is made by Mr Peter Bate against the decision of Shropshire Council.
- The development to which the planning obligation relates is Erection of a dwelling.
- The planning obligation, dated 28 February 1997, was made between North Shropshire District Council and Ilse Bate.
- The application Ref 25/00941/DSA106, dated 11 March 2025, was refused by notice dated 14 May 2025.
- The application sought to have the planning obligation discharged.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 106A(3) of the Town and Country Planning Act 1990 (as amended) sets out that a person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the local planning authority by whom the obligation is enforceable for the obligation— (a) to have effect subject to such modifications as may be specified in the application; or (b) to be discharged.
3. Section 106A(6) of the Act sets out that where an application is made to an authority under subsection (3), the authority may determine— (a) that the planning obligation shall continue to have effect without modification; (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

Main Issue

4. The appeal relates to an application to discharge the section 106 planning obligation (obligation) associated with planning permission Ref N/96/350/WS/37. No modifications to it have been proposed. Accordingly, the main issue is whether the obligation continues to serve a useful purpose.

Reasons

5. The submitted evidence indicates that planning permission for the dwelling in the open countryside was granted as a departure from the development plan based principally on the security needs of the appellant's haulage business. It was

granted under a different development plan to now and subject to the obligation to tie the dwelling to that business.

6. It has been put to me that the obligation should be assessed against the policy framework existing at the time it was made. However, the case law put forward to justify this is not persuasive given its limited relevance to the type of appeal in this case. The starting point with regards to policy considerations as part of this appeal is thus the current development plan.
7. The obligation requires the dwelling to be occupied only by the manager (and his immediate family) of the haulage business carried out on “the blue Land” and shall remain in the same ownership as that land. It contains no further clauses. Tied to the business, the dwelling is therefore secured as providing accommodation for the manager (and immediate family) only and is required to remain in the same ownership as the haulage business land. The available evidence indicates that the purpose of the obligation was to avoid unrestricted residential development in the countryside.
8. The appellant, now retired, has indicated that the site is now used solely for residential purposes as the business ceased trading some years ago. There is therefore no associated business to manage nor provide security for. Nevertheless, the submitted evidence is clear in that the dwelling would not have been granted permission had it not been tied (via the obligation) to a business use; and current development plan policy, including Policy CS5 of the Adopted Core Strategy, would require a similar such tie. The available evidence also identifies that there continues to be a lawful use for a haulage business (on the ‘blue Land’).
9. The submitted evidence indicates that there is nothing in planning terms to prevent such a use re-starting. If it were to, then the dwelling would provide accommodation for the manager and security for the business. No marketing has been presented to demonstrate there is no need or demand for such a use of the land with the tied dwelling. Accordingly, the available evidence does not demonstrate that the obligation no longer serves a useful purpose.
10. The Council’s lack of housing supply, the age of the obligation, the Council’s lack of enforcement of it and the site now being used solely for residential purposes do not lead me to a different conclusion. In coming to this view, I have also taken into account that the appellant wishes to discharge the obligation so that the property can be inherited by family when the time arises; the obligation burdens the landowner by restricting the property’s use and marketability and is said to provide no public benefit; and that the Council has no means of delivering affordable housing through the obligation.

Conclusion

11. For the above reasons, the obligation, by preventing unjustified open-market residential development in the countryside, continues to serve a useful purpose. The appeal is therefore dismissed and the planning obligation detailed in the header above is not discharged and shall continue to have effect.

T Gethin

INSPECTOR



Appeal Decision

Site visit made on 11 November 2025

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/L3245/W/25/3370652

Tern Hill Hall, Shrewsbury Road, Tern Hill, Shropshire TF9 3PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Marson (Marson Garages (Wolstanton) Limited) against the decision of Shropshire Council.
 - The application Ref is 25/01161/OUT.
 - The development proposed is outline self-build and custom housebuilding (2 plots) off existing access to Tern Hill Hall Hotel.
-

Decision

1. The appeal is allowed and planning permission is granted for outline self-build and custom housebuilding (2 plots) off existing access at Tern Hill Hall, Shrewsbury Road, Tern Hill, Shropshire TF9 3PU in accordance with the terms of the application, Ref 25/01161/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal was submitted in outline form, with all matters reserved except for access and layout. I have therefore determined the appeal on this basis.
3. The appeal documents include a Section 106 Unilateral Undertaking (UU) to the Council which in general terms seeks to limit the construction of the dwellings, if permitted, to Self and Custom Build dwellings as defined in the UU.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for housing, with particular reference to reliance on the private car.

Reasons

5. The appeal site is an undeveloped parcel of land sited near to Tern Hill Hall Hotel. Tern Hill Hall is a restored hall set within landscaped gardens located in Tern Hill. Within the vicinity of the site are three existing dwellings, known as 'The Lodge', 'The Coachman's House', and 'Garden View'. There are open fields to the north and west of the site.
6. The development plan for the area includes the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). Policy CS1 of the CS establishes the strategic approach including the broad distribution of development between Shrewsbury, Market Towns and Key Centres, and the rural area. Policy CS4 of the CS indicates that development in the rural area will be

focused in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the CS.

7. In order to provide for sustainable patterns of development Policy CS5 of the CS strictly controls development in the countryside. However, the policy does allow for new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. While Policy CS5 sets out a list of types of development that it particularly relates to, it does not explicitly restrict market housing in open countryside.
8. Nevertheless, Policy CS5 is supported by Policy MD7a of the SAMDev, which does include strict control against market housing development in areas defined as countryside. MD7a provides for some exceptions where evidence of local housing needs would be met or where there are particular heritage matters which would be addressed, however these matters are not relevant to the proposal before me.
9. Policy MD1 of the SAMDev identifies the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements. Tern Hill is not designated as any of these under the SAMDev Plan and is considered as countryside for planning policy purposes. Thus, the appeal site is not located within any defined development boundary and, consequently, is within the open countryside, albeit near to existing residential development.
10. There are some limited facilities within a short walking distance of the appeal site, which include a shell petrol station with deli and a Little Waitrose convenience store. As such, there is reasonable access to some day-to-day facilities without relying on a private car.
11. Furthermore, the appeal site is located near to a National Cycle Route. It is within cycling distance of Market Drayton where there is a range of services and facilities, and within easy cycling distance of Hodnet, which has a post office, primary school, medical centre and church.
12. The appeal site is also within walking distance of bus stops. The nearest bus stops are located on the A53, positioned on both eastbound and westbound routes. Both bus stops are served by the number Arriva 64 bus service. The appellant confirms that there are regular bus services during the day for those residents travelling to the larger urban centres of Shrewsbury, Market Drayton and Hanley. These services allow for residents to travel to these major centres for education, employment, retail, and leisure purposes using public transport.
13. Consequently, there are public transport links to other settlements and towns with facilities, services and employment opportunities. As such, the appeal site is within reasonable proximity to services and facilities, and future occupiers would have a genuine choice of transport modes rather than an over-reliance on private vehicles.
14. However, the Council is concerned that future occupants would need to cross the A53 highway, which they describe as a busy, highly trafficked and fast road. Whilst the A53 would have to be crossed to reach the nearest bus stop and convenience store, the road nearest the site is straight, with good visibility, and could be safely crossed with caution. There is also a pavement along the A53 with street lighting

towards the nearest bus stop. The shell garage/convenience store can be accessed via safe pedestrian crossing points with refuge islands including tactile paving and dropped curbs. I also observed that a reasonably wide grass verge leads directly to the roundabout crossing points from the driveway to Tern Hill Hotel.

15. The route is well lit, including the driveway leading to Turn Hill Hotel, and relatively flat with no steep inclines or declines that may deter some future residents from walking and would involve a moderate level of activity. I observed on the opposite side of the A53 a dedicated cycle path.
16. Therefore, in my judgement, the site is within a reasonable distance of bus stops and the convenience store, and there are suitable places along the road for pedestrians to cross. It is also noted that the Highway Authority raised no objection to the scheme.
17. Consequently, there are services, facilities and employment opportunities that would be easily accessible to everyday needs by sustainable modes of transport. However, the proposal conflicts with the location strategy of the development plan, as the site is located in open countryside and the proposal would not meet any of the exceptions where development in the open countryside is considered appropriate.
18. Accordingly, the appeal site would not be a suitable location for the proposed dwellings as it would conflict with Policies CS1, CS5, CS6 and CS11 of the CS, and Policies MD1, MD2 and MD7a of the SAMDev. Collectively, these policies restrict development in open countryside, and seek to ensure that new residential development in rural areas is directed to locations within Community Hubs and Community Clusters.

Other Matters

19. The Council state that the proposal would result in the loss of 'best and most versatile agricultural land'. However, the appellant disputes this claim stating that the land is not agriculture and instead forms part of the former formal garden and tennis courts to Tern Hill Hall. The Council have not provided any substantive evidence to the contrary. I therefore attach little weight to it.
20. My attention has been drawn to other appeal decisions. However, I do not have the full details of these cases before me, and they appear to relate to different sites and settlements. The Inspector for the appeal¹ case at land north of Station Road, Woofferton considered the appeal site to be located a considerable distance from many essential services and facilities, which is not the case here. I also note that there was no legal agreement before the Inspector to secure it as a self-build dwelling.
21. The Inspector for the appeal² relating to land adjacent to No 2 Farm Cottages, Arscott found that the accessibility to local facilities and services was limited. While future occupants would likely use some of the facilities and services in nearby villages, the routes to these villages comprised narrow country lanes with no footways or streetlight. This differs to the proposal before me, as there are

¹ APP/L3245/W/25/3363781

² APP/L3245/W/25/3361427

services and facilities nearby, a dedicated footpath to Market Drayton and good access to National Cycle Routes and bus services.

22. The Inspector for the appeal³ case relating to Overton Grange Farm, Overton concluded that there was no evidence that the occupants would have access to a frequent bus service, and the level of services and amenities within Overton or nearby, was unknown. This differs to the proposal before me which is accessible to services and facilities for the reasons explained.
23. The Inspector for the appeal⁴ case relating to land adjacent to 11 Corfton Bache, Craven Arms found that there was no dispute between the parties that the proposed dwelling would have limited accessibility to services and facilities. Future occupants would therefore be heavily reliant on private vehicles. This differs to the case before me.
24. Consequently, I do not find that these other appeal cases are wholly comparable to the proposal before me. In any event, I have determined this appeal on its own merits, based on the evidence before me and my own observations.

Planning Obligation

25. The appellant has submitted a planning obligation in the form of a Unilateral Undertaking (UU) dated June 2025. I am satisfied that its content is fit for purpose and secures the self-build nature of the proposal. With reference to paragraph 58 of the National Planning Policy Framework (Framework), the UU is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

Conditions

26. The Council suggested a number of conditions and the appellant had the opportunity to comment on them. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance (PPG) and where necessary I have edited for clarity and precision.
27. In the interests of certainty, I have imposed the relevant conditions concerning the timescales for the commencement of development, the submission of the reserved matters and the approved plans.
28. I have imposed conditions relating to highway safety and to ensure the adequate drainage of the site, and the protection of trees. A Construction Management Plan is required to protect the living conditions of neighbouring occupiers and for the purposes of highway safety throughout the development works.
29. I have omitted suggested conditions by the appellant relating to electric vehicle charging points, bird boxes and bat boxes as they relate to the reserved matters. A planning obligation has been submitted regarding self-build.

³ APP/L3245/W/25/3363880

⁴ APP/L3245/W/25/3365531

Planning Balance and Conclusion

30. The proposal would result in harm to the Council's spatial strategy and therefore conflicts with Policies CS1, CS5, CS6 and CS11 of the CS, and Policies MD1, MD2 and MD7a of the SAMDev.
31. However, the Council are currently unable to demonstrate a five-year housing land supply, said to be 4.73 years. Therefore, paragraph 11d of the Framework is engaged.
32. The proposal would contribute towards the Government's objective of significantly boosting the supply of housing contributing 2 houses to the Council's housing land supply. There is a shortfall in housing supply, and I give this significant weight given that the site is located within an accessible location with sustainable travel options. There would be economic benefits from the construction of jobs created during the construction phase and the ongoing expenditure in the local area from the new residents. The proposal would deliver self/custom build housing in accordance with the Framework.
33. In addition, Paragraph 73(b) of the Framework supports small sites to come forward for self-build and custom-build housing. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements. The benefits of self-build and custom-build housing are recognised by the Planning Practice Guidance (PPG) finding that it helps to diversify the housing market and increase customer choice. These matters weigh considerably in favour of the proposal.
34. As such, I am satisfied that when taken together, the matters above, with particular merit afforded to boosting the supply of housing, would outweigh the conflict with the development plan in this particular instance.
35. For the reasons set out above, I conclude that the appeal is allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.
- 2) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) Approval of the details of internal access arrangements, scale, and the landscaping of the site shall be submitted to and approved in writing by the local planning authority before any development commences on site.
- 4) Any reserved matters application shall be accompanied by a Tree Protection Plan and an Arboricultural Method Statement in accordance with BS5837:2012.
- 5) The access and visibility splays shall be satisfactorily completed and laid out in accordance with the Junction Visibility Splay Plan Drawing No. 110103-PEF-VIS-XX-DR-C-00001 prior to the dwellings being occupied.
- 6) Prior to the dwellings hereby permitted being first occupied the parking and turning areas shall be satisfactorily completed, laid out and maintained in accordance with the Block Plan Drawing Nos 4 and 5.
- 7) No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
- 8) Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The plan should include the following details:
 - i) Location of site compound.
 - ii) Parking of vehicles of site personnel, operatives and visitors.
 - iii) Loading and unloading of plant and materials.
 - iv) Storage of plant and materials in constructing the development.
 - v) Storage of oil, fuel and chemicals.
 - vi) Prevention of mud being deposited on highway.
 - vii) Measure for the control and reduction of noise from construction works.
 - viii) Hours of operation of construction works and other works on the site.

The agreed plan shall be complied with at all times during construction work.

*****End of Conditions*****