NORTH PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

Date: 28th July 2023

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application No.	Originator:
6	22/03877/FUL	Public objections x2

- Scheme is overcrowded, has dangerous vehicle access arrangements and is saturating Meole Brace with further fast food outlets
- The care home is landlocked with no garden areas for any occupants and car parking is severely limited
- No significant improvement has been made to the previous application which was tabled and strongly criticised last year
- simply a case of the authorities selling off the family silver; concern that the golf course will be next
- Council has failed to maintain former pitch and putt facility
- Loss of several mature trees and hedges
- Creation of more traffic
- Lack of need for more retail outlets and care home

Item No.	Application No.	Originator:
6	22/03877/FUL	SC Sport, Physical Activity, and Environment Co-Ordinator – Culture, Leisure and Tourism

At this moment in time Shropshire Council Leisure Services are not considering bringing the former pitch and putt site back in to use. This is based on the declining usage figures when it closed in 2018/19 and the lack of an appropriate budget to maintain it. The decline in usage produced an annual loss to the Council and the facility was costing nearly double the amount to operate and maintain than was received in income from paying customers.

Shropshire Council's Assistant Director of Commercial Services has confirmed by letter that the Council commits to investing £50,000 or a sum very close to £50,000 to complete the improvement works within a period of one year from the date the land sale completes. This sum of money will be used to enhance the golf offer at Meole Brace Golf Course. Extensive conversations will be had with the Golf Professional, Shropshire Council Officers and other interested parties on what additional facilities could be provided. This sum of money could be used as match funding for a larger scheme.

	Total visits MBGC	Visits -Pitch & Putt
2006/07	26,391	-
2007/08	28,249	-
2008/09	26,204	-
2009/10	24,397	2,567
2010/11	25,569	2,412
2011/12	35,152	2,590
2012/13	23,674	1,665

2013/14	27,074	1,990	
2014/15	26,446	1,853	
2015/16	27,752	1,870	
2016/17	25,802	1,590	
2017/18	21,621	1,124	
2018/19	19,599	147 (closed)	
2019/20	10,265	-	
2020/21	8,711	-	
2021/22	15,989	-	
2022/23	10,967	-	

Item No.	Application No.	Originator:
9	23/02352/ADV	Case Officer

The description of development has been amended to the following:

Erect and display three sponsorship signs placed on the roundabout (amended description)

Although the report refers to this amendment the description had not been changed.

Item No.	Application No.	Originator:
10	23/00225/FUL	HOOOH

HOOOH the campaign group opposed to the application have submitted additional representations highlighting the following concerns:

HOOOH STATEMENT FOR NORTHERN PLANNING COMMITTEE MEETING ON FRIDAY 28 JULY 2023 – Planning application ref: 23/00225/FUL

1. Exceeds the northern limit for built development in Statement of Common Ground

In the Statement of Common Ground for OSW004, Historic England and Shropshire Council agreed that: 'The layout should ensure that new development does not protrude to the north of the existing built development, to the west of the allocation.' In comments to the planning proposals in 2020, Historic England clarified that this refers to the factory buildings at Traditional Products. The proposals significantly exceed this building line, with around half of the dwellings either wholly or partly breaching it – see image below. The Statement of Common Ground provides mutually agreed conditions, signed by Shropshire Council and Historic England, for any development at OSW004. As such, it underpins the SAMDev/Local Plan S14 Policy for Oswestry and the Inspector's assessment of less than substantial harm that saw her approve the OSW004 allocation.
Given the overwhelming opposition to the plans, Shropshire Council must respect and adhere to policy and underpinning agreements for controversial development or we seriously undermine public trust in the local planning process.

2. Less than significant harm (destruction of asset) is still harm

While Historic England states that development would constitute 'less than substantial harm', they also observe that it is down to Shropshire planners to judge if that harm is acceptable under the NPPF given the great importance of the hillfort - as 'less than substantial harm' *is still harm*. They advise in their representation:
'In NPPF terms we assess that the impact of the development within the setting of Old Oswestry Hillfort, would be to cause less than substantial harm to its significance. In coming to a decision, the Council should fully consider NPPF paragraphs 199 and 200 and apply the tests of NPPF paragraph 202.'

In respect to NPPF 199 and 200 and the tests of 202, the planning officer's report concludes that, whilst acknowledging the highest significance of the asset, there would be less than substantial harm to that significance and that the public benefits would outweigh the harm.

We believe that this assessment is not sound or justified in respect of NPPF 199 and 200 for the following reasons

• The proposals would see town expansion into a crucial area of Old Oswestry's setting, visually triggering the start of enclosure of the hillfort in its south-eastern landscape. Contrary to NPPF para 199, this does not take proper account of the significance of Old Oswestry as a designated heritage asset - it is a scheduled monument - nor give sufficient weight to the asset's conservation, especially when 'the more important the asset, the greater the weight should be'. *This applies even if the impacts of development are assessed as constituting 'less than substantial harm to its significance'.*

• Contrary to NPPF para 200, the planning officer's report does not provide 'clear and convincing justification' for loss of significance to a designated heritage asset. The proposal would cause harm to the heritage significance of the scheduled monument Old Oswestry hillfort through urban encroachment and destruction of a key part of its historical and landscape setting. The planning officer's report does not convincingly demonstrate that the harm/loss is necessary, given that:

-houses can be built elsewhere, since more than sufficient housing land has been identified for Oswestry's future growth, including east of the A5 bypass.

-public benefits and conditions of development that supported OSW004's allocation cannot be delivered – see points 1, 4 and 5.

3. Cumulative effects of town development must be considered

Insufficient consideration is being given to the cumulative effects of the proposals, that is, how the altered landscape will add to previous harm resulting from the erosion of the hillfort setting from northwards creep of the town. This area was previously respected by Council planning, which used The Coppy as a natural screen for earlier housing development. The decision now to develop beyond The Coppy sets a worrying new precedent for future proposals.

The photos below illustrate the view from the hillfort before and after development. The visual impact of the proposed housing would be to magnify the dominance in the view of houses and urbanisation lying beyond the B4580 Whittington Road, connecting them right through to the Oldport Farm infrastructure. The existing open fields of OSW004 and clear visual line provided by the Whittington Road are crucial in keeping the urban mass in visual abeyance. But the proposed development, tapering towards the hillfort, will cause the eye to read the town right through to the farm edge lying just 80m or so from the hillfort base. This is catastrophic: both in terms of the harm to the setting and significance of a very important heritage asset, people's experience of the hillfort, and the scale of negative visual change in relation to the housing development.

Historic England has emphasised the importance of maintaining a separateness between the hillfort and the town in preserving its importance and dominance in the landscape.

Image showing current view

Image showing impact of development (from developer's planning proposals)

4. No access over Cambrian railway

Due to legal conditions preventing access across the Cambrian railway line, the proposals cannot meet the S14 requirement to provide 'pedestrian and cyclepath links to the former railway and a new footpath link between Whittington Road and Gobowen Road to improve access towards the Hill Fort'.

The LPA cannot now dismiss this policy condition: it was intended as a public benefit of any proposed development and gave weight to the Inspector's decision to approve OSW004's allocation.

Given the overwhelming opposition to the plans, Shropshire Council must respect and adhere to policy and underpinning agreements for controversial development or we seriously undermine public trust in the local planning process.

5. No associated works to Whittington Road and Gobowen Road junction

Policy S14 requires that development is 'subject to improvements to the Whittington and Gobowen Roads junction'. The planning officer's report does not appear to address this requirement.
Given the overwhelming opposition to the plans, Shropshire Council must respect and adhere to policy and underpinning agreements for controversial development or we seriously undermine public trust in the local planning process.

6. Approval is being recommended despite key council consultees holding contradictory positions

How can it be sound to recommend approval when key Shropshire Council consultees have contradictory views over landscape/visual impacts? Shropshire's Landscape Consultant comments: 'The LVIA finds that the majority of landscape and visual effects are adverse' especially in respect to the hillfort (see planners' report p. 96). However, Shropshire's Conservation Manager defers to the Inspector's conclusion that impacts on 'long reaching views over the development' would be acceptable.
Historic England comes down on the side that views towards the hillfort would be negatively affected, saying in their representation of 1 March 2023:
'In our letter of 16th April 2020 we agreed with the assessment set out in Table 13 of the LVIA of March 2020, that the view from Whittington Road towards Old Oswestry Hillfort would be substantially changed by development that will introduce new built form, albeit set back from the road, and that the proportion of the view affected would be relatively extensive. This remains our view regarding the current proposal.'

7. Necessary heritage expertise not given appropriate consideration

NPPF para 194 requires the LPA to consult 'necessary expertise' for proposals affecting heritage assets. This refers not just to the expertise of Historic England within the planning process, who set a geographical limit for development, warned of harm to views, and has emphasised compliance with NPPF.
In cases where the heritage asset is of national and international significance, then 'necessary expertise' is usually also sought from experts in the relevant field. In an open letter of November 2014, twelve of the country's leading archaeologists – including Prof. Lord Renfrew of Kaimsthorn FBA (Emeritus Professor, University of Cambridge), Prof. Sir Barrington Windsor Cunliffe CBE, FBA (Emeritus Professor, University of Oxford), and Prof. Ian Ralston OBE (Emeritus Professor, University of Edinburgh) wrote in objection to development on plot OSW004. **We provide this significant letter of expertise in Appendix 1, as it is missing from the planners' report, although was submitted as part of HOOOH's objections.*

8. North Shropshire MP and other objectors

We would draw attention to the objection made on 14 Feb 2023 by North Shropshire MP, Helen Morgan (not included in the planning officer's report) in which she says:
'Most importantly, there is significant opposition to the proposal from key stakeholders. Oswestry Town Council is opposed to the development. Its Councillors are the elected representatives of the people of Oswestry, and they have a support from members of the public, both locally and nationally, to protect a beautiful historic monument of national significance.
This has been demonstrated by over 12,000 petition signatures since the development was first proposed in 2012. It's clear that there is a greater public benefit from conserving this important cultural asset, while land for additional housing has already been identified elsewhere in the vicinity of the town.'
Significant objectors in addition to Mrs Morgan include:

- • Oswestry Town Council
- • HOOOH Campaign Group
- • The Prehistoric Society

- • Oswestry & Border Archaeology & History Group
- • Historic Buildings and Places
- • Cambrian Heritage Railways Ltd
- • Council for British Archaeology
- • Oswestry and District Civic Society
- • RESCUE – The British Archaeological Trust
- • Public comments - 128 letters against the latest application, repeating similar volume of objections to previous applications, plus 12,000+ petition signatures against OSW004 allocation

In reaching a balanced planning decision, these objections from key stakeholders, heritage bodies and the public should carry more weight than they are being given in the planning officer's report.

7. Sets dangerous planning precedent for national heritage

Over and above the many reasons outlined above for refusing the planning application, approval would set a dangerous precedent for heritage sites across the country. This would be a terribly damaging legacy that would be laid at the door of Shropshire Council because it failed to protect one of its own outstanding heritage assets and an acknowledged British archaeological jewel.

~ ENDS ~

Appendix 1 follows – Academics' Statement of Significance for Old Oswestry

15 December 2014

An open letter to:

Rt Hon. Eric Pickles MP (Secretary of State for Communities and Local Government)
Rt Hon. Sajid Javid MP (Secretary of State for Culture, Media and Sport)

On house building by 'Old Oswestry'

"one of the greatest archaeological monuments of the nation" – English Heritage
"the outstanding work of Early Iron Age type" – Professor Sir Cyril Fox (1934)

Dear Sirs,

We write to express on-going concerns within the heritage community over Shropshire County Council's proposal for housing development OSW004, a site for 117 houses, less than 300 m from the scheduled ancient monument, Old Oswestry Hillfort.

We understand that an 8,000 signature petition exists in opposition to the development, as held by the local Hands off Old Oswestry Hillfort campaign, and that concerns have been raised by the Society of Antiquaries of London, The Prehistoric Society, RESCUE (British Archaeological Trust), Campaign to Protect Rural England, and Shropshire Wildlife Trust.

As Senior Academics in British Archaeology, we would like to give our perspective.

In our view: 1) Old Oswestry hillfort is one of the greatest Iron Age hill forts in Britain; 2) OSW004 would claim an important area of the hillfort's hinterland; 3) this would cause irreparable harm to the hillfort's setting; 4) this is contrary to planning legislation established to protect the historic environment; and 5) this would set an unacceptable precedent.

Old Oswestry is a Scheduled Ancient Monument statutorily protected under the Ancient Monuments and Archaeological Areas Act (1979). Development within the hinterland of this extraordinarily significant hillfort runs counter to the National Planning Policy Framework (2012), English Heritage's *The Setting of Heritage Assets* (2011) and *Good Practice Advice on Setting and Decision-taking* (2014) and ultimately, the Valletta Convention (1992).

The NPPF (paragraphs 126-141) is explicit in its steer that the setting of heritage assets should be afforded protection proportionate to their significance. Yet, despite Old Oswestry's demonstrable importance, and despite concerns previously raised by those within the heritage sector, alongside very significant local opposition, OSW004 somehow remains in Shropshire's Site Allocations and Management of Development plan.

If the bar for acceptable development under the NPPF does not protect the setting of even our most significant heritage sites, then we set a potentially calamitous precedent for the greater part of the nation's historic environment.

Yours Sincerely,

Professor Lord Renfrew of Kaimsthorn FBA, FSA
Emeritus Disney Professor of Archaeology, University of Cambridge

Professor Sir Barrington Windsor Cunliffe CBE, FBA, FSA
Emeritus Professor of European Archaeology, University of Oxford

Professor Ian Ralston OBE, FRSE, FSA, MCIFA
Abercromby Professor of Prehistoric Archaeology, University of Edinburgh

Dr Geoffrey Wainwright MBE, FSA, FSLW
Hon. Vice President Society of Antiquaries

Professor Richard Bradley FBA, FSA
Emeritus Professor of Archaeology, University of Reading

Professor Dennis Harding FRSE
Emeritus Abercromby Professor of Archaeology, University of Edinburgh

Professor Colin Haselgrove FBA, FSA
Professor of Archaeology, University of Leicester

Professor Niall Sharples FSA
Professor of Archaeology, University of Cardiff

Professor Ian Armit FSA
Professor of Archaeology, University of Bradford

Dr John Creighton FSA
Director, Society of Antiquaries

Dr Alexander Gibson FSA MCIfA
President, the Prehistoric Society

Dr Alison Sheridan FSA, ACIfA
Emerita President, the Prehistoric Society

Officer comments.

In relation to the points as raised above:

1. The building line as indicated by HOOOH is their interpretation of the position agreed in the 2014 SoCG between EH (now Historic England) and SC and subsequently repeated by the Inspector in her report. This states: "*The layout should ensure that new development does not protrude to the north of the existing built development, to the west of the allocation, and to include that area which is in closest proximity to the Hillfort in the landscaping proposals*." It is difficult to grapple with how the Inspector could reasonably have concluded that 117 dwelling (site allocation), could have been accommodated south of the line HOOOH have drawn. It is considered that the proposed development does achieve the requirement agreed in the SoCG because the built form does not protrude north of the boundary of the adjacent site and the landscaping is accommodated within the parts of the site in closest proximity to the hillfort. This matter has been covered in the Officer report. Notwithstanding that this was a point that was agreed in the 2014 SoCG, it is not an explicit requirement of the design guidelines that were agreed between EH and SC in the same document, that were found to be sound by the Inspector and subsequently incorporated into SAMDev Policy S14.1a. This matter was considered extensively at the adoption stage of the site in accordance with the SAMDev plan by the appointed Planning Inspector and it should be noted that the development guidelines for

OSW004 within the SAMDev Plan are consistent with those within Appendix 4 of the SoCG. As such, it is apparent that provided it is considered that the proposals within Planning Application 23/00225/FUL comply with the development guidelines for allocation OSW004 within the SAMDev Plan, they will comply with the Statement of Significance of the Old Oswestry Hillfort and Design Principles for site OSW004. The SoCG is available on the Council website at: https://www.shropshire.gov.uk/media/8260/ev107-sc-eh-statement-of-common-ground.pdf

2. Their second point appears to claim that the Officer report does not adequately set out the significance of the hillfort as a scheduled monument.
Significance (for heritage policy) is defined in Annex 2: Gloassary (at pg.71-2) of the National Planning Policy Framework as: -

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."

As a Scheduled Monument, the hillfort it accepted to be a designated heritage asset of the highest significance, as per Para 200 of the NPPF. Paragraph 6.2.7 of the Officers report covers relevant paragraphs of the NPPF.

Further, more detailed description of significance of the of Scheduled Monument is provided in in the Conservation Manager's response in paragraph 4.14 of the Officer's report which indicates:

"A Statement of Significance for the Scheduled Monument was prepared by English Heritage (now Historic England) as part of a Statement of Common Ground (SoCG) that was agreed with Shropshire Council in October 2014, prior to the examination of the SAMDev Plan. In summary, this recognises that Old Oswestry Hillfort is one of the largest and most impressive hillforts in England, in terms of the scale and complexity of its earthworks. Built, reworked and occupied over several centuries in the Iron Age as a social and economic centre for an extended community, the hillfort remains a prominent landmark in the surrounding landscape. Wat's Dyke was constructed in the early medieval period as frontier bank and ditch and statement of political control, and deliberately included the earlier hillfort in its alignment at this location."

Whilst it is accepted that the Hill Fort is of the highest significance in relation to its archaeological and historic value, the harm to its significance is less than substantial. Whilst great weight is duly given to its conservation, the harm is deemed to be outweighed by the public benefits of the proposal. Further still the site is allocated for housing in accordance with the local plan and forms part of the Council's requirement to achieve a five year land supply as required by national planning policy, the principle of residential development on site was therefore accepted at the allocation stage. The appointed local plan Planning Inspector made specific reference to this site during the adoption stage.

3. The cumulative impacts of the development have been given consideration and it is considered they are acceptable. (Paragraph 6.4.8 of the Officer's report). The site is allocated for housing in the Local Plan (SAMDev), and consideration would have been given to this aspect at the allocation stage. All applications are

considered on their planning merits at the time of submission and as such this proposal does not set a new precedent. It is considered development on site will integrate with the urban built up form of Oswestry and that the proposal includes significant landscaping to soften its edges with a buffer zone of land retained between the urban build form and that of the Hill Fort itself and as such impacts on setting are considered acceptable. It is noted Historic England have not objected to the proposed development.

4. Access and the Cambrian Railway line and a new footpath link between Whittington Road and Gobowen Road to improve access towards the Hill Fort' is covered in Section 6.5 of the officer's report. It is understood this requirement for a new cycleway/pedestrian link between Whittington Road and Gobowen Road was never a request of the highway authority. On the basis however that for legal reasons a cycleway/footpath cannot be taken across the Cambrian Railway Line, the question to be considered is what level of harm is caused in terms of getting pedestrian and cycle access to the Hill Fort, where other routes are available. In answer to this it is considered difficult to argue that any harm by this omission would justify an objection to the delivery of this allocated housing site.
5. Policy S14 requirements that development is 'subject to improvements to the Whittington and Gobowen Roads junction have been given consideration as outlined in the Officer's report. It is clear that National Highways do not object to the proposal as outlined in their response set out in paragraph 4.3 of the report. SC Highways response is set out in paragraph 4.15 and again subject to appropriate conditions raises no objections to the proposed development which it is noted is for less houses than the policy allocation of 117. The development proposal included the submission of a Transport Assessment to consider the transport impact of the development on the local highway network. This was assessed by SC highway officers and subject to consultation with National Highways regarding the A5/Whittington Road Roundabout. Whilst noting the Policy S14 reference to improvements at the Whittington Road/Gobowen Road junction, this has been considered, however having regards to the scale of the development and assignment of traffic flows no improvements were considered necessary. A highway objection based upon no improvements to this junction on either highway safety or capacity grounds would neither be warranted or sustainable. Financial funding towards National Highways carrying out an improvements scheme at the Whittington/A5 junction were initially sought by National Highways. However this request was subsequently withdrawn by National Highways on the basis that such a request did not meet the relevant planning tests.
6. HOOOH's statement appears to confuse landscape effects with heritage impacts. Although related, these are separate planning matters. The conclusions reached by both the Council's Conservation Manager and the Council's Landscape Manager are set out in the report and neither object to the proposed development. Any development has an impact. Historic England's comments about affects the development would have upon views of the monument from Whittington Road contributes towards their conclusion that the development would cause less than substantial harm to the significance of the hillfort as a Scheduled Monument because of the effects upon its setting. This is essentially the same conclusion that the SAMDev Inspector reached.

The decision maker has to make a balanced judgment on these impacts. It is considered that development as proposed offers substantial landscape mitigation which will assist in integrating the development into the landscape on an allocated site for housing in accordance with the local plan. Further still the housing numbers are at the lower end (the site being allocated for 117 dwellings).

7. Paragraph 194 of the NPPF is cited in full at paragraph 6.2.1 of the Officer's report. This requires local planning authorities to ensure that applicants describe the significance of heritage assets affected by development, including the contribution their settings make, and assess the impacts on that significance using appropriate expertise.

   The applicant's consultants Warwickshire Archaeology, who produced both the Heritage Impact Assessment as well as undertaking the archaeological field evaluation for the current application are a Registered Organisation with the Chartered Institute for Archaeologists and are therefore considered to have an appropriate level of expertise in relation to the requirements set out in para 194 of the Framework.

   The application has received extensive consideration by both Historic England and the Council's Conservation Team as set out in their responses to the application in the Officers report and further discussed in the Officer's appraisal. Consideration has been given to the responses received from objectors to the development as well as other experts in their respectful fields and all are set out in the Officer's report.

   It should also be noted that 2014 letter appended to HOOOH's statement was submitted to and considered by the Planning Inspector who examined the SAMDev plan prior to the site being allocated.

8. Further still the allocation of the site received extensive consideration by the Planning Inspector on allocation of the site and subsequent adoption of the SAMDev which forms part of the current local plan.
9. Objections to the application as outlined in section 8 are acknowledged and further still referred to in detail in the Officer's report. It is acknowledged that the MP for North Shropshire has also sent in a letter of objection to the proposal and it is understood this has been widely acknowledged by objectors to the proposal on various social media outlets. Comment about the petition set up in 2012 is also acknowledged. None of the statutory consultees have objected to this proposal on an allocated site for housing in accordance with the local plan. Nevertheless this does not mean objections received to the application as discussed have been side-lined, all comments received were taken into consideration when reaching a planning balance and conclusion in relation to the application and its planning merits and material considerations.
10. (Marked as 7 in the above comments from HOOOH). It is not considered any approval of the application will set a dangerous precedent for heritage sites across the country. Each application has to be considered on its own planning merits in

relation to relevant planning policies and material considerations at the time of determination of the relevant application under consideration.

Item No.	Application No.	Originator:
10	23/00225/FUL	CPRE Shropshire

Having now had time to review the Committee Report, and with apologies for the late nature of this brief submission, we draw attention to the following two main issues.

1. Harm to the setting of Old Oswestry Hillfort

It is universally acknowledged that there will be harm to the setting of this nationally important historic monument. The question before you is whether that harm is sufficient to justify refusing the application. Reams of evidence have been submitted from many independent experts saying that it is. We offer the plan as below, which indicates just how close the site is to the Hillfort. Yet more "urban creep" will undoubtedly further cumulatively erode the Hillfort's setting.

Curiously, the Committee Report describes Old Oswestry hill fort as a "housing site", as though it were a SAMDev allocation from the Iron Age. The applicant's documentation does not appear to have used this phrase.

In addition, as pointed out again in the most recently submitted HOOOH statement, the site layout appears not to be compliant with the SAMDev Inspector's requirements.

2. Climate change issues

Whist many parts of the world are burning because of climate change it is remarkable how little this issue gets mentioned in the Committee Report, despite Shropshire Council long ago having declared a Climate Emergency. At the moment, partly because of current building regulations, every major development like this that is granted planning permission will contribute further to global warming.

In response to concerns about climate change the Committee Report glosses over the issue by stating (Agenda Reports pack page 162) that "it is considered that the development complies with local plan policies in relation to scale and design and building regulations will cover issues in relation to construction".

We consider that this statement is wrong, and that there is a local plan policy, relevant to scale and design in relation to climate change issues, which has not been complied with. This policy is the Supplementary Planning Document (SPD) - Sustainable Design Part 1 (as listed in the Agenda Reports pack page 165). This SPD is not mentioned at all in the body of the Committee Report, perhaps because officers appear to ignore it in making decisions.

We consider that the application before you is not compliant with this SPD, on at least two counts, namely:

i) Under CS6, paragraph 4.78, it is clearly stated that all proposals should include the sustainability checklist from the Sustainable Design SPD (to demonstrate that appropriate sustainable design measures have been incorporated to minimise natural resource consumption such as renewable energy and low carbon technology, grey water harvesting and the provision of storage facilities for waste recycling). No such sustainability checklist is evident on the website as having been submitted with this application.

ii) Paragraph 10.9 of the SPD states that:

"To maximise access to the sun, buildings should have their main elevations within 30o of due south (either to the east to maximise morning sunlight or to the west to maximise evening sunlight). In principle, the main living or working spaces should be located on these elevations."

This is a very simple measure to use solar gain to reduce energy consumption, which is a key component of climate change mitigation. Yet it is clear from the submitted

layout plan that well under one-third of the houses can be said to be compliant with this simple requirement.
The submitted application is therefore not compliant with local plan policy, contrary to what is implied within the Committee Report.

Officer's comments.

The site is an allocated site in accordance with Policy S14.1a – Land off Whittington Road, (OSW004), as set out in the Council's adopted SAMDev policy.
Other issues are referred to in relation to harm to the setting of Old Oswestry Hillfort are covered in the Officer's report and Officer's comments in response to comments made by HOOOH above.

Whilst issues raised with regards to Climate change are acknowledged, the proposal on balance is considered acceptable and issues in relation to construction will be a consideration of Building Regulations. The SPD Sustainable Design has formed part of the overall planning balance as set out in Part 10 of the Officer's report. A further verbal update will be given to Committee on this point.

Item No.	**Application No.**	**Originator:**
10	23/00225/FUL	Applicants.

The following has been received from the applicants' agent in response to comments from HOOOH as referred to above.

APPLICANT'S COMMENTS ON HOOOH STATEMENT REGADING PLANNING APPLICATION REF: 23/00225/FUL – LAND NORTH OF WHITTINGTON ROAD, OSWESTRY
Cameron Homes has been made aware of a late representation made by the HOOOH action group ahead of the Northern Planning Committee Meeting on Friday 28th July 2023. Upon review of the contents of this statement, Cameron Homes consider it necessary to respond to the various points raised. Our response to each point raised by HOOOH is therefore set out in turn in this letter.

HOOOH – 1. Exceeds the northern limit for built development in Statement of Common Ground
Response: The SOCG only forms part of the evidence base to the SAMDev. It is not a statutory development plan document. The development has to be assessed against adopted policies in the SAMDev, notably against the development guidelines which have been examined by the Inspector and considered acceptable. Note that the development guidelines in the adopted SAMDev do not state that development cannot extend beyond the building line of the adjacent Traditional Products site, rather the SAMDev explicitly seeks to achieve a layout designed to minimise landscape impact and a landscape buffer along the northern and eastern boundaries of the site.
The allocation in the SAMDev was for 117 dwellings. It would not be physically possible to achieve such numbers within the northern limit that HOOOH have suggested. On this basis it does not stack up that the SAMDev Inspector would have allocated 117 dwellings on this site if that were to be the agreed development extent for built form on this site. To be clear, the Inspector's conclusion of 'less than substantial harm' was based on a scheme of 117 dwellings.

HOOOH – 2. Less than significant harm (destruction of asset) is still harm
Paragraph 202 of the NPPF is clear that "where a development proposal will

lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".
Regarding this site, paragraph 245 of the SAMDev Inspector's Report states: "Policy CS3 of the Core Strategy sets out Oswestry's role as a focus for major development, to include a comprehensively planned SUE. The Oswestry SUE will not meet the housing requirements set out in the CS for Oswestry. Other supplementary sites, as proposed, are also required"
This does not support HOOOH's claim. The provision of housing, including affordable homes, represents a significant benefit in line with the spatial strategy for the County. Having clear regard to the NPPF, Planning Officers at paragraph 6.2.5 of their report have correctly identified that the provision of much needed housing for Oswestry is a significant material consideration that outweighs the 'less than substantial harm' to the designated heritage asset.

HOOOH – 3. Cumulative effects of town development must be considered
The photos provided by HOOOH should not be relied upon as they are not taken from this application that is before the committee. The photos provided are taken from the previous application. Attached to this letter are the correct photomontages from the latest LVIA, showing the view of the site from the Hillfort, both the current situation and with the development in 15 years time. The LVIA for this application does consider cumulative impacts (see Chapter 7 of the LVIA), with paragraph 6.4.8 of the Officers Report having clear regard to this assessment.

HOOOH – 4. No access over Cambrian railway
As explained in paragraph 6.5.8 of the Officers Report, due to a change in the legal status of the railway line since the adoption of the SAMDev plan in 2015, it is not currently possible to create the footpath linkage to Gobowen Road. In any case Cameron Homes support the Officers view that any such link to Gobowen Road would serve no strategic benefit in terms of accessing the Hill Fort by foot or cycle. Note that the decision-taker must have regard to the development plan as a whole, and this includes the significant benefits from the delivery of new housing that is in full accordance with the adopted spatial strategy for Shropshire.

HOOOH – 5. No associated works to Whittington Road and Gobowen Road junction
Paragraph 6.5.6 of the Officers Report clearly addresses this matter. National Highways have confirmed that the development would have no adverse traffic impact on any potential improvement scheme at the A5 Whittington Road roundabout and have not requested any improvements to the strategic highway network. Note that any such works would only be required where it is considered necessary to mitigate the impact of the development, whilst not relevant here, in such a scenario any such works would in any case not be a benefit of the development, rather mitigation.

HOOOH – 6. Approval is being recommended despite key council consultees holding contradictory positions.
There are no contradictory opinions between statutory consultees as suggested by HOOOH. Nonetheless it is the role of the Local Planning Authority to exercise a level of judgement as to whether the development is acceptable having regard to all consultation responses and weighing all matters in the balance, and when assessing the proposals against development plan as a whole. This exercise has been undertaken.

HOOOH – 7. Necessary heritage expertise not given appropriate consideration and HOOOH – 8. North Shropshire MP and other objectors Officers have had clear and full regard to all consultation responses (as set out in Chapter 4 of their report) and confirm this in paragraph 7.4 of their overall conclusions. The weight to be attached to the consultation responses is for the decision taker to decide, with Planning Officers having appropriately done this when weighing up the planning balance for this application.

HOOOH – 9. Sets dangerous planning precedent for national heritage
Each application must be considered on its own merits.
In any case the Planning Officer's professional judgement on this application, i.e. that the public benefit of providing new homes can outweigh the less than substantial harm to a designated heritage asset, follows that of wider case law and the common application of paragraph 202 of the NPPF. The approach of Planning Officers on this application does not therefore set a precedent nationally.

I trust that the above comments will be taken into consideration and shared with committee members by way of an update prior to the Northern Planning Committee meeting on Friday 28th July 2023

Officer comments – No further comment.

Item No.	**Application No.**	**Originator:**
10	23/00225/FUL	Member of the public.
A further letter of objection has been received from a member of the public objecting to the siting of the proposed development.		