

AGENDA ITEM



Committee and date
Southern Planning Committee
17th December 2024

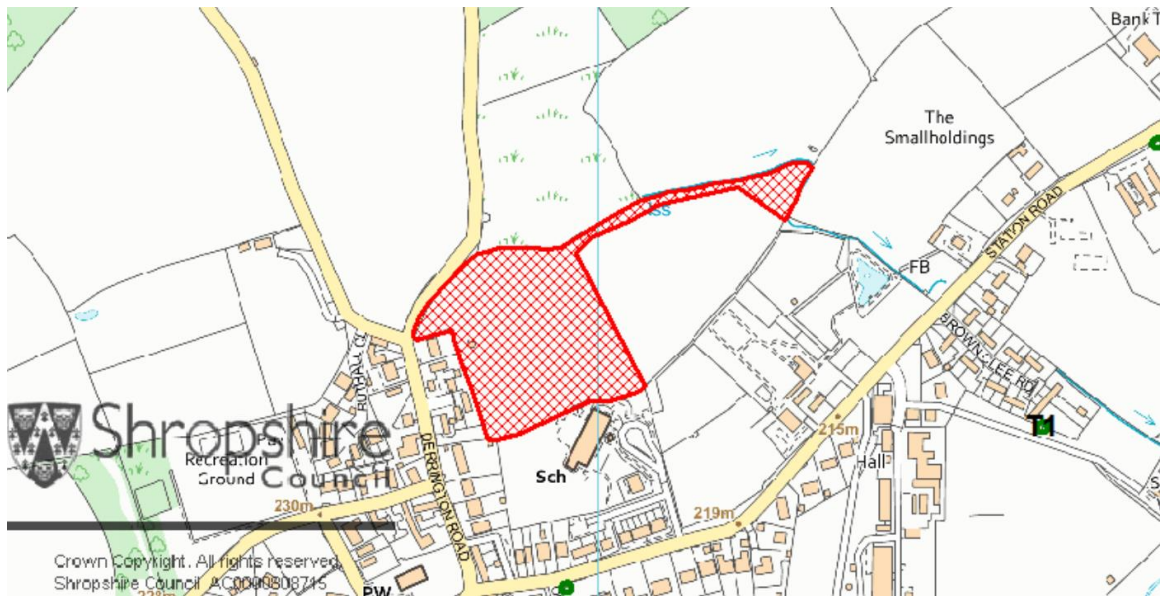
Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

Application Number: 24/02828/FUL	Parish:	Ditton Priors
Proposal: Residential development of 44 No. plots consisting of 1, 2, 3 and 4 bed properties including 11No. affordable dwellings plus associated infrastructure, access, off site footpath, public open space and landscaping.		
Site Address: Proposed Residential Development Land To The East Of Derrington Road Ditton Priors Shropshire		
Applicant: Shropshire Homes Limited		
Case Officer: Lynn Parker	email: lynn.parker@shropshire.gov.uk	

Grid Ref: 360921 - 289396



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Recommendation:- Grant Permission subject to completion of a S106 Agreement to secure the provision of affordable housing in perpetuity, a POS Specification and Maintenance Scheme, Biodiversity Net Gain and the construction and transfer of the School Car Park Facilities, and to the conditions set out in Appendix 1, with delegated powers to officers to negotiate and refine conditions and terms of section 106 agreement

REPORT

1.0 THE PROPOSAL

1.1 This Full Planning Application proposes 44 no. new dwellings together with associated access, footpaths, landscaping, public open space and infrastructure on 2.8 hectares of arable agricultural land to the north side of Ditton Priors and the east side of Derrington Road. The proposed site is allocated for residential development under housing allocation DNP009 - Land off Derrington Road in the Draft Local Plan. The Schedule S3.2(i): Residential Site Allocations: Community Hubs in the Bridgnorth Place Plan Area has a provision guideline of 40 units, the overall residential guideline in S3.2 is around 65 units for Ditton Priors.

1.2 The housing mix for the proposed development over 17 types, is set out as 33 market houses comprising 9x 2 bed, 9x 3 bed and 15x 4+ bed properties, and 11 affordable units comprising 2x 1 bed, 5x 2 bed and 4x 3 bed properties which amounts to a 25% provision. The majority of the proposed dwellings would be 2 storey, however amended plans now include 2 no. bungalows on Plots 19 and 23.

1.3 The proposal further includes the provision of on-site public open space, biodiversity net gain and ecological enhancements. Off-site localised highway works are proposed to improve connectivity between the site and local amenities within Ditton Priors. Five parking spaces for the adjacent Brown Clee C of E Primary School would be constructed and legally transferred to the school

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located on the north side of Ditton Priors and south west of Bridgnorth. It is accessed from Derrington Road (C4226) which runs in a north/south direction along the site's western boundary, or via the C4223 Station Road to the east and unclassified road to the west. The site is a generally level arable field which slopes gradually down to the east. The north and south boundaries are defined by mature trees and hedgerows and seasonal ditches. Half of the western boundary adjacent to Derrington Road is fairly open and lined with low height native hedging. The remainder of the western boundary is adjacent to existing dwellings at Church Meadow constructed in the late 1980s.

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- 2.2 Brown Clee C of E Primary School and its grounds are adjacent to the southern boundary of the site and separated from it by mature landscaping. The arable field extends further east and there is a pocket of agricultural to the south east abutting to the east side of the school drive.
- 2.3 Ditton Priors is a rural village characterised by a mix of older traditional buildings in its core with more recent development radiating outwards from the middle. The centre of the village around St John the Baptist Church and its cemetery is a Conservation Area containing some Listed Buildings. Additionally this part of Ditton Priors is within the National Landscapes designation, however the site and the eastern side of the village are outside that boundary. Ditton Priors benefits from having a school and pre-school, church, medical practice, shop, petrol station/garage, recreation ground with play area and pavilion, trading estate and a village hall.
- 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION
- 3.1 Complex or major applications which in the view of the Assistant Director of Economy and Place or the Head of Planning Services in consultation with the Committee Chairman or Vice Chairman should be determined by the relevant Planning Committee
- 4.0 Community Representations
- 4.1 - Consultee Comments
- 4.1.1 Ditton Priors Parish Council - Understands weight is now being put on proposed sited in the emerging Local Plan. The remaining issue is that the site is in that plan for 40 units, not 44.
- The Parish Council and community are extremely concerned about the narrow country roads in poor condition that lead to the village.
 - Whilst two bungalows have been added to the site, the mix of dwelling size overall has not changed from the original.
 - There is no public transport on a regular basis through Ditton Priors.
 - Pedestrians will cross roads three times to reach the village centre.
 - If the application is Approved, the Parish Council requests conditions requiring a strict Traffic Management Plan and that no dwellings are occupied until the relevant works are carried out to ensure the sewage system is fit for purpose.
- 4.1.2 SC Affordable Housing - No objection. The proposal identifies an over-provision of 5% in relation to the 20% requirement for the Ditton Priors area. The mix and space standards satisfy requirements.
- 4.1.3 SC Learning and Skills - It is essential that the developers contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. Based on a development of 44 dwellings, it is recommended

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that CIL contributions are used towards school capacity requirements in the locality.

- 4.1.4 SC Highways - No objection raised to the granting of consent subject to the recommended conditions, a S106 contribution in relation to the cost of advertising the Traffic Regulation Order (TRO) and minor amendments to the S38 Layout drawing.
- 4.1.5 SC Waste Management - Are satisfied with the tracking of refuse vehicles that has been included.
- 4.1.6 SC Drainage - The proposed drainage strategy is acceptable in principle, with further information required through recommended conditions relating to foul and surface water disposal, and surface water discharge.
- 4.1.7 SC Environmental Protection - Does not disagree with the conclusions of the submitted site investigation and risk assessment, and the site is suitable for its proposed residential end use, without any remediation. However, there is always the possibility that contamination remains unidentified and therefore an appropriate conditions is recommended.
- 4.1.8 SC Trees - The findings and recommendations of the amended Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection) (edp, September 2024) are accepted. The differences in layout are considered minor and not significant in arboricultural terms and there remains no objection to this application on arboricultural grounds.
- 4.1.9 SC Landscaping - The majority of the changes in the revised layout would not alter the conclusions of the LVIA. However there is a concern that the built form appears to have moved closer to the National Landscapes boundary and weakens it by replacing native hedgerow with a stone filled ditch. It is therefore advised that the landscape treatment along this boundary be revisited to maximise screening opportunities and provide a high-quality boundary to the development that reflects local landscape character.
- 4.1.10 SC Green Infrastructure - Advice provided in relation to improvements to the POS and Planting Strategy. Conditions recommended in relation to hard and soft landscaping details and a Habitat Management and Monitoring Plan (HMMP).
- 4.1.11 SC Conservation - Raise no principle objections. Concur with the submitted Heritage Impact Assessment (HIA) that the proposed development would have a neutral effect on the Grade II* Listed Church of St John the Baptist and a negligible adverse effect on the Conservation Area.
- 4.1.12 SC Archaeology - Acknowledge the submission of an amended Heritage and

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Archaeology Assessment (HHA) (edp, August 2024), and Geophysical Survey (Sumo GeoSurveys, 25 September 2024). Responses of uncertain origin have been identified which could be related to geological changes or agricultural processes. As the potential that these anomalies could have an archaeological origin cannot be entirely ruled out, a pre-commencement condition requiring a programme of archaeological work is recommended.

4.1.13 SC Ecology - The Addendum Ecological Appraisal carried out by EDP (November 2024) determined the site to be of ecological importance for breeding birds, bats, dormice, otter, badgers and great crested newts. As such, further assessment for these species was conducted and the survey work carried out is acceptable. Conditions and informatives recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

4.1.14 Severn Trent Water - No objections to the proposal subject to the inclusion of a pre-commencement condition requiring plans for the disposal of foul and surface water flows.

4.2 - Public Comments

4.2.1 Confirmation of site notice display was received on 30th July 2024. The proposal was advertised in the Shropshire Star as a Major Development on 6th August 2024, and as a Departure on 10th December 2024.

4.2.2 19 public representations have been received from 18 different contributors including a Speeding on Derrington Road Survey (in the light of proposed development by Shropshire Homes). All raise concerns which are summarised below:

- There is no proven local housing need and these dwellings will be occupied by incomers with work, leisure and family elsewhere resulting in distant vehicular movements.
- The number of 1 and 2 bed homes are not sufficient.
- Need bungalows in the development as the village is short of small private properties for the older generation.
- There are not enough affordable houses for young local people in this proposed development.
- The affordable housing for rental will be taken up by large housing associations where they are not earmarked for local families. Young people in the area growing up in the area will move away. The proposal exceeds the existing development plan and takes up all the proposed allocation in the emerging plan.
- The proposal is considered to be an overdevelopment of the site which fails to provide sufficient high quality of useable open space, fails to ensure that all dwellings meet the Nationally Described Space Standards for internal

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floorspace, provide no visitor parking, within a cramped incoherent layout that does not reflect the character of Ditton Priors.

- Any additional development will ruin this beautiful and remote part of Shropshire.
- It is in reality a small isolated village, not a Hub.
- The proposal for 44 new brick houses will add over 10% to the number of dwellings in this historic rural village, changing the character to urban.
- The proposal is much more suited to the edge of a town given its layout, building design and size.
- The character of the proposed development is sorely out of line with the current housing and Listed Buildings in the village which is primarily made up of individual properties in rows alongside the road with small pockets of properties in places.
- Due to its location at a prominent edge of village location, adjacent to the AONB, it is particularly important that any proposal sets an appropriate example in terms of design quality.
- Ditton Priors does not have the infrastructure to support an additional 44 dwellings
- The award winning doctors surgery will not be able to provide the quality treatment it provides if the number of patients increases.
- The store, pub, and petrol station will need to be expanded to cope with demand.
- Ditton Priors cannot be reached by any main roads only narrow winding lanes which are impassable by two vehicles in many places.
- The existing roads are poorly maintained and cannot cope with the volume and type of current traffic.
- The extra traffic on these roads will lead to potentially dangerous conditions for pedestrians, horse riders and cyclists who frequent the routes.
- The Transport Statement is focussed purely on the immediate part of Derrington Road by the development, there is no review or comment on the three roads leading into the village.
- The houses may be within walking distance of a primary school and store, but people will need to travel in and out of Ditton Priors to access work, supermarkets and other schools etc.
- Employment in the area is very limited.
- Ditton Priors has virtually no public transport.
- There are very few public footpaths and even less that are lit.
- There needs to be more provision for pedestrians.
- No consideration appears to be given to road safety, especially for the elderly or disabled.
- The existing properties to the west of the site (Church Meadow) will be overlooked by new properties that will potentially overshadow the gardens and reduce privacy.

- Derrington Road often experiences severe flooding due to the old water pipe system.
- Swifts are in trouble, a minimum of 44 swift nest bricks should be made a planning condition.

5.0 THE MAIN ISSUES

- Principle of Development
- Layout, Scale and Design
- Access
- Drainage
- Ecology and Trees
- Residential Amenity
- Historic Environment
- Capacity of Local Services

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF), all planning applications must be determined in accordance with the adopted Development Plan taken as a whole unless material consideration indicate otherwise. For the purposes of the assessment of this application the Development Plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011 and the Site Allocations and Management of Development (SAMDev) Plan. There are also a range of Supplementary Planning Documents to be taken into account as material considerations.

6.1.2 A key objective of the adopted Development Plan is to concentrate residential development in locations that promote economic, social and environmental sustainability. Core Strategy Policies CS1, CS3, CS4 and CS5 seek to achieve managed, targeted growth by steering new open-market housing to sites within market towns, other 'key centres' and certain named villages (Community Hubs and Clusters) as identified in the SAMDev Plan. Sporadic development in the countryside outside of the designated settlements is generally unacceptable unless there are exceptional circumstances as set out in Core Strategy Policy CS5 and SAMDev Policy MD7a.

6.1.3 Ditton Priors is defined as a Community Hub within the adopted Development Plan, however the application site falls outside, but adjacent to its development boundary and is located in the countryside. Therefore, in relation to the adopted Development Plan, the site is not a suitable location for open market residential development.

6.1.4 In regards to the status of the adopted policies for housing, the current published Five-Year Housing Land Supply Statement with a base date of 31st March 2023

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concludes that Shropshire Council can currently demonstrate 5.91 years supply of deliverable housing land against the housing requirement within the adopted Development Plan, and 7.63 years supply of deliverable housing land against the housing need identified within the Local Housing Need Assessment. As such, the relevant adopted Development Plan policies remain up to date and contribute to achieving sustainable development through the right types of new housing, in the right location and within the right timescales.

- 6.1.5 Shropshire Council have an emerging Draft Local Plan (2016-2038) which has been through several stages of consultation and submitted to the Planning Inspectorate for examination on 3rd September 2021. As part of the Local Plan Review, the first phase of public hearing sessions took place in July 2022, January 2023 and May 2023. The advanced second phase began in October 2024, however on October 29th the Inspectors issued a holding letter whilst they set out significant concerns about the soundness of the Plan in respect of a number of areas to the Council. At this time, a detailed letter from the Planning Inspectorate is awaited. The application site is a Draft Allocation (DNP009) within the Plan with a provision guideline of 40 dwellings.
- 6.1.6 The NPPF advises at paragraph 48 that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
 - and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 6.1.7 Given the relatively advanced stage of the Local Plan Review some limited weight could be applied to relevant Draft Local Plan policies as a material consideration in the planning application decision-making process. However, the limited weight that could be given during determination is significantly reduced at this time due to the Inspector's instructions to pause the Local Plan Review process.
- 6.1.8 In the context of the Draft Local Plan, there are no unresolved objections relating to the proposed allocation of DNP009 for residential development or for Ditton Priors to remain a Community Hub, and very limited unresolved objections relating to the overall strategy for Ditton Priors. Therefore the level of weight given to supporting the proposed development based on the Draft Local Plan and with regard to wider material considerations can be greater in the context of paragraph 48 of the NPPF.

6.1.9 The NPPF constitutes policy as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the Development Plan. The current NPPF is that revised and published in December 2023, however a Draft NPPF was provided for consultation between July and September 2024 seeking views on the Government's approach to revising it, alongside a series of wider national planning policy reforms. The adoption of a new NPPF is therefore understood to be imminent. The Committee should have regards to the NPPF in force at the date it considers the application. If the NPPF changes prior to the issuing of a decision notice, then officers will decide whether the matter should be returned to the Committee for further consideration. The main consideration for this proposal is whether the application site is in a suitable location for residential development having regard to the adopted Development Plan, and if not, are there any other considerations sufficient to indicate that the proposal should be determined otherwise in accordance with the adopted Development Plan.

6.1.10 The benefits of the proposed development to be weighted against the conflict with the adopted Development Plan have been presented in the covering letter submitted with the application as including:

- That the site is allocated for residential development within the Draft Local Plan under DNP009, confirming in principle that in the Council's view it is suitable for development.
- That a significant 25% proportion of the new dwellings will be specifically affordable homes, the provision being 5% above the policy requirement.
- The provision of a range of sizes and types of both new open market and affordable homes including smaller properties for first time buyers to get on the housing ladder.
- Homes designed to maximise energy efficiency with low carbon energy sources
- Many jobs created and supported during the construction phase of the development.
- A boost in expenditure in the locality and wider area to the benefit of local businesses and local economy.
- An increase in Council tax revenue and a New Homes Bonus.
- Financial contributions through CIL to support local community infrastructure and ensure local schools can accommodate additional pupils arising as a result of the development.
- A total of 0.49 hectares of functional and usable open green space for occupants and existing residents in the area.
- Biodiversity improvements to meet the net gain policy requirements.

6.1.11 Whilst the Draft Local Plan should be given reduced limited weight in the

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determination of planning applications at this time, the status of DNP009 within it can be given greater support as there are no unresolved objections to its allocation for residential development, nor to Ditton Priors remaining a Community Hub i.e. a village where the sustainability of the community can be enabled through sensitively designed development that reflects the needs of the local community. The provision of 25% affordable homes and therefore 5% above the Draft Policy DP3 requirement is an uplift which is a significant material consideration. The mix and variety of dwelling proposed satisfies the requirements of Draft Policy DP1:

At least 25% of open market dwellings will be dwellings with 2 bedrooms or less. At least a further 25% of open market housing will be dwellings with 3 bedrooms, or less. The remainder of the open market dwellings will include a suitable mix and variety of dwelling sizes.

The affordable dwellings satisfy space standards as per the Nationally Described Space Standards, and at least 5% of the dwellings (3) will be built to M4(3) (wheelchair user dwellings) and 70% of the dwellings will be built to the M4(2) (accessible and adaptable dwellings) standards. This delivery is consistent with the requirements of Draft Policy DP1.

6.1.12 It is also noted that there would be substantial economic benefits associated with the delivery of this scale of development, including direct and indirect jobs during construction, in addition to the increase in resident spend to the benefit of the local facilities. Significant Biodiversity Net Gain is indicated within the proposal, and a POS provision above planning standards.

6.1.12 Therefore the benefits of the proposed development, particularly the over provision of affordable housing, Biodiversity Net Gain and POS should be given significant weight in the determination of this application. The principle of the development is acceptable and supported.

6.2 Layout, Scale and Design

6.2.1 The proposed development, as amended, includes an appropriate mix of one and two storey properties ranging in scale from one to four bedrooms. There is a good variety and mixed layout of house types over a materials palette of light biscuit, red and red/brown bricks, and slate grey/peat brown roof tiles. Details and architectural features would include chimneys, bay and dual pitched roof dormer windows, porches, decorative brickwork around the windows and at the eaves, half timbered gables and areas of Larch cladding. The varied materials palette and architectural designs aim to reflect the existing character of the village, and provide visual interest across the site.

6.2.2 The layout of the proposed development is acceptable providing an active frontage onto Derrington Road and the POS within the site. The design, location and

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orientation of the dwellings have been refined through gradual revision to be appropriate. The amendment to include two bungalows adjacent to the existing dwellings to the west would result in a more mutually satisfactory arrangement.

6.3 Access

6.3.1 The application is accompanied by a Transport Statement which concludes that there are no prevailing road safety problems that would require further investigation. Safe and suitable access would be provided from Derrington Road, with the proposed access afforded appropriate visibility and able to accommodate all required vehicle movements. Additionally, enhanced pedestrian access between the site and Ditton Priors Village Centre would be constructed in the form of new and resurfaced footways along Derrington Road with a relocated crossing point and safe refuge point. An extension to the existing 30mph speed restriction is further indicated, the exact location of which would need to be agreed with West Mercia Police subject to an amendment to the Traffic Regulation Order (TRO) which is a statutory process. The cost of the LHA advertising the TRO can be secured through a S106 obligation or through the Section 278/38 Agreement required for the on-site and off-site highway works. The LHA have confirmed the acceptability of the proposed highway works in principle subject to minor alterations and clarifications as part of the Section 38 technical approval process and to recommended conditions.

6.3.2 Submitted public representations have raised concerns over the impact of the proposed development with increased volume and type of traffic on the road network leading into the village. Whilst it is acknowledged that the surrounding highway network on some approaches to Ditton Priors is constrained, the settlement of Ditton Priors is considerable to be a sustainable location with a number of local amenities. In accordance with the 2011 Census, Ditton Priors current has more than 338 households, and further development has taken place since the 2011 census. Ditton Priors Trading Estate located in the east of the settlement also generate a number of vehicle movements. Therefore the proposed development will generate a number of additional trips on the surrounding highway network, however, it is not considered that the likely impact would be severe nor meet the tests for a highway objection in consideration of the number of vehicle movements within the vicinity of the site.

6.4 Drainage

6.4.1 Sc Drainage have found the proposed drainage strategy for the development acceptable in principle with further details required through conditions in support of the strategy. Severn Trent Water have no objections to the proposal subject to the inclusion of a pre-commencement condition requiring plans for the disposal of foul and surface water flows.

6.5 Ecology and Trees

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- 6.5.1 Revisions to and additional information for the Arboricultural Method Statement and LVA, Ecological Appraisal and Addendum Ecological Appraisal have all been submitted for the proposal in response to matters raised by SC Trees and SC Ecology. The survey work carried out for these aspects is acceptable to the Council's Ecologist and Tree Officer subject to conditions relating to the management of habitat from the construction phase onwards, a Protected Species Method Statement, final landscaping, tree protection, and to secure wildlife mitigation and enhancements.
- 6.6 Residential Amenity
- 6.6.1 The siting of the proposed dwellings, as amended to replace two dwellings with two bungalows, has been clearly considered to minimise any overbearing, overshadowing or overlooking impacts on existing neighbouring residential amenity. The proposed dwellings are positioned appropriately for mutual privacy between them and with the existing dwellings to the west. The submitted Noise Impact Assessment recommends modest noise mitigation measures for the dwellings close to the school boundary with the development site for which appropriate specifications are contained in the document. The proposed development would safeguard residential and local amenity.
- 6.7 Historic Environment
- 6.7.1 A Heritage and Archaeology Assessment (revised version 001b) has been submitted in support of the proposal which concludes that the proposed development would result in a neutral effect to the Grade II* St John the Baptist Church approximately 130m south-west of the site within the village centre and a negligible adverse effect to the special interest of the northern character area of the Ditton Priors Conservation Area. The proposed development would result in no harm to the significance of the Designated Heritage Asset and have a very low end result of 'less than substantial harm' to the significance of the Conservation Area. Both SC Conservation and Archaeology concur with these conclusions. However there is a question of geological anomalies identified at the site presented within the Assessment which would require further exploration through a programme of archaeological work which could be satisfactorily managed through a condition.
- 6.7.2 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 including, where appropriate, securing its optimum viable use (paragraph 208, NPPF). For the proposed development, the public benefits as outlined in Section 6.1 of this report are significant.
- 6.7.3 Under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. At

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paragraph 190 the NPPF advises that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in exercising planning functions. In this case, there would be no harm to the significance of nearby heritage assets or their setting, nor to the character and appearance of Ditton Priors Conservation Area.

6.8 Capacity of Local Services

6.8.1 Several of the public representations received have raised concerns in relation to the potential impact of the proposed development on community facilities including the additional demand put on the medical practice. The proposed development would be liable for Community Infrastructure Levy (CIL) payment which would contribute to prioritised infrastructure needs of communities identified in the Shropshire Place Plans and the LDF Implementation Plan (or Draft Local Infrastructure Plan/Draft Policy DP25).

6.8.2 SC Learning and Skills have recognised that the proposed development would generate a requirement for additional places/facilities to meet pupil requirements, and recommend that CIL contributions are used towards school capacity needs in the locality.

7.0 CONCLUSION

7.1 The proposed development constitutes a departure from the adopted Development Plan which remains up to date in relation to its housing policies. Planning applications should be determined in line with the Development Plan unless material considerations indicate otherwise. In this case, there are material considerations in that the site is allocated for residential development in the DRAFT Local Plan which can only be given reduced limited weight at this time, that however can be given greater support as there are no unresolved objections to its allocation for residential development, nor to Ditton Priors remaining a Community Hub. Further material considerations are that the proposed development would provide above policy requirements for affordable housing, Biodiversity Net Gain and POS, and it would provide substantial economic benefits for Ditton Priors. These matters can be given substantial weight in the planning balance. Whilst the 'less than substantial harm' to the historic environment also needs to be considered, in all other respects the proposed development can be made acceptable and appropriately managed through the use of conditions and a Section 106 Agreement.

7.2 Therefore it is the view of officers that the material considerations put forward in relation to the proposed development override its departure from the adopted

Development Plan and it is recommended for Approval subject to the conditions set out in Appendix 1 and completion of a S106 Agreement to secure the provision of affordable housing in perpetuity, a POS Specification and Maintenance Scheme, Biodiversity Net Gain and the construction and transfer of the School Car Park Facilities. The Agent has agreed that a financial contribution in relation to the Traffic Regulation Order to extend the existing speed limit area can be recovered through the required S278 Agreement as a clause stating that the developer covers the LHAs reasonable costs.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS4 Community Hubs And Clusters

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS9 Infrastructure Contributions

CS10 Managed Release Of Housing Land

CS11 Type And Affordability Of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

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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 Environmen

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

DRAFT Shropshire Local Plan 2016 - 2038 (December 2020)

Strategic Policies

SP1 The Shropshire Test
SP2 Strategic Approach
SP3 Climate Change
SP4 Sustainable Development
SP5 High Quality Design
SP6 Health and Wellbeing
SP7 Managing Housing Development
SP8 Managing Development in Community Hubs

Development Management Policies

Residential

DP1 Residential Mix
DP3 Affordable Housing Provision

Climate Change

DP11 Minimising Carbon Emissions

Natural and Historic Environment

DP12 The Natural Environment
DP14 Green Infrastructure
DP15 Open Space and Recreation
DP16 Landscaping of New Development
DP18 Pollution and Public Amenity
DP20 Water Efficiency
DP21 Flood Risk
DP22 Sustainable Drainage Systems
DP23 Conserving and Enhancing the Historic Environment
DP24 Shropshire Hill Area of Outstanding Natural Beauty

RELEVANT PLANNING HISTORY: _

PREAPP/24/00259 - Proposed development of 44 residential plots consisting of 1, 2, 3 and 4

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bed properties with 33 market houses and 11 affordable units. Acceptable In Principle 23rd July 2024.

11. Additional Information

View details online: [24/02828/FUL](https://www.southernplanning.com/24/02828/FUL)

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

- Design and Access Statement Ref: September 2024 - Rev C.
- Statement of Compliance with Emerging Policy (June 2024).
- Landscape and Visual Appraisal (Environmental Dimension Partnership Ltd, September 2024) Ref: edp8514_r002c.
- Flood Risk Assessment and Conceptual Drainage Strategy (rps, September 2024) Ref: 794-DES-BMK-30156 Version 4.
- Geo-Environmental Assessment Report (Travis Baker Ltd) Ref: 23155.
- Geophysical Survey Report (Sumo GeoSurveys, 26th September 2024) Ref: SUMO 19195 Sumogeop1-527871.
- Project Design & Risk Assessment Method Statements For Geophysical Survey (Sumo GeoSurveys, September 2024) Ref: SUMO 19195 Sumogeop1-527871.
- Transport Statement Rev A (DTA, 17th July 2024) Ref: DN/JN/25499-01a Transport Statement.
- Road Safety Audit: Stage 1 (Meraki Alliance, 19 May 2024) Ref: MAL/DRDPRSA1Rev0
- Ecological Appraisal (Environmental Dimension Partnership Ltd, September 2024) Ref: edp8514_r005a.
- Addendum Ecological Appraisal (Environmental Dimension Partnership Ltd, November 2024) Ref: Edp8514_r007.
- Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection) (Environmental Dimension Partnership Ltd, September 2024) Ref: edp8514_r004d.
- Heritage and Archaeology Assessment (Environmental Dimension Partnership Ltd, August 2024). Ref: edp8514_r001b .
- Noise Impact Assessment (Hepworth Acoustics, July 2024) Ref: P24-010-R01v4.
- Detailed UXO Risk Assessment (Brimstone, 18th January 2024) Ref: DRA-23-1634-SHRO14R-LandoffDerringtonRoad,DittonPriors.
- Air Quality Assessment (rps, 4th March 2024) Ref:20382.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

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Local Member

Cllr Robert Tindall

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. No construction or other operations/works associated with the development hereby permitted shall take place outside the hours of 08:00 to 18.00 Mondays to Fridays, and 08:00 to 13.00 on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To ensure that the amenity that neighbouring occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy CS6 of the Core Strategy.

4. If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An Investigation and Risk Assessment must be undertaken in accordance with current guidance - Land Contamination: Risk Management (Environment Agency, October 2020; updated July 2023) and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation proposal is subject to the approval in writing by the Local Planning Authority

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

5. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds, bats, badgers, great crested newts and dormice as provided in Section 5 of the Addendum Ecological Appraisal (EDP, November 2024).

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Reason: To ensure the protection of and enhancements for bats, dormice and Great Crested Newts, which are European Protected Species, badgers which are protected under the Protection of Badgers Act (1992) and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended)

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. Prior to the commencement of development, a Phasing Plan including details of the timing of the construction of the affordable housing in relation to the occupancy of the market housing shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved details.

Reason: This condition is a pre-commencement condition to ensure the implementation of the affordable housing units.

7. No development shall take place until a scheme of foul 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 first 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.

8. Prior to the commencement of the development, further details in support of the Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- a) Details to demonstrate that the ditch proposed to accept the surface water discharge and outfall from the development is viable.
- b) The drainage ditch along the south and south west perimeter to be defined as they are identified in the FRA as intercepting surface water and necessary to manage overland flow routes. If they are to be excluded, it should be demonstrated that they are not required. Reference should be made to these ditches in an updated SUDs Maintenance Plan.
- c) For any outfall areas outside the red line boundary, details confirming acceptance and access rights for maintenance from the landowner.
- d) Information demonstrating that Ordinary Watercourse Consent is in place for the school car park culvert section.
- e) Details of the diversion proposed for the existing highway drain in the north west corner of the site.

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

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9. No development shall take place, until a Construction Management Plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority and shall provide for:

- i. A construction programme including phasing of works;
- ii. 24 hour emergency contact number;
- iii. Hours of operation;
- iv. Measures to control noise and dust impact;
- iv. Expected number and type of vehicles accessing the site:
 - Deliveries, waste, cranes, equipment, plant, works, visitors
 - Size of construction vehicles;
- v. The use of a consolidation operation or scheme for the delivery of materials and goods
- vi. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- vii. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads
- viii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- ix. Locations for storage of plant/waste/construction materials;
- x. Arrangements to receive abnormal loads or unusually large vehicles;
- xi. Any necessary temporary traffic management measures;
- xii. Method of preventing mud being carried onto the highway;
- xiii. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;

The plan shall be adhered to throughout the construction period.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and to ensure that the amenity that neighbouring occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy CS6 of the Core Strategy.

10. All pre-commencement tree works and tree protection measures as detailed in Section 9 (Arboricultural Method Statement), Plan EDP2: Tree Protection Plan (edp8514_d018d) and Appendices EDP 7, 8 and 9 of the approved Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection) (ref: edp8514_r004d, edp ltd, September 2024) shall be fully implemented to the written satisfaction of the Local Planning Authority, before any development related equipment, materials or machinery are brought onto the site.

Reason: The condition is a pre-commencement condition 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.

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11. The development shall be implemented in accordance with Section 9 (Arboricultural Method Statement), Plan EDP2: Tree Protection Plan (edp8514_d018d) and Appendices EDP 7, 8, 9, 10 and 11 of the approved Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection) (ref: edp8514_r004d, edp ltd, September 2024). 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.

12. Prior to commencement of the development above ground a final hard and soft Landscaping Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version. It shall be based upon the Planting Strategy drawings, Sheets 1-7 (edp8514_d017e) and 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 completion of the development. 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 Local Planning Authority 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.

13. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on

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- site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

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

Reason: This condition is a pre-commencement condition to protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

14. No development above ground shall take place (including demolition, ground works and vegetation clearance) until a Habitat Management Plan of the on and off site gains has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: This conditions is a pre-commencement condition to protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 180 of the NPPF.

15. Prior to commencement of development, a method statement shall be submitted that sets out working methods in relation to great crested newts, bats (in trees), reptiles and nesting birds. All works shall occur strictly in accordance with the method statement, under the supervision of an Ecological Clerk of Works where necessary.

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Reason: This condition is a pre-commencement condition to ensure the protection of wildlife.

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

Reason: The condition is a pre-commencement condition to ensure the protection of badgers under the Protection of Badgers Act 1992.

17. (a) No development approved by this permission shall commence until a Written Scheme of Investigation (WSI) for a phased 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 condition is a pre-commencement condition to protect the archaeological interest of the site.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

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

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

19. Full details of the means of access, including the extent of the junction bell mouth and the junction radii, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation. The approved details shall be fully implemented before any of the dwellings at the site are first occupied.

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

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20. Full engineering details of all offsite highway works shall be submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved details before any of the dwellings at the site are first occupied.

Reason: To ensure satisfactory offsite highway works and improve highway safety.

21. Notwithstanding the construction details submitted, the construction of any new estate street shall not be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highway's infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

22. The construction of any new estate street shall not be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety.

23. No dwelling shall be occupied until the estate streets affording access to those dwellings has been completed to binder course in accordance with the Estate Street Development Plan for Parking, loading, unloading, and turning. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of construction related vehicles has been properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

24. There should be no removal of species-rich hedgerows, until a European Protected Species (EPS) Licence with respect to dormice has been obtained from Natural England and submitted to the Local Planning Authority.

Reason: To ensure the protection of dormice, which are European Protected Species.

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25. Prior to first occupation/use of the dwellings, 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 15 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 starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 10 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 15 invertebrate bricks/houses of integral and/or external design, suitable for pollinators.
- A minimum of 8 hedgehogs domes (standard design), to provide refuge for hedgehogs.
- A minimum of 3 hibernaculum to provide refuge for herptiles.

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.

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

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 174 of the NPPF.

26. Prior to first occupation/use of the dwellings, details for the provision of dormouse boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 10 dormouse nest boxes shall be erected on the site. The boxes shall be sited in accordance with the latest guidance and thereafter maintained for the lifetime of the development.

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

27. 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

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sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Informatives

1. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS4 Community Hubs And Clusters

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS9 Infrastructure Contributions

CS10 Managed Release Of Housing Land

CS11 Type And Affordability Of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (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 Environmen

Supplementary Planning Documents (SPDs):

Type And Affordability Of Housing

DRAFT Shropshire Local Plan 2016 - 2038 (December 2020)

Strategic Policies

SP1 The Shropshire Test

SP2 Strategic Approach

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- SP3 Climate Change
- SP4 Sustainable Development
- SP5 High Quality Design
- SP6 Health and Wellbeing
- SP7 Managing Housing Development
- SP8 Managing Development in Community Hubs

Development Management Policies

Residential

- DP1 Residential Mix
- DP3 Affordable Housing Provision

Climate Change

- DP11 Minimising Carbon Emissions

Natural and Historic Environment

- DP12 The Natural Environment
- DP14 Green Infrastructure
- DP15 Open Space and Recreation
- DP16 Landscaping of New Development
- DP18 Pollution and Public Amenity
- DP20 Water Efficiency
- DP21 Flood Risk
- DP22 Sustainable Drainage Systems
- DP23 Conserving and Enhancing the Historic Environment
- DP24 Shropshire Hill Area of Outstanding Natural Beauty

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

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £145 per request, and £43 for existing residential properties.

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

4. The land and premises referred to in this planning permission are the subject of an

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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.

5. - Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

- The adoptable drainage is subject to a S104, with pump rates to be agreed by ST in two phases, firstly the initial 10 properties and increasing to accommodate the full site.

6. 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 Trusts 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.

7. 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

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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.

8. Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

Badgers are a highly mobile species and are known to create new setts and abandon and re-use existing setts in relatively short periods of time.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

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

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be

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done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

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

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

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

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

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