



Committee and date

Northern Planning Committee

19th August 2025

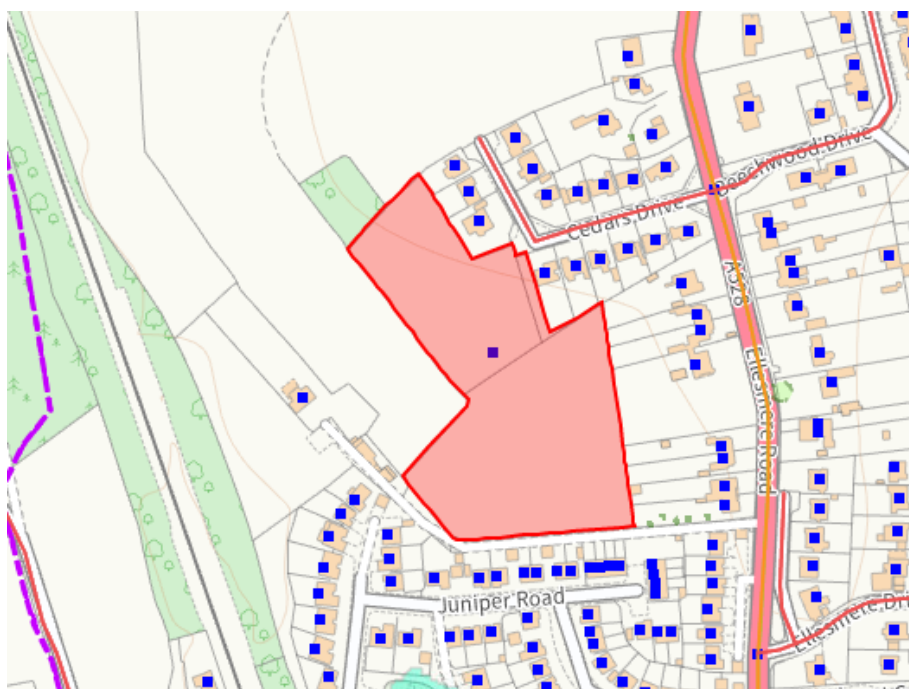
## Development Management Report

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

### Summary of Application

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

**Grid Ref:** 349166 - 314287



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

## **REPORT**

### **1.0 THE PROPOSAL**

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- 1.2 The proposed scheme has been reduced from that previously withdrawn under application reference 24/01887/FUL. The application was withdrawn for the following reasons;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

### **2.0 SITE LOCATION/DESCRIPTION**

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

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

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

### **4.0 Community Representations**

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

## 4.1 Consultee Comment

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

Please see comments from 06/12/2024;

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

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

### 4.1.2 SC Ecologist - 23rd June 2025

No objection:

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

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

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

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

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

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

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

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

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

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

**GL2460 LP 01 Landscape Details:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4.1.9 SUDS - 4th July 2025

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

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

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

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

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

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

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

Security Concerns

Garden Security (Plots 9–18):

Lack of closed board fencing raises concerns about vulnerability.

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

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

Pedestrian Links to Adjacent Land:

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

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

Design Recommendations

Secured by Design (SBD) Award:

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

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

Policy and Strategy Alignment

Shropshire Core Strategy & Local Plan:

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

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

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

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

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

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

### **Public Comments**

#### Shrewsbury Town Council

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

proposed development which is essential.

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

#### Local Member

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

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

#### Public Representations

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

The reason in support is summarised below;

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

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

##### 2. Location Benefits

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

##### 3. Perspective on Objections

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

The reasons of objection are summarised below;

#### 1.Highway Safety and Traffic Impact

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

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

## 2. Pedestrian and Cyclist Safety

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

## 3. Drainage and Flood Risk

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

## 4. Pressure on Local Infrastructure

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

## 5. Environmental and Amenity Impacts

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



omitting key habitat losses.

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

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

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

#### 7. Procedural and Consultation Concerns

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

#### 8. Policy and Strategic Concerns

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

## **5.0 THE MAIN ISSUES**

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

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

#### Adopted Local Development Plan

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

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

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

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

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

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

### 6.1.4 Draft Local Plan

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

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

Following the publication of the revised NPPF in December 2024, a new standard method for calculating housing need has been adopted, the purpose of which is to significantly boost housing delivery across England. The new standard methodology for Shropshire has resulted in an increased requirement of 1,994 dwellings per annum which for the five year period 2024/25 to 2028/29 equates to a local housing need of 9,970 dwellings. With an additional 5% buffer of 499 the total requirement is 10,469.

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

6.1.7 Footnote 8 and Paragraph 11(d) of the NPPF detail the implications of not having a five year housing land supply for decision making, in the context of the application of the presumption in favour of sustainable development. Footnote 8 indicates that where a Council cannot demonstrate a five year supply of deliverable housing sites, it means planning policies most important to the decision will be considered out of date.

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

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

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

*ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

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

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

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

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

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

## 6.2 Siting, scale and design

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

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

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

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

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

## 6.3 Affordable Housing

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

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

#### 6.4 Visual impact and landscaping

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

#### 6.5 Public Open Space

- 6.5.1 The proposed development would result in an area of approximately 3180m<sup>2</sup> of Public Open Space (POS) whereby Policy MD2 would require a total provision of 2790m<sup>2</sup>. Officers note that the area of SUDS is included within the calculation.
- 6.5.2 However, policy MD2 identifies that an acceptable form of development should be capable of:  
*“Providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features.  
For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space.”*
- 6.5.3 The proposed area of POS does include the SUDS basin, however an area of local area for play (LAP) is included within the southern element of the POS. The layout and surfacing of the paths within the areas of POS have been amended in order for these areas to be more accessible.
- 6.5.4 The SC Green Infrastructure Officer had raised some concerns in relation to the POS proposed as part of the scheme. The proposed development has since been amended in order to address the concerns raised by the GI Officer. The proposed amendments have sought that the POS is accessible. Although the Officer had advised that the site allow access to Juniper Drive to the south, this would require crossing a private access drive. The Officer has since agreed that this proposal should be omitted. The proposal allows for hard surfaced access of the POS as well as access to the adjacent draft allocated site. The LAP design is still outstanding; however this shall be secured through an appropriately worded condition.
- #### 6.6 Highways
- 6.6.1 Cedars Drive is subject to a 30mph speed limit and has a 5m carriageway width. It is a no through road which serves 16 dwellings and forms a priority junction with the A528 Ellesmere Road. There are 1.8m wide footways either side of the carriageway on Cedars Drive.
- 6.6.2 SC Highways note that a contribution is proposed, however they advised that further review of the extent of improvements between the site and local facilities/services must

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

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

## 6.7 Other Matters

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

## 7.0 CONCLUSION

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

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

### **8.1 Risk Management**

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

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

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

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

## **8.2 Human Rights**

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

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

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

## **8.3 Equalities**

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

## **9.0 Financial Implications**

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

## **10. Background**

### **Relevant Planning Policies**

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

### **Central Government Guidance:**

National Planning Policy Framework



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

CS1 : Strategic Approach

CS2: Shrewsbury Development Strategy

CS5: Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS7: Communications and Transport

CS11: Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

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

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

**RELEVANT PLANNING HISTORY: .**

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

24/01887/FUL Erection of 44No dwellings, including associated works and landscaping WDN  
28th August 2024**11. Additional Information**View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SLRRJUTDL6S00>

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

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member

Cllr Benedict Jephcott

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

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

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

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

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;

- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
  - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
  - g) Pollution prevention measures.
- All construction activities shall be implemented strictly in accordance with the approved plan.  
Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 192 of the NPPF.

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

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

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

The plan shall be adhered to throughout the construction period

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

6. (a) Site Investigation and Risk Assessment

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

(b) Remediation Scheme

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

(c) Verification of Remediation

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

(d) Unexpected Contamination

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

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

7. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved

by the local Planning Authority in writing. The submitted details shall include post-fieldwork reporting and appropriate publication.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report provided to the local planning authority prior to first use or occupancy of the development. The report shall include post fieldwork assessments and analyses that have been completed in accordance with the approved written scheme of investigation. This shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

Reason: The site is known to hold archaeological interest.

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

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

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

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

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

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

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

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

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

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

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

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

10. Prior to commencement a scheme detailing the design and construction of all new internal roads, footways and accesses together with measures for the disposal of highway surface water shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

- A minimum of 12 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 12 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 12 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 6 invertebrate bricks/hotels of integrated or external design, suitable for pollinators.
- A minimum of 4 hedgehog domes (standard design) to provide refuge for hedgehogs.
- A minimum of 1 hibernaculum, to provide refuge for herptiles.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 192 of the NPPF.

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

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

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

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/23 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

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

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

### **Informatives**

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

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

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

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

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

#### 5. Nesting birds informative

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

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

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

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

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

#### General site informative for wildlife protection

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

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

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

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



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

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

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

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

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

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

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

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