



Committee and date

North Planning Committee

18th November 2025

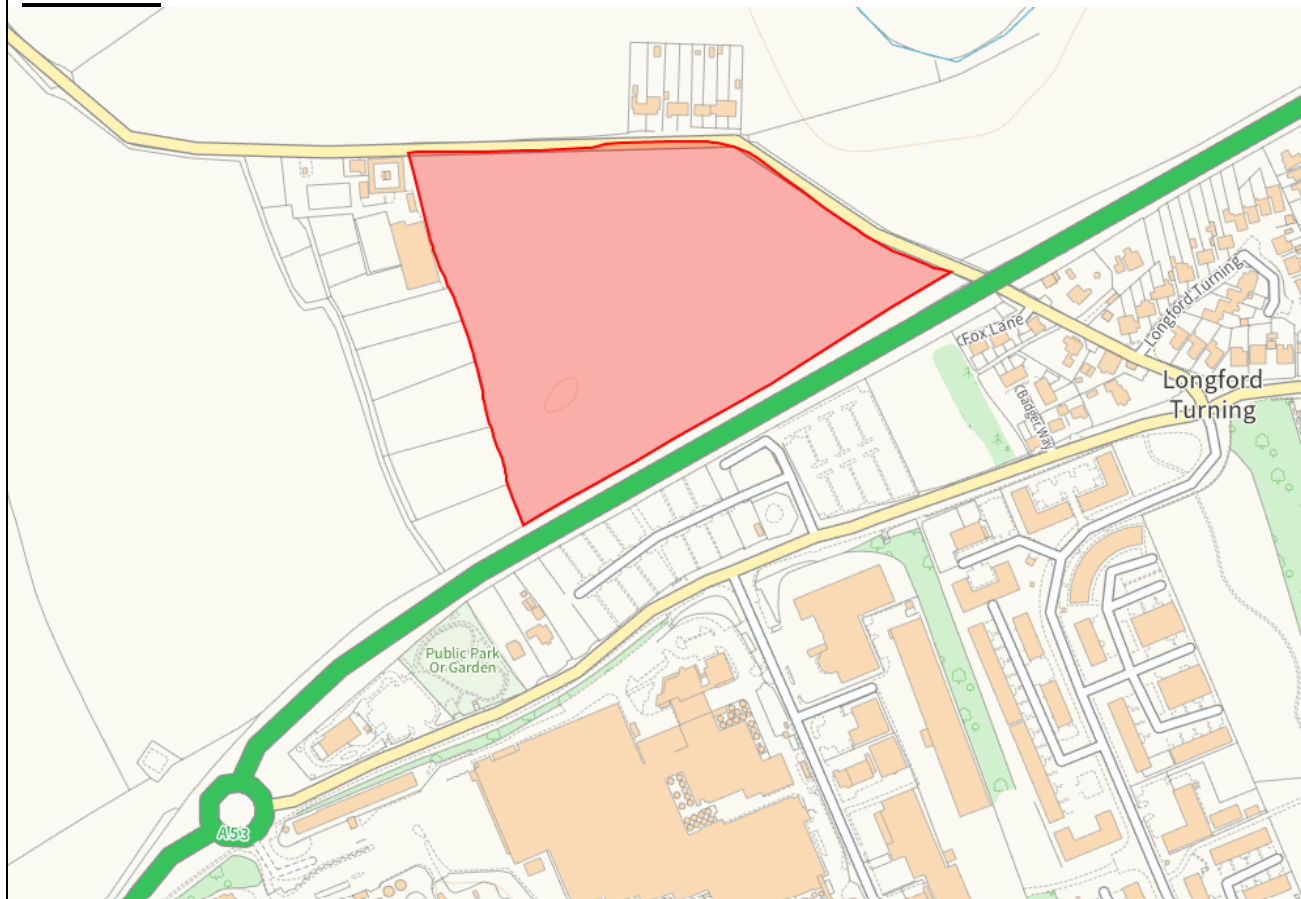
Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/01926/OUT	<u>Parish:</u>	Morton Say
<u>Proposal:</u> Outline application for up to 100 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated highways improvement works (to include access)		
<u>Site Address:</u> Land North of A53, Longford, Market Drayton, Shropshire, TF9 3PL		
<u>Applicant:</u> Gladman Developments Limited		
<u>Case Officer:</u> Richard Denison	<u>Email:</u> richard.denison@shropshire.gov.uk	

Grid Ref: 365192 - 333769



Recommendation: Grant permission subject to the satisfactory completion of a Section 106 agreement to secure affordable housing, open space management, highway works, and management of Biodiversity Net Gain, and conditions set out in Appendix 1 and for any minor changes to those conditions as required. Delegation to the Planning and Development Services manager for minor amendments and final draft of conditions.

REPORT

1.0 THE PROPOSAL

1.1 This application follows two previous refused applications in 2022 and 2023 and seeks outline planning permission for the erection of up to 100 dwellings on land adjoining Longford Road to the north of the A53 bypass around Market Drayton. The proposed development will consider the principle of development and the means of access. The application has been accompanied by indicative plans illustrating structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point, associated highways improvement works, and improved pedestrian and cycling access into the town.

1.2 The following supporting statements have been submitted:

- Design and Access Statement
- Planning Statement
- Topographical Survey
- Phase 1 Site Investigations
- Air Quality Assessment
- Landscape and Visual Impact Assessment
- Archaeology and Heritage Assessment
- Flood Risk Assessment
- Foul Drainage Analysis
- Utilities Statement
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Biodiversity Net Gain Report (including Metric)
- Arboricultural Assessment
- Noise Assessment
- Socio-Economic Benefits Statement

1.3 This application was subject to a formal Pre-application Enquiry and Planning Performance Agreement to specifically address the previous reasons for refusal regarding the principle of development and noise impact from the A53, together with an update to the impact on ecology and provision of Biodiversity Net Gain.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is accessed off the lane that connects Shrewsbury Road in Market Drayton to the village of Longford. It sits between the lane, the A53 and the Fresh Fields Equestrian Centre. Currently the land is used for agricultural purposes and at the time of the Case Officer's visit it appeared to have recently been sown. The

boundary to the A53 comprises a relatively dense belt of trees and shrubs with native hedgerows and post and wire fencing providing the remainder. The land gently rises in a westerly direction with some housing located to the north of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Ward Member has requested that this application be considered at the Northern Planning Committee. The reason for referral to committee is that this is a significant development of 100 dwellings on greenfield land with strong local opposition. The Planning Services Manager in consultation with the Committee Chair agree that this is based on material planning reasons.

3.2 The Parish Council have submitted a view contrary to officers based on material planning reasons and the policy position for housing which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the Committee Chair agrees that the Parish Council has raised material matters which cannot be overcome by negotiation or the imposition of planning conditions in relation to the weight to be given to former draft allocations which are appropriate to be discussed by planning committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 SC Highways - No objection subject to conditions

Access drawing should be an approved drawing of planning. Proposed off-site works will need to be scheduled in a S106 for the entering into of a S278. There are no costings for these works at this time and the detailed design will identify the full scope.

The off-site cycling improvements are welcomed as an introduction to the facility on the south side Shrewsbury Road guiding cyclists to a town centre location.

The underpass is a constraint by its structure but the re-arranging of space to support a 2m wide footway and 3.7m wide carriageway, making it give and take in a location where vehicles can only pass pedestrians in one direction at a time appears to be the best resolution of the constraint.

Any future layout must be resilient to parking. Whether a condition is necessary now or at reserved matters can be informed by the decision maker.

A condition for a Construction Management Plan is required.

A condition timing the access works and off-site works to be completed prior to first occupation, or otherwise secured by S106 is also necessary.

4.1.2 SC Trees - No objection subject to conditions

The site itself is an open agricultural field devoid of significant trees. Key arboricultural features are the belt of mature and maturing trees alongside the

site's western and south-eastern boundaries (the latter running alongside the A53) and the well-established and maintained field hedgerows forming the north and north-eastern site boundary.

The AIA reports that it is intended to remove the entirety of the hedgerows along the northern site boundary, including a semi-mature twin-stemmed oak and a semi-mature hawthorn close to the underpass with the A53. The tree and hedge removals are required in order to allow widening to 5.5m of Longford Turning lane running alongside the northern site boundary. The total hedgerow removal, as measured from aerial GIS photography, is about 385m.

The proposed extent of hedgerow removal is regrettable and generally would be resisted from an arboricultural perspective. However, reference to the Development Framework Plan shows that the loss can be compensated by new tree and hedge planting to bolster and extend the tree belts along the western and south-eastern boundaries, in conjunction with open space and water features. In addition, a combined footpath-cycleway is proposed around the periphery of the development and on the northern side of the site there appears to be ample opportunity to plant new hedgerows and trees to replace the amenity lost should existing hedgerows be removed to widen the lane.

On balance, therefore, there is no objection to this application on arboricultural grounds, subject to suitable protection of trees and hedges to be retained during any future approved development and a high quality landscaping scheme, to be approved.

4.1.3 SC Affordable Housing - No objection

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 10%. A development of 100 homes would need to provide 10 affordable home on site. The assumed tenure of the affordable homes would be 70% for affordable rent and 30% for Shared Ownership which would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme. The size, type, tenure and location of the affordable homes will need to be agreed with the Housing Enabling Team before any further application is submitted and it should be noted that we will expect a mix of 1,2,3 and 4 bed affordable homes. The affordable homes should be located in each phase of the development and on adopted roads.

4.1.4 SC Ecology - No objection subject to conditions

The Ecological Impact Assessment carried out by CSA Environmental (May 2025) determined the site to consist of modified grassland with a small section of other neutral grassland. The boundaries consist of native hedgerows and an off-site wooded belt. The boundaries will be retained as part of the project.

The site was surveyed for its potential to support bats, breeding birds, herptiles, and other mammals (badgers, hedgehogs, hare). Trees located on site were surveyed for their potential to support roosting bats. No potential roosting features were identified, but transect surveys were conducted to determine how the site is used by foraging and commuting bats. Activity from common species was mostly localised to the south-west corner of the site, where the habitats are to be retained. Sensitive lighting scheme will be designed to retain this region as a dark corridor.

The habitat on site is considered suitable for nesting birds, although no nesting birds were recorded at the time of the survey. General activity was recorded and therefore a sensitive working strategy will be implemented during the development. Enhancements for birds will be included into the design of the scheme.

No evidence of any other protected or notable species was recorded during the site survey. Precautionary working methods for terrestrial mammals should be followed during the course of the development.

The biodiversity net gain assessment prepared by CSA Environmental (May 2025) predicts a net gain on site of 1.55 (14.02%) habitat units and 0.76 (10.52%) hedgerow units. This will be achieved via creation of other neutral grassland, modified grassland, mixed scrub, a pond and planting of urban trees and species-rich native hedgerow. As the application is for outline permission, this is potentially subject to change. Any alterations to the design as proposed shall be submitted to the LPA, in writing, for approval.

Because the BNG is considered to be significant, a s106 will be required to secure the BNG for 30 years.

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

SC Ecology require biodiversity net gains at the site in accordance with the NPPF and CS17.

4.1.5 SC Drainage - No objection subject to condition

The submitted Flood Risk Assessment and outline drainage strategy is acknowledged.

4.1.6 SC Learning & Skills - No objection

Current forecasts indicate the need for additional school place capacity for both primary and secondary level. This development along with future housing in the area is highly likely to create a requirement for additional school places to support the educational needs of children in the Market Drayton 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. It is recommended that

contributions for both primary and secondary education provision are secured by Community Infrastructure Levy.

4.1.7 SC Conservation - No objection

A formal response has been received raising no comments.

4.1.8 SC Archaeology - No objection subject to condition

There are currently no archaeological features recorded within the Shropshire Historic Environment Record. Likewise, no anomalies of definite archaeological origin were revealed by the geophysical survey of the site that has been undertaken. It is suggested that whilst one anomaly is most likely to be a natural feature, it is also possible that it might be the ditches of a small enclosure. A potential infilled pond was also identified, together with other small anomalies that most likely represent ferrous objects or pieces of brick and tile within the topsoil. On this basis, the proposed development site is considered to generally have low archaeological potential, with the localised area of the possible enclosure having low-moderate potential. There remains some potential for buried archaeological features, in the form of a possible small enclosure site, to be present on the proposed development site. Therefore, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development.

4.1.9 SC Environmental Protection - No objection

Contaminated Land

Environmental Protection acknowledges the Phase I Desk Study report submitted to support this application. Environmental Protection does not disagree with the conclusions of the report that a ground investigation is recommended.

Amenity

The Noise Assessment achieves the minimum criteria to ensure that appropriate mitigation measures are implemented. The noise assessment should include an assessment of the road traffic noise that may impact on the site, it must establish background noise levels both for day and night and maximum noise levels at night (L_{max}). This would give a better understanding of the noise environment to employ the best mitigation measures to protect amenity.

4.1.10 Ministry of Defence - No objection subject to condition

The application site is located within an area affected by noise generated by military aircraft and military activity from an MOD establishment, being within the Tern Hill Air Traffic Zone. Helicopters currently pass close to that area, transiting to the Tern Hill Relief Landing Ground from training locations to the North and West of Market Drayton. Tern Hill is the relief landing ground for No 1 Flying Training School based at RAF Shawbury, which in turn acts as a diversion airfield for fixed wing units and could be called upon at any time to receive diverted aircraft including fast-jet aircraft, and in addition trains helicopter aircrew and instructors.

The county of Shropshire, as well as parts of adjacent counties, is designated by the Ministry of Defence as Low Flying Area (LFA) 9, an area utilised for dedicated training area of military helicopter crew which requires intensive low-level flying activity. Routine activity includes extremely low flying and manoeuvring, helicopters remaining operational (rotors turning) for extended periods after landing and helicopters hovering at full power for several minutes at a time. This activity, in support of training for the front-line, produces a significant amount of low frequency noise which can be disturbing. This intensive low-level helicopter activity tends to be scheduled between Monday and Friday from 8.30am to 5pm, although night flying is also carried out from this airfield. Night flying operations tend to be completed by 2am though it should be noted that 24-hour flying may occur on any day of the week when operationally required.

The content of the submitted Noise Impact Assessment (NIA) is noted. The noise monitoring only appears to have been carried out over a few hours, 12:00 to 15:00, on one day. Whilst this is adequate to assess noise from the nearby road, it will not have captured sufficiently representative data for the varying military aircraft in the area. We would therefore recommend that further noise monitoring is carried out, in order to more fully assess the levels of mitigation required in the properties to protect the occupants from noise disturbance.

DIO Town Planning have no objection to this application in principle, but recommend that, should Shropshire Council be minded to approve, a condition be added to the permission requiring the applicant to carry out further noise monitoring to secure mitigation measures to achieve daytime noise levels of 35dB LAeq (16hrs) within living rooms between 07:00 and 23:00 hours, and night-time levels of 30dB LAeq (8 hrs) within bedrooms between 23:00 and 07:00 hours. Such an assessment should be carried out by an appropriately qualified individual (Member of the Institute of Acoustics) and be based on a noise survey carried out over a minimum period of 07:00 Monday to 23:00 on the following Friday.

4.1.11 United Utilities - No objection subject to conditions

United Utilities does not accept the submitted drainage strategy as it presents two potential outfalls and lacks a foul drainage strategy. Developers must thoroughly investigate all sustainable drainage options before proposing surface water connections to public sewers. A pre-commencement condition is requested requiring detailed surface and foul water drainage schemes to be submitted and approved before development begins.

4.1.12 Moreton Say Parish Council - Object

Moreton Say Parish Council reiterates its comments from the previously submitted planning application and states that the planning application contravenes Shropshire Council's current policies relating to Housing in the Open Countryside.

Shropshire's Local Development Framework: Adopted Core Strategy March 2011 states in CS5: Countryside and Green Belt that 'New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. '

Shropshire's Site Allocations and Management of Development (SAMDev) Plan, adopted by Shropshire Council on 17 December 2015, states in MD7a: Managing Housing Development in the Countryside that 'Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.'

Further on in section S11.2(ix): Bletchley, Longford, Longslow and Moreton Say of the SAMDev it states that 'the settlements of Bletchley, Longford, Longslow and Moreton Say are a Community Cluster providing limited future housing growth of approximately 20 dwellings over the period to 2026 to provide for small scale development' in the Parish with 'limited infilling, conversions and small groups of houses which may be acceptable on suitable sites within the villages of Bletchley, Longford and Longslow.'

Moreton Say Parish Council understands that this area was chosen as an area for development in Shropshire Council's Local Plan but as this Local Plan has not yet been completed and so Shropshire Council's currently agreed policies are those stated above which this planning application for 100 houses in open countryside still contravenes.

Moreton Say Parish Council is also aware that Shropshire Council does not currently have a five-year land supply, and so any planning decisions are more influenced by the Government's current policies, so the Council would like to state its additional concerns over the following issues which are of a relevant and material nature in the planning process:

- Access and Highways Safety - The access is inadequate for the number of cars going into and out of this proposed development on a small country lane and the Parish Council has serious concerns for the current residents and those moving into these houses.
- Traffic Generation - The Parish Council would expect an increase of 200 cars in this area from the development and has very serious concerns as the amount of traffic this will generate. Within the planning application no consideration has been given to the increase in traffic around the roundabouts in the immediate area and, more worryingly, there is no data in the application relating to traffic coming out of the development and turning left towards Longford along all the narrow lanes.
- Design and Appearance, Layout and Density - It is not felt that these aspects of the planning application are in keeping with the rural nature of current housing in this parish.
- Flood Risk - The Parish Council has received complaints regarding regular flooding of the River Duckow since the start of the development that is already taking place further up the A53, Market Drayton by-pass, with landowners unable to use their fields for 12 - 14 weeks of the year. There have also been complaints relating to the regular flooding under the A53 bridge, immediately adjacent to this proposed development area, and the Parish Council would expect considerable investigation into these issues

and a detailed environmental report compiled showing how this flooding would be mitigated.

- Loss of Ecological Habitats - As there have been crested newts in the Parish the Council are concerned about this loss of habitat and would expect a full Ecological survey to be conducted into this issue.

Lastly and most importantly, the Parish Council would like to highlight their grave concerns regarding the pressure that these additional houses will put on an already very stretched infrastructure system. The Medical Centre in Market Drayton is currently struggling to cope with the amount of people it already serves, as are the schools and local hospitals.

When considering all the above concerns Moreton Say Parish Council is very firmly objecting to this planning application.

4.1.13 Market Drayton Town Council - No comments received

4.2 Public Comments

- 4.2.1 A total of 28 individual letters of objection have been received raising the following comments:

Loss of Agricultural and Green Belt Land

- The proposed development would permanently remove valuable farmland, which is seen as essential for food production and rural sustainability.
- Many objectors argue this contradicts national and local planning policies, including the National Planning Policy Framework (NPPF) and Shropshire's Core Strategy and SAMDev Plan.

Infrastructure and Public Services

- Concerns include overstretched healthcare services, long waits for GP and dental appointments, and oversubscribed schools.
- Public transport is described as infrequent or non-existent, making car ownership essential and increasing traffic volumes.

Traffic and Road Safety

- The narrow underpass at the A53 and surrounding country lanes are considered unsuitable for the projected increase in traffic.
- Proposed mitigation measures (e.g. speed limits, traffic priority systems) are viewed as inadequate and potentially dangerous.

Environmental and Ecological Impact

- Objections highlight the destruction of habitats for protected species such as great crested newts, and the loss of mature hedgerows and trees.
- The development is seen as harmful to biodiversity and the rural character of the area.

Planning History and Policy Compliance

- The application has been rejected twice previously, and objectors argue that no substantial changes have been made.
- The site lies outside the settlement boundary and within a parish that supports only small-scale infill development.

Quality of Life and Mental Health

- Residents express concern about noise, disruption, and the loss of tranquillity, which they associate with their mental wellbeing.
- The development is seen as incompatible with the peaceful rural lifestyle.

Economic and Social Concerns

- Some argue that the new homes may not be affordable for local residents and could attract out-of-town buyers.
- There is scepticism about the claimed benefits to Market Drayton, especially given the number of unsold properties already in the area.

4.2.2 **Market Drayton Town Councillor Rupert Adcock** raises objection to this proposal for several reasons:

- Similar proposals by the developer at this site have been rejected on good grounds twice before and I see no significant changes to believe this would now be a suitable development.
- The loss of agricultural land would be significant.
- Market Drayton has housing stock and still many in development.
- Market Drayton has insufficient local services especially on healthcare and GP services to cope with the greater demands. The population has grown significantly in the last decade especially the last 5 years without significant increases in service provision.
- This development lies in Moreton Say Parish which has an approved and adopted Neighbourhood Plan as part of the 'three parishes' neighbourhood plan, approved by referendum, which should be given due consideration.
- There is also a well-publicised lack of public transport provision in the area.
- Access to the site under the bridge is narrow and unsuitable given the scale of traffic that will be using the site.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Design, Scale and Character

- Open Space
- Landscape Impact
- Impact on Residential Amenity
- Noise Impact
- Highways
- Impact on Trees
- Ecology
- Biodiversity Net Gain
- Drainage
- Contaminated Land
- Affordable Housing
- Other Comments

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 A previous outline application for a residential development of up to 100 dwellings was refused in January 2022 (ref. 21/04307/OUT). This application considered the principle of development and the access and proposed affordable housing, structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated highways improvement works. The application was refused as the development site was located in an area defined as open countryside. Although the site was being promoted under the draft local plan at that time there were unresolved objections including some relating to this site and the promotion of other sites within Market Drayton the opportunity for consideration of this through the examination process should not be prejudiced by any early approval of a proposed allocated site.

6.1.2 A subsequent resubmission application was submitted, although this was refused in May 2023 (ref. 23/00089/OUT). The previous reason for refusal regarding the principle was still considered relevant, whilst concerns were raised that the development site would be significantly impacted upon by road traffic noise from the A53. The Noise Assessment indicated that a detailed mitigation scheme would be required so that facades would meet recommended noise levels. Unfortunately, the application failed to provide a suitable mitigation strategy to protect the residential amenities of future residents.

6.1.3 As indicated in paragraph 1.3 this application has been subject to a formal Pre-application Enquiry and Planning Performance Agreement to specifically address the previous reasons for refusal.

6.2 Policy & Principle of Development

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan (local planning policy) unless other material considerations indicate otherwise.

Adopted Local Plan Policy

- 6.2.2 At this point in time the development plan consists of the Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. Policies CS1 and CS3 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that Market Towns and Other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterland, balancing housing, and employment development, of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure within the towns development boundaries and on sites allocated for development. Policies CS1 and CS3 are consistent with the objectives of the NPPF to focus new development in sustainable locations.
- 6.2.3 Market Drayton within the adopted plan is a Principal Centre with an identified development boundary. SAMDev Settlement policy S11.1 sets out the expectations for Market Drayton which is a focus for development in the north eastern part of the county. New housing development will be delivered through the allocation of greenfield sites together with a windfall allowance which reflects opportunities within the town's development boundary. The proposed site falls outside of the development boundary and is classified as countryside for planning policy purposes. The Core Strategy indicates that development in the countryside will not be allowed unless it complies with the requirements of Policy CS5 of the Core Strategy.
- 6.2.4 To provide for sustainable patterns of development Policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan strictly controls development in the countryside such that only limited types of residential development, such as conversion of buildings of architectural or heritage merit, accommodation for essential countryside workers, and other affordable housing, is permitted.
- 6.2.5 The proposal is not for development that would be permitted in the countryside under policy CS5 and MD7a and therefore development of this site for open market housing would not be supported under the current adopted local plan.

Draft Local Plan

- 6.2.6 Under the draft local plan policy S11.1 identified Market Drayton as a Principal Centre with a residential guideline of around 1,200 dwellings. This policy indicated that new residential development would be delivered through any saved SAMDev residential allocations; identified new residential allocations; and appropriate small-scale windfall residential development within the development boundary. The proposed site fell within the revised development boundary for Market Drayton and was a proposed allocated housing site (MDR039) with a guide of approximately 120 dwellings.
- 6.2.7 Comments from the inspectors on the local plan examination were received on the 17th 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.

NPPF & Five Year Land Supply

- 6.2.8 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.
- 6.2.9 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.
- 6.2.10 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.
- 6.2.11 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.*
- 6.2.12 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.
- 6.2.13 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.

6.2.14 Importantly, the tilted balance approach maintains the general principles of good planning. Development should be genuinely sustainable in order to be approved. Paragraph 8 of the NPPF sets out what is meant by sustainable development:

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)."

6.2.15 The three objectives referred to are social, economic and environmental. Other policies in the NPPF and local policy are also relevant to determining the sustainability of proposals.

6.2.16 The extent of the housing land supply shortfall is a further material consideration for the decision maker. Shropshire currently has 4.73 years supply of deliverable housing land and therefore, whilst a shortfall of 0.27 exists, this is relatively small in the context of the total required supply (567 dwellings of the required 10,469 new homes).

6.2.17 The key planning issue to consider in determining whether the principle of development is acceptable is whether the proposal represents sustainable development and whether there are any other material considerations or benefits of the proposal that are sufficient to outweigh the conflict with the development plan with regards to the location of housing and any other adverse impacts arising from the proposal.

Sustainable Location

6.2.18 Market Drayton is a principal town within North Shropshire and provides a wide range of local services and facilities including education, employment, public transport, shops, medical facilities, and sport/recreation which serves residents living within the town and the rural villages and countryside surrounding the town. The provision of 100 dwellings is of a scale of development which would be considered proportionate to the overall size of the town.

6.2.19 The proposed development site should provide reasonable access to services and facilities. Paragraph 115 (b) of the NPPF indicates that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users.

6.2.20 The proposed development would incorporate widening of the road running along the northern boundary of the site, together with the provision of a 3 metre wide shared footway/cycle way extending from the eastern corner to the western corner of the site. This would provide a safe pedestrian and cycle access along

the Longford Road to the A53 bypass road bridge. The footpath under the bridge would link into the footpath network leading into the town and provide a safe means of access to local facilities and services.

- 6.2.21 The site is contained between the existing A53 bypass road and Longford Road, together with existing trees and hedgerows. The land to the west forms part of an allocated employment site (15.8ha) under Policy S11.1c of the SAMDev Plan as an extension site for the Muller Dairy. As a result the development would not constitute an unacceptable use which will have a visual and functional relationship with the neighbouring built form.

Efficient Use of Land

- 6.2.22 The proposed development would provide 100 dwellings on a site area of 5.26ha and will provide a density level of 19 dwellings per hectare. Having regard to the proposed edge of town location, together with the requirements of Biodiversity Net Gain, the provision of public open space, road widening and improved footpath and cycle connectivity the proposed density level is acceptable. It is considered that the proposed development would represent the efficient use of the land having regard to the sites proximity to existing residential development and the open countryside to the north.

Well Designed Places

- 6.2.23 The Illustrative Master Plan indicates a single access point from Longford Road providing a central road loop with six main side roads and private driveways to serve the dwellings. The footpath/cycle path will provide links into the town, whilst a recreational path around the edge of the development will be provided. The boundaries of the site will be enhanced with new hedgerows and tree planting, whilst both formal and informal open space will be provided with a centrally located children's play area. The Illustrative Master Plan indicates a mixture of small terraces, semi-detached and detached dwellings with off streetcar parking and garages. The indicative layout would minimise the visual impact of the development and provide soft natural boundaries to the open countryside.

Affordable Housing

- 6.2.24 The proposed site would be required to provide affordable housing. The existing target rate is 10% and based on 100 dwellings the total number of affordable dwellings to be provided on site would be 10 dwellings. The Type and Affordability of Housing Supplementary Planning Document indicates that the starting point for affordable housing mix would be 70% rented and 30% low-cost home ownership and would be secured by a Section 106 Legal Agreement.

Conclusion

- 6.2.25 The draft local plan will be withdrawn and as the Council cannot demonstrate a five-year housing land supply paragraph 11(d) of the NPPF is engaged.
- 6.2.26 Market Drayton is a sustainable town and provides a wide range of local facilities and services for its residents. The proposed site is enclosed and will provide a safe pedestrian and cycle link into the town with several essential services within

500 metres distance away. The proposed site was a proposed allocated site under the draft local plan which considered the site sustainable and suitable for future residential development.

- 6.2.27 As such officers consider that the development site would represent sustainable development, as it would satisfy all three of the economic, social and environmental dimensions to sustainable development outlined in the NPPF and would not conflict with the relevant objectives in national and local policies regarding sustainable development and the provision of housing.
- 6.2.28 The development would also contribute to the shortfall in the Council's Housing land supply.
- 6.2.29 In conclusion it is considered that the harm arising from the proposed development is not significant and the tilted balance in favour of sustainable development is engaged and an application for residential development on this site would be supported by officers.

6.3 **Design, Scale and Character**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition, policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design. As this is a site located within an area of open countryside the application needs to be considered against policy CS5 of the Shropshire Core Strategy.
- 6.3.2 This is an outline planning application where only the means of access is to be considered. The remaining issues relating to layout, scale, appearance and landscaping are to be dealt with as part of any reserved matters application. Therefore, while indicative layout plans have been provided with the application these are for illustrative purposes only and will not be approved as part of this application. As there are no details submitted in relation to design, scale and layout the development cannot be considered in these terms. It will be necessary to ensure that these are dealt with as part of any reserved matters application that may be submitted in the future.

6.4 **Open Space**

- 6.4.1 The illustrative site plan does indicate an area of public open space. However, as no indication has been provided as to the number of bedrooms that would be included as part of the development, it is not possible to assess if this is the correct amount. A rate of 30 square metres per bedroom is set out in policy MD2 of the SAMDev.

6.5 Landscape Impact

- 6.5.1 The proposed development would result in the loss of agricultural land and be visible within the rural landscape. However, ecology and landscape appraisals have been submitted with the application for consideration.
- 6.5.2 While the landscape appraisals indicate a relatively good outcome, the final impact of the scheme is considered to be neutral at best with the provision of additional trees as a small benefit. While this information has been submitted as part of the outline application landscaping has been identified as a reserved matter. Therefore, full details of landscaping of the site would be dealt with at a later stage and it would be expected that any planting scheme would be robust and of significant benefit to the area.

6.6 Impact on Residential Amenity

- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.6.2 There is a row of semi-detached dwellings to the north of the site on the opposite side of the highway and there is the equestrian centre to the west. Any potential development will need to take into consideration the impact on these dwellings. However, it is considered that appropriate development could be undertaken which would have minimal impact on the residential amenities of these properties through loss of privacy or loss of light. The potential loss of privacy would only be to front gardens and the front elevations of the dwellings. As these are adjacent to a public highway, they would be considered to have a reduced level of privacy as a result. Therefore, any new development on the land opposite would have less impact on privacy and a scheme could be designed to minimise any further loss of privacy to an acceptable level.

6.7 Noise Impact

- 6.7.1 A Noise Impact Assessment (March 2025) has been submitted to assess the adverse effects of the road traffic from the A53 on future occupiers of the dwellings.
- 6.7.2 The guidance on noise levels indicates that external noise levels should not exceed 50dB with an upper guide value of 55dB which would be acceptable in noisier environments. Internal noise levels during the day (07:00 to 23:00 hours) should be below 35dB for a living room, 40dB for a dining room and 35dB for a bedroom. Whilst during the night (23:00 to 07:00 hours) should be an average of 30dB with 45dB for the highest level within the measured period.
- 6.7.3 Noise guidance is provided in ProPG: Planning & Noise, Professional Practice Guidance on Planning & Noise which sets out the principles of Good Acoustic Design. The proposed Illustrative Master Plan indicates that dwellings towards the southern boundary of the site will be set back approximately 30 metres from the A53 to help reduce exposure to road traffic noise. These dwellings would be

positioned closer together and have rear gardens facing into the site which would help to reduce noise levels.

- 6.7.4 Details of the noise survey and modelling work indicates that the proposed layout and localised screening, will provide daytime noise levels in all private external amenity areas below 55dB.
- 6.7.5 The highest daytime noise level on the closest facades to the A53 would be 63dB, whilst at night this would be 60dB. In addition to the proposed layout of the dwellings to reduce noise exposure across the development, the internal layout of the dwellings can also be used to reduce noise to sensitive rooms. This would include the dwellings closest to the A53 having bedroom windows on facades facing away from the road, whilst non-noise sensitive rooms such as kitchen, bathrooms, etc positioned on noisier facades. However, in the worst-case rooms acoustic performance windows and ventilation would be required which could reduce the levels to 30dB for a living room during the day and 32dB for a bedroom at night.
- 6.7.6 The Noise Impact Assessment has indicated that embedded noise mitigation has been built into the design to ensure that the principles of Good Acoustic Design are complied with. It is appreciated that noise mitigation would be required for some of the proposed dwellings to achieve recommended desirable noise levels.
- 6.7.7 The Council Environmental Protection Officer has raised no objection and the Good Acoustic Design principle for the approval of the layout of the dwellings affected by noise will need to be demonstrated in any detailed application along with suitable glazing and ventilation requirements. The reserved matters application would be subject to a condition requiring noise mitigation measures.

6.8 Highways

- 6.8.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.8.2 The proposed site will be served by a single access onto Longford Road in a similar position to the existing field entrance. The access will be 5.5 metres wide with a radius of 10 metres with visibility splays of 2.4 metres by 41 metres in both directions. The roadside hedgerow will be removed to facilitate the widening of Longford Road to 5.5 metres to allow vehicles to pass one another.
- 6.8.3 The original submitted access plans introduced traffic calming measures along Longford Road including a speed reduction to 20mph and priority access under the A53 underpass. However, these measures would significantly alter the characteristics of this rural edge of town site and the reduction in speed limit will require alterations to the road, new signage, road markings, and provision of street lighting. The reduction in the speed limit would also be subject to a Traffic Regulation Order which is a lengthy process including third party involvement and is not guaranteed. It is also not considered appropriate that vehicles travelling

along the road towards Market Drayton do so at the national speed limit and then immediately go straight into a 20mph limit.

- 6.8.4 The Transport Assessment submitted with the application provides guidance on the volume of traffic at pinch points indicating that two-way flows in the range of 4,000 to 9,000 vehicles per day should be provided. However, the Council Highways Officer has indicated that a development site of 100 dwellings would only provide on average 650 vehicle movements per day and therefore the existing road and underpass would be more than capable of accommodating the volume of vehicles without the need of any alterations.
- 6.8.5 Amended plans have therefore been received removing the reduction in the speed limit, the two-way road layout, and priority access under the A53 underpass. It is recommended that Longford Road will be provided as a Quiet Lane which encourages road users to pay particular attention to the needs of pedestrians, cyclists, horse riders and other vulnerable users. Roadside signage will be provided on Longford Road in two locations advising motorists of the Quiet Lane and to take care and reduce their speed.
- 6.8.6 The A53 underpass will be rearranged to provide a 2 metre wide footpath and a 3.7 metre wide carriageway, making it give and take in a location where vehicles can only pass pedestrians in one direction at a time. A new 1.2 metre wide footpath will continue to the south of the underpass to Fox Lane with the introduction of new dropped kerbs across Longford Turning. This will result in significant improvements for pedestrian access for both future and existing residents into town.
- 6.8.7 Pedestrian and cycle connectivity into the town will be provided by the provision of a 2 metre footpath and 2.5 metre cycle way running along the roadside from the A53 underpass to a point to the west of the Brookfields dwellings. This will not only serve the proposed dwellings but will also provide a future connection link to potential new recreational development on the north side of the road and will also provide a connection link to benefit the existing residents in the Brookfields dwellings. The proposed footpath and cycle way will be positioned behind a new roadside hedgerow.
- 6.8.8 A short section of cycle lane and a wider refuge is provided around the Longfield Turning roundabout which will provide cyclists to easily cross this junction and link into the existing cycle network to the south of Shrewsbury Road.
- 6.8.9 Concern have been raised regarding lack of public transport provision. However, there is a bus stop on Shrewsbury Road close to the roundabout junction with Longford Turning. There is an hourly bus service which connects Market Drayton to Shrewsbury with the bus stop being only 300 metres walk away from the proposed main vehicle/pedestrian access entrance for the development.
- 6.8.10 The Council Highways Officer has raised no objection to the application subject to conditions regarding a Construction Management Plan; implementation of access and highway works; and visibility splays. It is requested that the off-site highway improvements are scheduled into a S106 agreement for the entering into a S278 agreement in which the applicant will finance the works.

6.9 Impact on Trees

- 6.9.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The proposed site is an open agricultural field with a belt of mature trees along the southern boundary adjacent to the A53 with trees along the western boundary. A native hedgerow follows Longford Road along the north and east boundary of the site. The proposed development will result in the removal of the mature hedgerow along Longford Road to facilitate the widening of the road to 5.5 metres and provision of a pedestrian and cycle route. However, the landscaping of the development will include the replanting of the hedgerow along this boundary. The indicative layout plan indicates public open space and a footpath around the development allowing for the retention and enhancement of the boundary trees. The Council Arboricultural Officer has raised no objection subject to the protection of existing trees and hedgerows being retained during construction and a high quality landscaping scheme. The landscaping scheme would be considered as part of the reserved matters application.

6.10 Ecology

- 6.10.1 An Ecological Impact Assessment (January 2025) has been submitted which is based upon an extended Phase 1 Habitat Survey including site walkovers to establish the habitats present, together with survey work including a Grassland & Scrub Condition Assessment; Hedgerow Conditions Assessment; Ground-level Tree Assessment; and Bat Activity Surveys.
- 6.10.2 The site occupies an area of 5.26ha and comprises a single field consisting of modified grassland surrounded on three sides by species rich native hedgerows and a wooded embankment adjacent to the A53.
- 6.10.3 The proposed site is not subject to any statutory designations and there are no international statutory designations within 10km or any national/local statutory designations within 3km. Although the site does not provide any potential trees for supporting roosting bats five species of bats have been recorded foraging around the site. No evidence on site has been found regarding badgers or dormouse and there are no suitable habitat for otters or water vole within or immediately adjacent to the site. Records of brown hare have been found on farmland to the west of the site and the site has potential to support these species. However, having regard to the relatively low value of the on-site habitats it is not considered important in the context of the wider area.
- 6.10.4 The modified grassland, hedgerows and trees on site are suitable to support foraging and breeding bird species. No records of reptiles have been found, and on-site habitats lack the structural diversity to support reptile species. There are no ponds within 250 metres of the site and due to the short grassland on-site which is sub-optimal for amphibians, and it is considered highly unlikely that the site would be used by Great Crested Newts.
- 6.10.5 The existing hedgerow along the northern boundary will be removed to facilitate the widening of the road and provision of the new vehicular access and footpath. A new double native species rich hedgerow will be planted. Additional thicket planting will be provided along the southern and western boundaries along with

trees planted throughout the public open space. Once established these will provide a habitat for a variety of wildlife. The provision of a new SUDs features and a permanent wildlife pond to the west of the site will be planted with a suitable mix of wetland plants to supplement on-site habitat diversity. This will support populations of invertebrates and provide additional foraging resource for bat species. The site will also be enhanced with the provision of 12 bat boxes and 20 bird nesting boxes.

- 6.10.6 The Council's Ecology Officer has raised no objection, and any planning application would be subject to conditions to protect and enhance ecology which would include approval of a detailed landscape scheme; provision of bat and bird boxes; and external lighting being agreed.

6.11 **Biodiversity Net Gain**

- 6.11.1 A Biodiversity Net Gain Assessment: Design Stage (March 2025) has been submitted to demonstrate that the proposed development would provide Biodiversity Net Gain of 10%. I note that the Statutory Biodiversity Metric was used to determine the baseline (pre-development) and post-intervention (post-development) biodiversity values, and to calculate the net effect of the development upon biodiversity. The metric demonstrates that the existing site represents 11.08 Habitat units and 7.24 Hedgerow units.
- 6.11.2 The proposed development will comprise of up to 100 dwellings with associated private gardens, access infrastructure, SUDs feature, a play area and public open space. Ecological enhancements include 0.55ha of thicket planting; 0.35ha (moderate) and 0.34ha (poor condition) of wildflower meadow; and 0.04ha of non-priority pond. The Proposed Habitats Plan is based upon the Illustrative Masterplan and indicates that the development would provide a post-development biodiversity of 12.50 Habitat units and 8.00 Hedgerow units. This would represent a Biodiversity Net Gain of 14.02% for Habitats and 10.52% for Hedgerows. Therefore, it has been demonstrated that the proposed development can result in a net gain in excess of 10%.
- 6.11.3 The proposed Biodiversity Net Gain would be considered 'significant' in a Biodiversity Net Gain and site context and therefore a Section 106 agreement will be required to secure the Biodiversity Net Gain for 30 years. A Biodiversity Gain Plan will also need to be submitted to discharge the General Biodiversity Gain Condition prior to the commencement of development. The Council Ecology Officer has raised no objection.

6.12 **Drainage**

- 6.12.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.
- 6.12.2 The application identifies that foul sewage will be disposed of by mains sewer and the surface water would be dealt with through a sustainable drainage system.

- 6.12.3 As this is an outline application only limited information can be submitted in relation to the proposed development as the layout of the site etc. has not yet been detailed. However, no objection to the scheme has been raised by the Council Drainage Engineer subject to the inclusion of the recommended condition which requires full details of the drainage to be installed to be submitted for approval.
- 6.12.4 Concerns have been raised regarding flooding of the A53 underpass. However, there are two existing drains on either side of the carriageway which should be capable of dealing with all surface water from the road. If surface water flooding is occurring then it is likely that the drain has become blocked. Officers have notified the Council Highways Maintenance Team of this issue.
- 6.12.5 In view of the above it is considered that an appropriate drainage system can be installed to deal with both surface and foul water drainage.

6.13 **Contaminated Land**

- 6.13.1 The report submitted with the application in relation to contaminated land suggests that there is a negligible to low contamination risk associated with the current land-use. However, they recommend that a Phase 2 Ground Investigation be carried out to provide design information for future development works and also to assess any land quality issues and remediate requirements that may be necessary. To ensure this is carried out conditions have been recommended for inclusion on any planning permission that may be approved on the site.

6.14 **Affordable Housing**

- 6.14.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate for Market Drayton is 10% (based upon the accepted evidence base of the former draft Local Plan) which equates to the provision of 10 affordable dwellings having to be provided on site. The provision of the affordable housing would form part of a Section 106 legal agreement.

6.15 **Other Matters**

- 6.15.1 Concerns have been raised regarding insufficient local services especially on healthcare and GP services. This proposed residential development will be subject to a Community Infrastructure Levy payment which can be spent on a wide variety of infrastructure projects. These can include the provision of new and improved social services like health care and education facilities. The Market Drayton Place Plan sets out the focus for the key needs and includes Health related infrastructure as a Priority A category to enhance capacity at existing facilities and delivering new facilities, where necessary, to support the needs of new development.

7.0 **CONCLUSION**

7.1

The proposed site is located adjoining the edge of Market Drayton development boundary and formed part of a draft allocated housing site within the recently withdrawn local plan. The site is in a sustainable location, on the edge of the existing built development, where it benefits from transport links and the facilities, services and infrastructure offered by the market town. The development would assist in boosting the local housing supply and would provide a mix of open market and affordable dwellings. The development will provide a safe means of vehicular access with improved pedestrian and cycle links into the town for both existing and future residents.

7.2 The principle for residential development is considered acceptable, whilst a safe means of access can be provided and therefore this application is recommended for approval subject to conditions and a Section 106 to control the following:

- Affordable Housing
- Open Space and Management
- Highway Works
- Management of the Biodiversity Net Gain

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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

8.2 Human Rights

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

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

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

8.3 **Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 **BACKGROUND**

10.1 **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

CS3 : The Market Towns and Other Key Centres

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD1 : Scale and Distribution of Development

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

MD13 : Historic Environment

S11 : Market Drayton

10.2 **Relevant Planning History**

21/04307/OUT - Outline planning application (access) for up to 100 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated highways improvement works. Refused 19th January 2022.

23/00089/OUT - Outline planning application for up to 100 (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated highways improvement works (re-submission). Refused 31st May 2023.

PREAPM/25/00103 - Outline planning application for up to 100 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated highways improvement works. Acceptable in Principle 10th April 2025.

11.0 **ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 25/01926/OUT

Cabinet Member (Portfolio Holder) - Cllr David Walker

Local Member - Cllr Malcolm Myles-Hook

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015, and no particulars have been submitted with respect to the matters reserved in this permission.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
4. 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.
5. Prior to each phase of development, an Ecological Impact Assessment shall be submitted, together with any required phase 2 surveys. The assessment will (i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and (ii) identify any likely new ecological impacts and mitigation requirements that arise as a result.

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

Reason: To ensure that development is informed by up-to-date ecological information and that ecological mitigation is appropriate to the state of the site at the time development/phases of development commence.

6. The first submission of reserved matters shall include a landscape and ecology management plan. The submitted plan shall include:
- (a) Planting plans, creation of wildlife habitats and features and ecological enhancements e.g. hibernacula, hedgehog-friendly gravel boards and amphibian-friendly gully pots.
 - (b) Written specifications for establishment of planting and habitat creation.
 - (c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate.
 - (d) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

7. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds and other terrestrial mammals, as provided in Section 5 of the Ecological Impact Assessment (CSA Environmental, May 2025).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

8. The first submission of reserved matters shall include a Construction Environmental Management Plan. The submitted 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 policies MD12, CS17 and Section 192 of the NPPF.

9. The first submission of reserved matters shall include details for the provision of wildlife boxes.

The following boxes shall be erected on the site:

- A minimum of 35 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 35 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 35 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 20 invertebrate bricks/houses of integrated or external design, suitable for pollinators.
- A minimum of 15 hedgehog domes (standard design) to provide refuge for hedgehogs.
- A minimum of 2 hibernacula to be created within the vicinity of the proposed pond, to provide refuge for amphibians.

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

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.

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

- 10 The plans and particulars submitted in support of a reserved matters application shall include a landscaping scheme incorporating native species tree and hedgerow planting, amongst other measures and features, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, to the written satisfaction of the Local Planning Authority. The approved scheme shall include:

- (a) Details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting

period and date of completion, and measures for post-planting maintenance and replacement of losses.

- (b) Details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in (a) above.

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

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

- 11. Construction work, including the arrival of deliveries and unloading of deliveries, shall only be carried out between the following hours: Monday to Friday 07:30 to 18:00, Saturday 08:00 to 13:00. No work shall be permitted on Sundays or Bank Holidays without written consent from the Local Planning Authority.

Reason: To protect nearby residential amenity and the health and wellbeing of residents living in close proximity to the development.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

- 12. Risk Assessment

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

Submission and Implementation of Remediation Scheme

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

Verification of Remediation Scheme

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

Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Unforeseen Contamination

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

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

13. 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.

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

Reason: The site is known to hold archaeological interest.

15. No development approved by this permission shall commence until a final Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, based on the design to be fixed at reserved matters planning stage and prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction Recommendations, or its current version, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

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

16. No development (including site clearance or preparatory works) shall commence until a Construction Management Statement has been submitted to and approved in

writing by the Local Planning Authority. The Statement shall include the following details:

- Site access and egress arrangements, including any temporary traffic management measures.
- Parking arrangements for construction workers and visitors to prevent on-street congestion.
- Loading, unloading, and storage of plant and materials within the site.
- Measures to control dust, noise, vibration, and other emissions, particularly in relation to nearby residential properties.
- Wheel washing facilities to prevent mud and debris on the public highway.
- Temporary fencing, hoarding, and lighting to secure the site and protect public safety.
- Waste management strategy, including recycling and disposal of construction waste.
- Contact details for the site manager and a procedure for handling complaints from residents.

The Construction Management Statement shall be implemented fully in accordance with the approved details and shall remain in force for the duration of the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

17. No dwellings shall be occupied until the pedestrian and vehicular access works and off-site highway improvements as shown on the Proposed Access Strategy (drawing no. 1649/14 Rev.H) have been fully implemented and thereafter retained for the lifetime of the development.

Reason: To ensure a satisfactory means of pedestrian and vehicular access for future residents in the interests of pedestrian and highway safety.

18. The visibility splays shown on the Proposed Access Strategy (drawing no. 1649/14 Rev.H) shall be set out in accordance with the splay lines shown prior to the first occupation of the dwellings. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwellings being occupied and thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the accesses in both directions along the highway in the interests of highway and pedestrian safety.

19. Prior to the commencement of above-ground works, a detailed Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall be undertaken by a suitably qualified acoustic consultant and shall assess the impact of existing and proposed noise

sources on the development site, including road traffic, commercial premises, and any other relevant sources. The assessment shall include:

- (a) Baseline noise monitoring data for both daytime and night-time periods, including LAeq, LMax, and background noise levels.
- (b) Assessment of predicted internal and external noise levels in accordance with BS 8233:2014, WHO Guidelines for Community Noise, and ProPG: Planning & Noise (2017).
- (c) Details of proposed mitigation measures to achieve the following internal noise levels:
 - i) 35 dB LAeq,16hr in living rooms (07:00 - 23:00)
 - ii) 30 dB LAeq,8hr and 45 dB LMax in bedrooms (23:00 - 07:00)
- (d) External amenity areas shall not exceed 55 dB LAeq,16hr.
- (e) A scheme of acoustic design measures, including layout optimisation, façade treatments, glazing specifications, and ventilation strategies.

The approved mitigation measures shall be implemented in full prior to first occupation of the dwellings and shall be retained thereafter.

Reason: To safeguard the residential amenity of future occupiers from adverse noise impacts.

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

20. 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.