

AGENDA ITEM



Committee and date
Southern Planning Committee
Tuesday 25th November 2025

Development Management Report

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

Summary of Application

Application Number: 25/02776/FUL	Parish:	Shifnal
Proposal: Development of the site for 34 dwellings, associated car parking and the provision of public open space		
Site Address: Proposed Residential Development Land To The North Of Watts Drive Shifnal Shropshire		
Applicant: Mr Andrew Timbrell		
Case Officer: Jenny Powell	email: jennifer.powell@shropshire.gov.uk	

Grid Ref: 374902 - 308959

A detailed map of the Shifnal area in Shropshire. The map shows a residential area with streets like Watts Drive, The Green, and The Mill. A red outline highlights the proposed development site, which is located north of Watts Drive and east of The Green. The map also shows the River Sever flowing through the area, with several bridges. Other features include a school (Shifnal School), a church (St. Andrew's Church), and a public house (The Mill). The map is a topographical map with various symbols for buildings, roads, and water features.

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Recommendation:- Refuse for the reasons set out below:

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1. Whilst it is recognised that the site is within Shifnal's development boundary, where the principle of residential development would not be inappropriate, the proposal exhibits fundamental flaws in respect of its design, layout, access and parking arrangements, pedestrian permeability, connectivity and noise amenity. As such the proposed development would not result in a sufficiently high-quality design as to be considered acceptable. Whilst the 'tilted balance' is applicable, due to Shropshire Council's current lack of five year housing land supply (and where local plan policies are therefore considered to be out of date and are attributed less weight), it remains that Paragraph 11d (ii) of the NPPF requires new developments to result in well-designed places, and the proposed development would not adequately meet this requirement. The housing mix proposed is not policy compliant, and as such the proposal would not accord with policy HG1 or HG2 of the Shifnal Neighbourhood Plan or with Core Strategy Policy CS6 of CS11, SAMDev Plan policies MD2 and S15, the draft Design of New Dwellings SPD and Section 12 of the NPPF (2024).
2. A holding objection has been lodged by National Highways preventing approval of the development until such time as further information has been provided to the satisfaction of National Highways or a period of three months from 15th September 2025 has elapsed. As such, Shropshire Council is obliged to make its determination in line with the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, where insufficient information in terms of local air quality and the impact of proposed acoustic fencing has been submitted to demonstrate that the development would be acceptable in respect of the National Highways asset (M54 boundary fence and land) and its effective operation, contrary to SC Core Strategy policies CS6 and CS7, SAMDev Plan policies MD2, and the NPPF (2024).
3. Insufficient information has been provided in respect of:
 - provision of community facilities on this site, given it is clear that the intent of the approved development under 12/04646/OUT for this part of that site to be used for the benefit of the local community. The site is currently well used as public open space. An expectation remains on the part of the community and Shifnal Town Council that sufficient community benefit should be secured as part of the proposal through the provision of allotment land, parking and services, and secured through a suitably worded legal agreement.
 - highways safety, where no transport statement or access strategy has been provided, and it has not been demonstrated that the proposed site accesses, visibility splays, carriageway layout and parking arrangements would not negatively impact highways safety or prioritise pedestrian and cycle movements.
 - confirmation that a 10% biodiversity net gain could result as a consequence of the proposed development. There is also a lack of clarity in terms of what mechanism for achieving the 10% BNG might otherwise be used.
 - the impact of the development on the existing trees forming part of the landscape buffer between the site and the M54, where revised plans now propose a

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pedestrian footpath as well as potential tree planting that may conflict with existing trees.

- sustainable urban drainage systems (SUDS).
- noise mitigation methods to safeguard the amenities of future occupiers.

The lack of clarity means that the proposal fails to accord with Core Strategy policies CS6, CS8, CS17 SAMDev Plan policies MD2, MD8, MD12 and S15 and the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 This full planning application relates to the erection of thirty-four detached, semi-detached and terraced dwellings in Shifnal. Seven units of affordable housing are proposed on the site, these being four two-bedroom units (one a bungalow) and three three-bedroom units. Of the open market housing proposed, there would be thirteen three-bedroom units and fourteen two-bedroom units (three of which would be bungalows).
- 1.2 Two accesses are proposed from Watts Drive, one in the southwest corner of the site, and one roughly midway along the southern boundary. These would not join up to form a circulatory route for vehicles, but would instead form a 'false crescent', where each access would end in two private driveways running parallel to plots 16-26. Additionally, the easternmost access point would spur off at its most northerly point in an easterly direction and would form the access to plots 31-33, with plots 29 and 30 being accessed off a further private drive beyond. A further area for parking has also been proposed beyond plot 31 in later revised plans.
- 1.3 Two SUDS attenuation ponds are proposed adjacent to each new accesses off Watts drive, whilst an area of 0.23 ha designated as 'potential allotments/ BNG area' is located at the far east of the site, accessed through a gate across the adopted carriageway to the north east of Plot 31. An area of Public Open Space is shown in the western part of the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a roughly rectangular parcel of land of around 1.5ha positioned between the M54 to the north and the existing residential dwellings of Watts Drive and other residential development to the south of it. The land is used as public open space by local residents. There is a dense landscape buffer and raised bank between the site and the M54, and mature hedging along the eastern boundary, beyond which is the B4379 Newport Road. The western boundary of the site abuts existing public open space associated with the residential development to the south and southwest of the site.

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- 2.2 The site's existing southern boundary is defined by 1m high timber post and rail fencing separating it from the pavement along the north side of Watts Drive. To the south of Watts Drive there is further recent residential development with two residential sites to the south forming a regular block pattern that is divided by a linear area of public open space running north/south and containing balancing ponds.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application was discussed between the Area Planning and Development Manager and the Chair of the Southern Planning Committee on 23rd October 2025 where it was resolved to present this application to the Southern Planning Committee. The local member objects to the development, whilst the Town Council has adopted a neutral stance but raises material considerations, and there have been a considerable number of public objections to the scheme. It was therefore deemed appropriate to bring the application to committee for determination.

4.0 Community Representations

Consultee Comments:

A summary of comments is provided for this report, the full details of each response is available in the public file.

SC Highways DC

Further work required and there is insufficient information:

- No transport statement
- No access strategy
- It is likely that a transport statement will be able to identify genuine choice for all modes with travel towards Shifnal centre by sustainable modes being a priority.
- The premise of fronted development onto Watts Drive is feasible but not in combination with tandem parking.
- The provision of two access points and a false crescent is not supported and otherwise has no justification. A single point of access will suffice and there is more support for the western access. The access point to the east does not resolve how Watts Drive proceeds around a corner.
- Noting the crescent is not shown as possible to drive across, the idea of refuse collection or deliveries having to go back around again is not fully concluded by the design.
- The long bank of parking to the rear of the site is not understood and there are concerns how EV infrastructure can support this arrangement.

Green Infrastructure Advisor: There is concern that the current plans may offer

reduced allotment space compared to previous submissions, and emphasises the need for adequate infrastructure, including parking and utility access. The Shropshire Green Infrastructure Strategy highlights Shifnal's deficiency in allotment and open space provision, making retention of the earlier levels of allotment a positive aspect. Regarding POS, there is uncertainty about how much of the proposed area is genuinely usable for recreation, as some may include drainage and site edges. It is important that the development demonstrates functional recreational spaces that meet local needs, such as the need for formal play areas, within acceptable walking distances. There are further concerns about the level of tree cover and integration with the wider development, permeability and design details.

SC ESP Ltd - Landscape Consultant

There is a need for a comprehensive approach to landscaping, arboriculture, and biodiversity. Key points include:

- An arboricultural survey in accordance with BS 5837:2012 is missing; all relevant tree information, including removals and root protection areas, should be included in updated plans.
- Soft landscaping proposals are generally adequate, but hard landscaping plans (covering surfaces, play areas, furnishings, and accessibility) are not provided and are required.
- Street trees along the southern boundary are limited by visibility requirements, but their inclusion elsewhere on the site is welcomed.
- There is uncertainty over how Biodiversity Net Gain (BNG) will be achieved, particularly regarding the eastern boundary and whether on-site or off-site mitigation will be used; plans should be updated to clarify this.
- A Landscape Management Plan has not been submitted but may be required by condition.
- The selection of street tree species should avoid fruiting trees in parking areas to prevent conflicts, as recommended by the County Arboricultural Officer.
- Native wild fruiting trees are supported within public open spaces, with recommendations to use species more local to Shropshire.
- Connectivity and pedestrian access within and into the site need improvement, with a call for usable, accessible public open space and designated play areas.
- Sustainable Urban Drainage Systems (SUDS) are supported for their amenity and biodiversity value, but child safety around these features must be carefully considered as the scheme progresses.
- Overall, landscape strategy drawings should be revised to address these points, incorporating tree surveys, clarified BNG and POS plans, and detailed hard landscape proposals.

SC Trees

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The site is devoid of significant tree cover and there is no objection to this application on arboricultural grounds. However, we have two comments with regard to the proposed landscaping in relation to further details needed on tree planting to protect hard surfaces and concerns over the types of species proposed in the mix of trees, where some should be changed to be acceptable.

SC Ecologist

The information submitted for Ecology and BNG includes two metrics. Confirmation is required on which proposal will be going forward. It is also noted that sufficient justification as to why the mandatory 10% net gain cannot be achieved on site has not been provided. This is required to satisfy the Biodiversity Gain Hierarchy. Further information is required.

SUDS

The submitted flood risk assessment and proposed drainage strategy are acknowledged. SC asset mapping indicates the site is suitable for infiltration, therefore, it must be demonstrated that soakaways are not feasible for this site. As also stated in the FRA, infiltration testing should be completed and results, including calculation of rates, submitted for approval. Appropriate information will need to be forwarded to Severn Trent to demonstrate progress through the drainage hierarchy before they will accept surface water flows from this development into their sewers. Further technical information needed for assessment at this stage to agree a suitable drainage solution.

SC Regulatory Services (Contaminated Land)

The submitted report concludes a Phase II Site Investigation is recommended. Environmental Protection does not disagree with this conclusion and proposes a pre-commencement condition to accompany any approval to ensure this information is forthcoming.

SC Regulatory Services (Environmental Health):

Concern that there is adequate information with regards to noise mitigation for the development to account for impacts of the M54 and other road traffic, as this is a dominant noise across the site.

National Highways

Referring to the consultation on a planning application dated 15th September 2025 referenced above, in the vicinity of the M54 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we: c) recommend that planning permission not be granted for a specified period (see reasons at Annex A) (summarised below):

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of

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State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The Strategic Road Network SRN in the vicinity of the proposed development is the M54 motorway

Air Quality Assessment

Detailed concerns have been raised in relation to the extent of the survey, in terms of the items covered and the potential mitigation strategy. More information is required.

Noise Impact Assessment

The noise assessment does not include any assessment of the impact of additional traffic generated by the operation of the development on noise levels along existing roads, including the M54. No transport assessment is available with the application, however, given the small size of the development (34 dwellings), it is considered unlikely to generate traffic flows sufficient to affect noise levels of the M54 and associated slip roads, given the high existing flows on the roads.

National Highways will require that a detailed noise assessment is completed to demonstrate that the final design will achieve acceptable indoor ambient noise levels at the dwellings in terms of the sound insulation provided by the façade, glazing system and ventilation, including consideration of overheating conditions.

Acoustic Fencing could be a mitigation for noise impacts matters, but whilst included in the planning statement it is not in the noise report and further details are required.

Construction Impact

National Highways will require consulting on a Construction Traffic Management Plan (CTMP), which should include measures for ensuring that there is no mud or detritus is tracked or dropped onto the SRN. It will also need to include measures to

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manage the traffic impact of workers and construction vehicles (including abnormal loads) to avoid the busiest times on the SRN this includes peak hours.

SC Affordable Houses

The number of affordable homes being proposed fractionally exceeds the policy requirement of 20%. The proposed mix, tenure, siting and size of the affordable dwellings is acceptable. We would appreciate receiving assurance that the affordable dwellings would be accessed off an adopted highway and not unadopted as this results in unacceptable additional cost to the Registered Provider and tenant.

SC Learning & Skills

Current forecasts indicate the need for additional school place capacity for both primary and secondary level within the local area. Local schools are full (or will be full) once occupation of this and other proposed developments are complete.

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.

Due to the scale of development and the number of pupils not only this development but also numbers that other developments in the area will generate it is recommended that contributions for both primary and secondary education provision are secured via CIL

SC Conservation (Historic Environment)

Officers have no comments to make in relation to conservation or heritage matters.

SC Archaeology (Historic Environment)

Archaeological investigations undertaken on the land to the south during 2015 recorded previously unknown evidence for two phases of activity comprising two clusters of shallow Neolithic pits and Iron Age pits and post-built structures, indicating long-term activity on the site.

Several designated heritage assets lie within 2.5km of the site including Roman fort 300m east of Drayton Lodge (National Ref: 1020283) thought to pre-date the building of Watling Street. Portable Antiquities Scheme data records prehistoric and Roman finds in the wider landscape. The site is therefore deemed to have archaeological potential.

In view of the above and with regard to Paragraph 218 of the NPPF (December 2025) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise monitoring / watching brief during all

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groundworks associated with the development, beginning with the initial topsoil stripping.

SC Waste Management

Concern that the layout of the plots and accesses give due consideration to the storage of bins on plot, turning of refuse vehicles and creation of adequate bin collection points.

West Mercia Constabulary

Does not wish to formally object to the proposal at this time but would welcome the opportunity for consultation with the developer should they wish to achieve the Secured by Design award status for this development.

During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.

Shifnal Town Council

1. The north street scene presents a rather bland and uniform elevation to the road. A more varied frontage, in particular breaking up the roofline (chimneys?) would provide a more attractive and quality design.

2. The application site includes an area for allotments. It is considered essential that the allotments be included as part of the description of development in the application and any permission granted must include the granting of the allotments as part of the permission.

3. The Town Council had pre-application discussions with the developer over the transfer of the allotments site to the Town Council. The discussions included the provision by the developer of access, water, parking and fencing for the allotments site. The provision of these should be included as part of any permission through conditions attached to the permission.

4. In view of the poorly worded S 106 Obligation attached to the permission for the adjoining housing in relation to the provision of a swimming pool, it is considered essential that a clear and unambiguous S106 is attached to any permission here for the provision of and the transfer of the allotment site to the Town Council as previously discussed with the developer. In particular the S106 should make provision for the transfer of the land specifically to the Town Council, and within a specified timescale (e.g. upon commencement of development).

5. The Town Council would be willing to be party to any discussions with the Planning Authority and the developer to progress the transfer of the allotment site to the Town Council and to ensure an appropriately worded S106 and planning conditions are included to avoid any future legal complications.

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Public Comments

Forty objection representations have been received from members of the public with no representations of support. These comments can be viewed on Public Access, with the material themes raised being summarised as:

- Existing roads (Watts Drive, Haughton Road, Hodgson Road) are already congested and unsafe and may not be adopted.
- Increased vehicle movements from 34 new homes would worsen traffic and parking issues.
- Concerns about access for emergency vehicles and safety for children and pedestrians.
- Local schools, GP surgeries, and dentists are already at or over capacity and cannot meet the need anticipated.
- No evidence of infrastructure improvements to support additional residents.
- The site is the only accessible green space for recreation, dog walking, and children's play.
- Loss of Green Space and Public Amenity would negatively affect residents' mental health and wellbeing.
- No equivalent replacement POS or justification provided.
- The site supports wildlife including birds, bats, hedgehogs and frogs, where the development would destroy habitats and reduce biodiversity.
- Lack of evidence provided for required 10% biodiversity net gain.
- Residents were told the land would be used for a leisure centre, swimming pool, or allotments.
- Section 106 funds were collected for community facilities that were never delivered.
- No meaningful engagement took place with residents before the application.
- Proposal amounts to overdevelopment and would be out of character with the area.
- Loss of privacy and light for existing homes.
- Change in the estate's character and sense of openness.
- Concerns about surface water runoff and sewer capacity.
- Inadequate drainage strategy and reliance on unadopted infrastructure.
- Risk of flooding and damage to existing systems.
- Proximity to the M54 raises concerns about noise levels for future residents.
- Increased construction and traffic would worsen air and noise pollution.
- Increased maintenance costs for shared estate infrastructure.

5.0 THE MAIN ISSUES

Background

Policy & Principle of development

Allotment Provision

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National Highways Holding Objection and Noise Amenity
Biodiversity Net Gain
Highways
Trees
SUDS

6.0 OFFICER APPRAISAL

6.1 Background

- 6.1.1 The parcel of land which forms this site is part of a wider area that was designated as Safeguarded Land under the Bridgnorth District Local Plan 1996-2011 (i.e. land on which development can be permitted where it would not prejudice the future use of the land to meet the settlement's long term expansion needs). When the current Site Allocations and Management of Development (SAMDev) Plan was adopted in December 2015, the wider site was included within the Shifnal development boundary and whilst not specifically designated, reference to the site's use for potential community facilities including a swimming pool was made in SAMDev policy S15 at Paragraph 4.149. A further reference to '*opportunities to improve the village hall and provide better allotments will be pursued where feasible*' was also included within the policy detail of S15 at Paragraph 4.150.
- 6.1.2 Outline planning permission was granted in 2013 under 12/04646/OUT for land that included the current application site as part of a wider area of land proposed for residential development. The description of the approved development was '*Outline application (including access) for residential development, the erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works*'. The site that is now being proposed for residential dwellings had been the intended location for the community swimming pool and allotments and this part of the site was set aside as community land.
- 6.1.3 These requirements were included in the outline proposal as a result of feedback received at consultation events, and the community swimming pool was a sufficiently serious proposal to be included as an obligation within the S106 agreement accompanying the outline planning permission. The obligation required that following the occupation of the 200th dwelling within the wider site, the community land should be made available for a five year period to allow a third party community group to construct a public swimming baths. A community contribution was to be paid within 90 days of the transfer of the community land.
- 6.1.4 Shifnal Town Council's intention to construct the community swimming pool was demonstrated through the submission of Planning Ref: 16/01206/REM for the construction of a community swimming pool and leisure building with provision of area for community allotments to include access, appearance, landscaping, layout

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and scale. However no further action has been forthcoming since that permission was granted on 23rd December 2016 and it is understood the swimming pool proposal was not a viable proposition in practice. The five year period since the occupation of the 200th dwelling approved under 12/04616/OUT has now elapsed with no transfer to a community group having occurred, and the obligation was confirmed as being discharged by Shropshire Council by email to the landowners and the Town Council sent on 11th March 2024.

- 6.1.5 Despite the obligation having been discharged, there is considerable ambiguity in the submission now presented as to whether the proposal is intended to provide land for transfer to the Town Council for community allotments as an appropriate alternative community use to the swimming pool proposition (where the easternmost part of the site has been labelled 'BNG/ potential allotment land' on the submitted plans) or whether this part of the site is intended to be used for the provision of biodiversity net gain and would therefore remain unavailable for community use.
- 6.1.6 The Town Council is unambiguous in its submitted representation that the proposal should provide allotment land, in line with the community ambitions of the now-discharged S106 agreement and that outlined in policy S15 of the SAMDev Plan. However, two differing BNG metrics have been provided for this part of the site, based on differing scenarios, and whilst the applicant advises that discussions are being held with Shifnal Town Council on the matter of allotment land, for the purposes of the planning application the intended function of this part of the site remains unresolved.
- 6.1.7 Shifnal Neighbourhood Plan 2014-2016 is a material consideration in the determination of this application and acknowledges at paragraph 8.8 the local demand for allotments, noting that an outline permission that was granted for an additional site adjoining the M54 motorway (this being 12/04646/OUT). Policy LE1 of the Neighbourhood Plan relates to existing leisure uses, and states that proposals that would result in the loss of leisure facilities will only be permitted if alternative and equivalent leisure facilities are provided, where alternative leisure provision will be required to meet the following criteria: the scale of the alternative provision must be at least of an equivalent scale to the existing provision; and the alternative site must be at least of equivalent standard in terms of layout to the existing provision; and the location of the alternative provision must be generally accessible by foot and within or adjacent to the settlement boundary of Shifnal Town.
- 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

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indicate otherwise.

Adopted Local Plan Policy

6.2.2 The starting point for decision making is the adopted local plan. At this point in time the development plan consists of the Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. The Shifnal Neighbourhood Plan is also a constituent part of the adopted local plan.

6.2.3 Under the SAMDev Plan the proposed site is within the Shifnal Development Boundary, a Key Centre in eastern Shropshire. LDF Core Strategy Policy CS3 states that for the Market Towns and other Key Centres, balanced housing and employment development of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure, will take place within the town's development boundaries. Core Strategy policy CS11 seeks to achieve housing developments which help to balance the size, type and tenure of the local housing stock, whilst SAMDev Plan Policy S15 refers to the proposed site as follows, with no specific residential housing allocation:

“4.149 A swimming pool and potentially other community uses are planned to be located on the Haughton Road site, utilising a mix of funding streams including a substantial developer contribution from the S106 legal agreement attached to the planning consent for the Haughton Road development.

4.150 Opportunities to improve the village hall and provide better allotments will be pursued where feasible.”

6.2.4 The Shifnal Neighbourhood Plan 2014 – 2026 specifies that any new housing development should be restricted to infill development within the settlement boundary of the town (paragraph 5.1). Paragraph 3.3 identifies that new housing should meet the needs of Shifnal, particularly in respect of providing more smaller dwellings for first time buyers and older people, whilst policy HG2 includes a specific policy with regards to housing mix which states:

“All housing proposals of five or more units will be expected to deliver at least 20% of these units as one- or two-bed properties. To reflect the need for a mix of one- and two-bed properties, all schemes which are required, by virtue of their size, to deliver at least five one- and two-bed properties should provide a minimum of 40% of these units as one-bed properties. An alternative dwelling mix will only be permitted where new evidence is brought forward which clearly demonstrates the need for a different mix.”

6.2.5 The housing mix proposed is made up of two and three bed properties, and whilst it provides at least 20% of the 34 dwellings proposed as two bed units it doesn't include the required number of one bed properties to accord with policy in this

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regard, and no evidence has been brought forward to clearly demonstrate the need for the different mix.

- 6.2.6 The proposed site is within the Shifnal Development Boundary where infill residential development is potentially acceptable as sustainable development within a Key Centre. As such, the principle of new housing here is acceptable, however the housing mix proposed is not.

Draft Local Plan

- 6.2.7 The Draft Shropshire Local Plan (2016-2038) has been withdrawn and no further work on it is being undertaken. After its submission to the Planning Inspectorate and following two stages of public hearing sessions, Inspectors' letters received in January (ID47) and March 2025 (ID48) raised concerns regarding the soundness and timetable of the plan. At the full Council meeting on 17th July 2025, the Council formally resolved to withdraw the draft local plan in accordance with Section 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.2.8 Early work to progress the Next Local Plan (2025-2045) has begun with a refreshed 'call for sites'. This process began on 10th July 2025 and seeks to understand the pool of potential site options available to the Council to consider as part of the new plan making process. This would have been necessary regardless of the outcome of the examination of the draft Local Plan, due to the significant changes (particularly within transitional arrangements in the National Planning Policy Framework (NPPF)) nationally.
- 6.2.9 The Cabinet decision of 12th February 2025 resolved to allow material weight to be given to the evidence base supporting the withdrawn draft local plan. It is important to note this decision does not introduce new planning policy, rather seeks to provide a positive and pragmatic approach for the delivery of sustainable development in Shropshire in the period before the Council has a newly adopted Local Plan. All planning decisions will continue to be made in accordance with national planning legislation and guidance.
- 6.2.10 In this instance the proposed site is currently within the Shifnal Development Boundary, and was to continue to remain within it under the withdrawn draft Local Plan, where the land was regarded as a sustainable location for development.

NPPF & Five Year Land Supply

- 6.2.11 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

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a local housing need of 9,970 dwellings. With an additional 5% buffer of 499 the total requirement is 10,469.

- 6.2.12 The deliverable housing land supply on the 1st April 2024 was 9,902 and there is therefore a shortfall of dwellings. As such, Shropshire Council cannot currently demonstrate a five year supply of deliverable dwellings. The Council's position is that a 4.73 years supply of deliverable housing land existed at 31st March 2024.
- 6.2.13 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.
- 6.2.14 The effect of this is that the tilted balance, as set out in Paragraph 11 (d) of the NPPF, is engaged. This 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.*
- 6.2.15 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.
- 6.2.16 Paragraph 11d (ii) highlights several important considerations to determine if a proposal is genuinely sustainable. Notably it:

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- Directs development to sustainable locations.
- Expects efficient use of land.
- Requires well designed places.
- Maintains requirement for provision of affordable housing.
- Finds that other policies of the NPPF will also be relevant in determining the sustainability of proposals.

6.2.17 Importantly, the tilted balance approach maintains the general principles of good planning in that 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):”

6.2.18 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.

6.2.19 The extent of the housing land supply shortfall is a further material consideration for the decision maker. Shropshire currently has 4.46 years supply of deliverable housing land and therefore, whilst a shortfall of 0.54 exists, this is relatively small in the context of the total required supply.

6.2.20 The key planning issues to consider in determining whether the proposed development is acceptable is whether it represents sustainable development and whether there are any other material considerations, benefits, or adverse impacts arising from the proposal that should be weighed in the planning balance. These are considered below.

Sustainable Location

6.2.21 Shifnal is a sustainable town and provides a wide range of local facilities and services for its residents. The proposed site is enclosed with built form in three directions and pedestrian access into the town centre. The proposed site would not extend development into the open countryside and would represent infill development, whilst development of this site would provide additional housing in accordance with the Government's aim to significantly increase the supply of housing. The proposed development would also provide social and economic benefits through the increased number of residents in the settlement. As such the proposal's location would be sustainable in terms of the requirements of Paragraph 11d.

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Efficient use of land

- 6.2.22 The proposed site covers an area of c.1.5ha and the submitted site plan proposes thirty-four dwellings of a variety of house types. This is a relatively low-density development which would provide an increase in the number of dwellings to assist in the Council's lack of housing supply, and whilst the land area could at face value accommodate more dwellings, officers consider that the proposed development would represent an efficient use of the land having regard to the sites' proximity to existing residential development and the expectation that a substantial part of the site should accommodate community facilities, such as allotments.

Well Designed Places

- 6.2.23 The NPPF at Section 12 outlines the requirements for achieving well designed places, and Paragraphs 131, 135 and 139 are particularly pertinent to the determination of this application. The NPPF is categorical that the creation of high quality, beautiful and sustainable places are fundamental to planning, setting out the matters that developments must ensure, and emphasising that development that is not well designed should be refused.
- 6.2.24 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. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect locally distinctive or valued character and existing amenity value.
- 6.2.25 Policy HG1 of the Shifnal Neighbourhood Plan, which is a material consideration in the determination of the application, sets out that the following design criteria that should be met, where residential development must:
- Demonstrate high quality design that is in keeping with the scale and character of buildings and layout in the area;
 - Complement the existing external materials in the town;
 - Provide variety in house design and elevation treatment;
 - Provide high quality boundary treatment;
 - Provides good pedestrian and cycle connections to the town and countryside;
 - Provide adequate storage for bins and recycling;
 - Not result in an unacceptable loss of amenity for neighbouring uses through loss of privacy, loss of light or visual intrusion; and
 - Traffic generation and parking does not adversely affect road and pedestrian safety.

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- 6.2.26 The layout plan has twice been amended as a consequence of officer feedback on the poor design and layout of the original submission, and the various iterations can be viewed on Public Access. However, it is not considered that the most recent revised site layout proposal would result in the sufficiently high-quality development required by the adopted development plan, Shifnal Neighbourhood Plan and by the NPPF at Paragraphs 131, 135 and 139 in particular. The reasons for this are considered below.
- 6.2.27 Along the southern boundary of the site, single and two storey detached and semi detached dwellings are proposed, fronting Watts Drive. These dwellings feature overly long access drives, with tandem parking arrangements that the highways officer has indicated they would not support, given that these would lead to occasions when occupants would need to park directly on Watts Drive on occasion to allow for the movement of vehicles. Furthermore, the scale and appearance of these dwellings do not reflect or respond appropriately to the existing character and grain of the adjacent residential development to the south, being at odds with them and not forming a cohesive street scene in respect of the various housing typologies, building heights and their position on this frontage. The front doors of the single storey dwellings do not face the street and they lack an active frontage. The front gardens of the dwellings are not well defined with appropriate high quality boundary treatments, whilst the opportunity to introduce tree planting to create tree-lined streets and soften the appearance of the development could have benefitted the proposal in this location but has been overlooked.
- 6.2.28 The southern row of dwellings is juxtaposed with the far denser, linear run of sixteen terraced and semi-detached dwellings behind them to the north. These dwellings are sited in much closer proximity to the M54, where the majority of the affordable housing would also be located and where no acoustic fencing is proposed. The design and appearance of Plots 13-28 in this part of the development are considered to be lacking in elevational variety, resulting in an overly uniform and bleak stretch of development whose design is primarily focussed on providing a physical barrier to mitigate the impact of noise from the M54 to the north on the dwellings and rear gardens to the south of them, rather than focussing on creating a visually appealing and attractive development.
- 6.2.29 The design and appearance of these dwellings is poor, and their layout and siting would in turn necessitate the need for four narrow rear access paths (three of them lengthy, with ninety degree turns) to facilitate access to the rear gardens of plots 14-27. Secured by Design guidance recommends avoiding the use of footpaths such as these, given 85% of burglaries occur at the back of a dwelling, and where they are deemed essential to provide access, advises they should be gated, with gates being placed at the entrance to the footpath as close to the front building line as possible. Whilst there are gates proposed to these alleys, they are not located close to the front building line.

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- 6.2.30 The dwellings making up this northern part of the development would be surrounded on three sides by wide areas of tarmac, and the northern carriageways of the two private driveways would be further reinforced by wide expanses of parking associated with plots 13-26 adjacent. These parking areas were originally proposed to be sited on the opposite site of the carriageway, closer to the M54 and separated from the dwellings they would serve, and where officers consider they would not have adequately provided for the charging of EV vehicles, as is required for all new developments. Whilst the revised layout plan has brought these parking spaces closer to the dwellings and to the south of the carriageway, they still propose a wide and unremitting expanse of hardstanding that does nothing to improve the appearance of this part of the site, and it is still unclear how EV charging is envisaged in this location given that no EV charging points are shown on the plans.
- 6.2.31 The Highways officer does not support the layout of the carriageways proposed within the development, drawing particular attention to the ‘false crescent’ arrangement that the two private driveways in this part of the site would create, noting the crescent could not be driven across. This layout would require emergency vehicles, refuse collection vehicles and delivery drivers to drive back to Watts Drive and make two right turns to access the other part of the false crescent from the westernmost access. Furthermore, due to the length of the private driveway serving Plots 21 and 22, bin drag distances would not meet the requirements of Part H of the building regulations. A hammerhead turn has been provided to the immediate east of the Local Area of Play (LAP), to facilitate turning as a consequence of the false crescent, but this is likewise not representative of good design, and the maximisation of dwelling numbers appears to have been prioritised over a higher quality design that would facilitate a more appropriate highways layout.
- 6.2.32 Additionally, officers have concerns that four of the seven affordable dwellings proposed would be sited on one of the private driveways of the false crescent, and this has implications in terms of additional maintenance costs being imposed upon the Registered Provider of the affordable housing, and the tenants. Officers are further concerned that the affordable dwellings are largely sited together in one part of the site, when these dwellings should instead be thoughtfully located (pepper-potted) around the development such that they are fully integrated within the development and indiscernible from other open market homes. Being amongst the dwellings closest to the source of noise from the M54, the siting of the majority of the affordable homes in this location does little to prevent the perpetuation of health and other inequalities through the site’s design.
- 6.2.33 The central part of the site, adjacent to the allotment/ BNG land to the east of it, proposes a further juxtaposition with the northern and southernmost dwellings to the west. This part of the site has a more loosely laid out area of six detached and semi-detached dwellings which would be more consistent in density with the

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existing residential development to the south of the site. Dwellings 31-33 would nonetheless be in close proximity to the M54, and like plots 13-28, would not benefit from the acoustic fencing that has only been proposed in the easternmost part of the site, around the allotment/ BNG land.

- 6.2.34 Across the site as a whole, front garden boundaries are not clearly defined and it is unclear what the status of the areas of land adjacent to Plots 1 and 28, 29, 31, 33 and 34 would be, as well as adjacent to Plots 9 and 13, and who would have responsibility for the maintenance of these areas. 1m high post and rail fencing is proposed in some areas of the site, although this has now been removed from the boundary of the dwellings fronting Watts Drive following officer feedback, and this is welcomed.
- 6.2.35 Concerns are raised that across the development a number of dwellings (plots 1, 9, 13, 31 and 33) do not benefit from allocated parking that could be readily overlooked by the dwelling's occupier, and in some cases the parking is entirely remote from its associated dwelling, located beyond a 1.8m high screen wall /close board fence, which also represents poor design.
- 6.2.36 In this regard the lengthy expanse of blank screen walls fronting the street in this central part of site is also not indicative of good design and does not contribute to a cohesive sense of place, particularly where a 22 metre long expanse of blank wall would be positioned opposite an 11m length of blank wall forming a 'tunnel' between plots 1 and 28 and opposite Plot 33. A further 18m length of screening wall is also proposed between Plots 29 and 34, adjacent to the easternmost SUDS attenuation pond, which is not well overlooked.
- 6.2.37 It is encouraging that the revised layout plan now proposes a LAP (Local Area of Play) in the north western part of the site, which would be expected for a development of this scale, although it is noted space has not been provided for informal play and recreation that could connect to the western POS affiliated with the existing development and which would be a positive design feature. Furthermore, the LAP would not be particularly well overlooked as would be desirable (with only Plot 13 directly facing it), whilst access to both it and to the public open space would be via a single point of entry opposite the visitor parking or via a proposed footpath to the north of the carriageway that currently leads to a dead end at the point of entry into the allotment. Rationale has not been provided for the length of the post and rail fencing proposed adjacent to the SUDS pond and LAP which partially encloses the Public Open Space and tapers out opposite Plots 9 and 10 and opposite Plot 15, serving no apparent purpose.
- 6.2.38 When considering the layout as a whole, pedestrian and cycle permeability through the site is confused, halting and lacking in edge to edge connectivity, without an obvious and clearly defined route to follow. There would be no right for any pedestrians or cyclists not accessing the served dwellings to use the shared private

drives as a through-route, and pedestrian transit as a whole would entail the repeated crossing of carriageways. Parts of the northernmost pedestrian route that has been shown on the most recent revised plan, conflicts with the existing and proposed landscaping shown, appearing impassable and not providing an appropriate alternative permeable route through the site. Allied to this, the existing pedestrian footpath adjacent to the south eastern corner of the site remains unresolved and does not connect with any pedestrian routes elsewhere within the site layout, such that an opportunity to provide a circular route circumnavigating site and linking to the wider area of adjacent development to the south has been missed.

Affordable Housing

- 6.2.39 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.
- 6.2.40 As the application is for 34 dwellings it constitutes a major development and therefore Policy CS11 applies, which aligns with Paragraph 65 of the NPPF and requires the development to provide affordable dwellings which would be secured through a S106 legal agreement. The existing prevailing target rate in this part of Shropshire is 20% which currently equates to a requirement to 6.8 affordable dwellings of the 34 dwellings proposed. Seven affordable dwellings are proposed which fractionally exceeds this requirement and is a benefit of the proposal. These would be secured as affordable in perpetuity for local people through the legal agreement if the development was approved.

Conclusion on the Tilted Balance

- 6.2.41 The draft local plan has been withdrawn and as the Council cannot demonstrate a five-year housing land supply. As such, Paragraph 11d of the NPPF is engaged. Under current adopted planning policy, Shifnal is deemed to be a sustainable location for new housing development, with access to a range of local facilities and services for its residents. It is considered that the requirements of the tilted balance can be demonstrated for three of the four main criteria outlined at Paragraph 11d (ii) (these being a sustainable location, making efficient use of land and providing affordable housing). However, the proposal would not result in a well designed place as also required by the titled balance, and likewise would not fulfil the requirements of Paragraphs 131, 135 and 139 of the NPPF, having a negative impact on the amenity of future occupiers and other users of the development

Allotment Provision

- 6.2.42 The purpose of the land proposed as a potential allotment /BNG area remains

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unclear. Core Strategy policy CS6 resists the loss of existing facilities, services or amenities unless equivalent or improved provision is made, or it can be demonstrated that the existing facility, service or amenity is not viable over the long term. Policy CS8, (bolstered by MD8) is specifically concerned with facilities, services and infrastructure provision and explains that the development of sustainable places will be assisted by the protection and enhancement of existing facilities, services and amenities that contribute to the quality of life of residents and visitors; by preserving and improving access to facilities and services wherever possible, and by facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs, (whether arising from new developments or existing community need) in locations that are appropriate and accessible.

6.2.43 Recently submitted revised plans now depict an area of 'allotment car parking' on part this land where none was previously shown. It is assumed this is because officers had raised concerns that were this part of the site is to be used for allotments, rather than BNG, future allotment users would be forced to park directly on the surrounding streets, impacting both the amenity of existing residents and highways safety, where only three on street visitor parking bays are proposed within the site (two opposite Plot 3 and one directly opposite the pedestrian access to the public open space in the western part of the site).

6.2.44 The plans do not indicate any visibility splays, vehicle tracking or turning associated with the allotment parking, whilst this area of hardstanding also significantly eats into the remaining available land in this part of this site. This in turn would impact both the sets of BNG data submitted, which do not account for the area of additional hardstanding now proposed regardless of whether this part of the site would be dedicated to BNG or to allotments. If the land is proposed for allotments, the area available for such a use would be significantly diminished as a consequence of the amended parking proposal and it is uncertain what the view of the Town Council would take on this revised arrangement, given that the requirements of Core Strategy policy CS8 and Neighbourhood Plan policy LE1 would not be met by the original or revised proposal.

6.2.45 Paragraph 98 of the NPPF requires that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services,*

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particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

6.2.46 In their submitted representation, members of Shifnal Town Council are clear that they would expect part of the site to make provision for community use, in line with the intent of the original S106 agreement, and the planning approval it accompanied. The site is currently used as public open space serving the development to the south of site, and despite a previous planning approval in respect of a proposed community swimming pool, no community facility has even been constructed, as was anticipated.

6.2.47 There is considerable strength of feeling about this matter as demonstrated in the public representations objecting to the proposal, where it does not appear that the requirements of Paragraph 137 of the NPPF have been adequately met in considering the needs of the community in respect of the scheme. Paragraph 137 places emphasis on design quality being considered throughout the evolution and assessment of individual proposals and where early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Paragraph 137 goes on to explain that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community, where applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

National Highways' Holding Objection and Noise Amenity

6.2.48 National Highways has issued a holding objection to Shropshire Council that planning permission must not be granted for the proposed development for a period of 3 months from 15th September 2025 as it considers that the applicants have not provided satisfactory information in respect of air quality or the proposed acoustic fence to the east of the site. The objection finds that the purpose of the acoustic fencing appears unclear and is not referenced or justified in the initial noise assessment. Concerns are raised over the fence's location close to the foot of the existing M54 embankment, and that further details are requested to demonstrate that the fence structure, including foundations and means of access for maintenance, are sufficiently clear of the existing M54 boundary fence and land. The National Highways response also refers to the need for a detailed noise assessment to be provided to demonstrate that the site's final design will achieve acceptable ambient noise levels in the dwellings in terms of the sound insulation provided by the façade, glazing system and ventilation, including consideration of

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overheating conditions, and which could be secured by condition.

- 6.2.49 The holding objection currently remains in place. Because of this, any resolution by the committee to grant consent for the development against officer advice would also have to be contingent on National Highways withdrawing their objection or receiving further information from the applicant and then raising no objection to the proposal (with any conditions/measures they may require being incorporated within planning conditions or Section 106 Agreement if an approval was recommended).
- 6.2.50 The applicant's agent has advised that they are engaging with National Highways on the concerns raised but no additional information has been received by the case officer from either party in respect of the holding objection, which remains extant. Given that the objection cannot be removed unless the LPA consults the Secretary of State for Transport as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, it is considered this holding objection currently forms an insurmountable reason for refusal of the scheme, as that the application's determination deadline would be reached before the expiration of three months of the date of the objection, aside from any other reasons for the scheme's refusal.
- 6.2.51 Core Strategy policy CS6 requires new development to contribute to the health and wellbeing of communities, including safeguarding residential and local amenity, as well as being designed to a high quality, consistent with national good practice standards that includes appropriate landscaping takes account of site characteristics, whilst the draft Design of New Dwellings SPD (currently under consultation and therefore given only limited weight) also covers noise impacts at Section 8 (paras 8.108-8.128) and concludes that proposals that cannot be practically designed to prevent an unacceptable adverse effect or to avoid a significant observed effect will not be considered to represent a high-quality design and as such will not be permitted. The noise section of the Planning Practice Guidance (the PPG) explains the need to consider whether it is likely development would be subject to a significant adverse noise effect. This requires identifying whether the overall effect of noise exposure would be above or below the significant observed adverse effect level (SOAEL). The PPG goes on to explain that effects do not have to be defined in terms of a single value of noise exposure but that other factors may be relevant.
- 6.2.52 It is readily apparent that noise from traffic travelling along the M54 has a noticeable and relentless effect on the local area as demonstrated by the responses from the National Highways and Environmental Health consultee, and in this case, a significant consideration is that the development would likely be constantly affected by traffic noise from the M54, both during the day and night. The agent advises the design of plots 13-28 is intended to provide some noise mitigation to the dwellings to the south of them, although the rationale for the siting of the acoustic fence is not explained, given it is proposed to the north and east of

the area allocated for allotments / BNG (and not in the vicinity of the proposed dwellings). The Environmental Health team regard the noise levels across the site to be suboptimal, such that dwellings closest to the source of noise would need to keep their windows shut and would require mechanical heat recovery and ventilation in mitigation, reflecting the comments made by the National Highways consultee.

6.2.53 An updated noise assessment has been submitted since the consultation responses were gathered, although no further consultation has taken place. There remains a lack of clarity with regard to noise levels across the site and the justification for the positioning of an acoustic fence at the eastern part of the site, as well as the impact of any fencing or maintenance on the trees and vegetation of the existing landscape buffer adjacent to the M54. No further comments have been provided by National Highways that indicate the holding objection can be lifted as previously mentioned.

6.2.54 The most recent layout plan received suggests that some garden areas, particularly those associated with plots 1, 28, and 29-34 would not benefit from any sound protection from the M54 due to an absence of any buildings (and therefore some potential noise attenuation), between them and the motorway. Officers consider that the siting of the development therefore has potential to spoil residents' enjoyment of their properties, and in some cases the layout may dissuade people from using their gardens, notwithstanding the fact that potential occupants of the open market plots would to a certain degree likely be aware of this fact prior to purchase. It is noted that the occupants of the affordable rented dwellings would have less choice in this regard, where the draft SPD recommends at paragraph 8.127 that where a site can only achieve a good level of noise amenity for some of the proposed dwelling plots but is still considered acceptable, it is these plots that should be prioritised for affordable housing in line with the objectives of health and wellbeing documentation, such as the Public Health Outcomes Framework, which has an overarching objective of reducing health inequalities.

BNG

6.2.55 There is ambiguity over the BNG status of the site, as well as whether the proposal can deliver the statutory 10% biodiversity net gain required, owing in large part to the lack of clarity over the intended use of the eastern part of the site (i.e whether this is intended to be used as allotment land or given over to the provision of BNG) and the recent addition of proposed allotment parking in this area. Two separate BNG metrics for the two different options have been submitted and offer differing results, although neither demonstrates that the statutory 10% BNG would be provided on site by the development. Additionally, insufficient justification has been provided with regard to delivering offsite BNG, or the mechanism for it. Given that it remains unclear what the purpose of the land is, and what area of habitat would be impacted by the development, the information submitted is wholly unclear and

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ambiguous. A determination on the provision of BNG therefore cannot be made due to a lack of information.

Highways

- 6.2.56 Paragraph 96 of the NPPF requires that planning decisions should aim to achieve healthy, inclusive and safe places, and specifically refers to the need for street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages. It also refers to the need for planning decisions to enable and support healthy lives, for example through the provision of safe and accessible green infrastructure, allotments and layouts that encourage walking and cycling. and this is reflected in Core Strategy policy CS6 and SAMDev Plan policy MD2 which jointly advise that developments must be designed so they do not result in an unacceptable adverse impact on local infrastructure by providing adequate onsite car parking to ensure cars do not overspill onto surrounding roads and negatively impact on the local road network.
- 6.2.57 Paragraph 109 requires that transport issues should be considered from the earliest stages of development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places, ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. It also requires proposals to understand and address the potential impacts of development on transport networks as well as identifying and pursuing opportunities to promote walking, cycling and public transport use.
- 6.2.58 Allied to this, Paragraph 115 states that development proposals must ensure safe and suitable access to a site can be achieved for all users, ensuring the design of streets, parking areas, and other transport elements reflects current national guidance; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 6.2.59 Paragraph 117 is also pertinent to the proposed development. This requires proposals to give priority first to pedestrian and cycle movements, create places that are safe, secure and attractive (minimise the scope for conflicts between pedestrians, cyclists and vehicles), allowing for the efficient delivery of goods, and access by service and emergency vehicles and to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.2.60 The Highways officer advises that a transport statement and access strategy is required for a development of this size (especially when considered alongside the existing residential development to the south of the site) although neither has been provided. They have also raised design concerns as well as to the inadequacy of

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pedestrian and cycle routes across the site. In addition to this, it is noted that the road layout does not show any road markings or indicate how the junction would operate at the point where Watts drive currently turns to the west and the new access would join it from the north, whilst the visibility splays for the junction of the western access with Watts Drive are shown to be obstructed by trees. No visibility or turning information has been provided in respect of the newly added allotment parking shown on the most recent revised plan in the eastern part of the site.

Trees

- 6.2.61 The impact of the development has not been raised by the Tree team in their consultation response, but is however raised by the Landscape consultee and National Highways. The revised site layout plan appears to show a new public footpath that would impact existing trees to the site's northern boundary. No supporting information has been provided in respect of these trees and vegetated areas, however.

SUDS

- 6.2.62 The Suds consultee has advised that additional information is required as part of the application in respect of infiltration test results (including calculation rates), a gully catchment plan including contours and drained areas, exceedance flows, summary network simulation results for the 1 in 2, 3 and 100 year scenarios, including the appropriate allowance for urban creep and climate change, developer enquiry information in respect to Severn Trent mains surface water sewer. This information has not been provided.

7.0 Planning Balance

The material harms of the proposed development found to be contrary to policy are:

- Harm 1 - Poor design and site layout that would negatively impact on amenity of prospective occupiers and users of the site
- Harm 2 - Inadequate information in respect of the provision of community facilities
- Harm 3 - Inadequate information in relation to highways safety
- Harm 4 - Inadequate information in relation to trees
- Harm 5 - Inadequate information in relation to BNG
- Harm 6 - Inadequate information in relation to drainage

The harms identified would result in significant negative impacts on the character and amenity of the local environment, contrary to the adopted Development Plan Policy and the National Planning Policy Framework. Identified harms are given specific weight in the 'Planning Balance', with the hierarchy of weight ascribed to any harm in this case being:

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Very Substantial
Substantial
Great
Moderate
Limited

There would be combined visual, physical and amenity harm that would impact on future occupiers and users of the site as a consequence of the poor design and layout of the proposed development, in close proximity to the M54. This represents Harm 1, to which substantial weight is given.

The loss of land that had been anticipated to provide community facilities, and whose future purpose is not wholly or adequately clarified through the information submitted represents Harm 2, which attracts great weight.

Harm 3 is the impact of the development on highways safety, where the unacceptable access arrangements and road layout proposed cannot be supported by the highways authority and where insufficient information has been provided in respect of a transport statement and access strategy. Substantial weight is therefore given to this harm.

Harms 4, 5 and 6 relate to the inadequacy of the information provided in relation to trees, BNG and drainage, where the impact of the proposal on these material considerations remains unclear and therefore unresolved. These harms are attributed moderate weight (Harm 4), great weight (Harm 5) and moderate weight (Harm 6) respectively.

The benefits of the proposed development are identified as the provision of twenty-seven open market dwellings and seven affordable dwellings which would contribute towards the provision of housing in the absence of Shropshire Council currently being able to demonstrate a five year housing land supply, as well as contributing to the community vitality of Shifnal. This benefit is attributed moderate weight. The provision of a LAP would also be a benefit of the proposal and is likewise attributed moderate weight, whilst the construction phase of the dwellings would provide a short-lived economic benefit which would have some limited weight.

In terms of the overall planning balance, officers have identified three benefits which have been ascribed moderate and limited weight in favour of the development. Conversely six harms have been identified and have been given weight ranging from substantial to moderate. On this basis there are no benefits which individually or cumulatively clearly outweigh the multiple harms identified that are found to conflict with local and national policy, and other legislation. No special circumstances exist which justify the unacceptable development proposed at this location, where the requirements of the tilted balance at Paragraph 11d of the

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NPPF are not met in respect of a well-designed place. Therefore the weight in overall planning balance lies significantly in favour of refusing the scheme.

The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated conflict with national and local planning policy.

8.0 Conclusion

While the scheme would deliver 34 dwellings, including seven affordable homes, and would contribute to addressing the Council's current housing land supply shortfall, these benefits are not considered sufficient to outweigh the significant and demonstrable harms identified.

The proposal fails to achieve the high standard of design required by both local and national policy, resulting in a poor-quality layout that would adversely affect the amenity of future occupiers and the character of the area. Furthermore, the application lacks clarity and sufficient detail in key areas, including the provision of community facilities, biodiversity net gain, highways safety, drainage, and the impact on existing trees. The unresolved holding objection from National Highways and the suboptimal noise environment further compound concerns regarding the site's suitability for residential development in its current form.

The cumulative effect of these deficiencies results in a scheme that does not meet the requirements of the adopted Development Plan or the National Planning Policy Framework, particularly in relation to achieving sustainable, well-designed places. The proposal does not satisfy the criteria of the tilted balance under Paragraph 11(d) of the NPPF, as the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Accordingly, it is recommended that planning permission be refused.

9.0 Risk Assessment and Opportunities Appraisal

9.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded

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irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

9.2 Human Rights

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

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

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

9.3 Equalities

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

10.0 Financial Implications

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

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they are material to the application. The weight given to this issue is a matter for the decision maker.

11.0 Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework 2024
National Planning Practice Guidance

Core Strategy and Saved Policies:
LDF Core Strategy Policies:
CS1 Strategic Approach
CS3 The Market Towns And Other Key Centres
CS6 Sustainable Design And Development Principles
CS8 Facilities, Services and Infrastructure Provision
CS11 Type And Affordability Of Housing
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD3 Delivery Of Housing Development
MD8 Infrastructure provision
MD12 Natural Environment
S15 Shifnal area

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing
Design of New Dwellings (Draft SPD – currently under consultation)

Shifnal Neighbourhood Plan 2014-2026

RELEVANT PLANNING HISTORY:

PREAPM/24/00278 Residential development of the land to provide circa 34 dwellings, together with the provision of allotments and associated car parking on the balance of the site PREAMD 25th February 2025
PREAPP/12/00249 Erection of 400 dwellings, a medical centre and a swimming pool 15th April 2013
12/04646/OUT Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated

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parking, public open space, including balancing pond, and associated earthworks and other ancillary works GRANT 22nd March 2013

13/00273/OUT Outline planning application (all matters reserved) for the development of 3,000sqm office floorspace, with associated parking, earthworks and other ancillary works REFUSE 5th June 2013

14/00691/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 83 properties; associated highway works; ancillary works (Phase 1 of residential development) GRANT 23rd December 2014

14/00692/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 101 properties; associated highway works; ancillary works (Phase 2 of residential development) GRANT 23rd December 2014

14/01299/DIS Discharge of conditions 7 (Drainage), 9 (Affordable Housing), 11 (Visibility Splays), 12 (Roundabouts and Crossing) and 14 Traffic Management) on outline application 12/04646/OUT (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works NPW 13th October 2016

14/01519/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 97 properties; associated highway works; ancillary works (Phase 3 of residential development) GRANT 23rd December 2014

14/01520/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 119 properties; associated highway works; ancillary works (Phase 4 of residential development) GRANT 23rd December 2014

BR/77/0442/OUT The erection of dwellings, the construction of roads and the formation of vehicular accesses REFUSE 6th September 1977

BR/76/0378/OUT The erection of dwellings, construction of roads and formation of vehicular accesses REFUSE 2nd November 1976

PREAPP/15/00126 Residential development PREAIP 1st July 2015

15/01390/REM Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 12/04646/OUT for the mixed residential development of 184 dwellings GRANT 15th July 2015

15/01399/DIS Discharge of conditions 7 (Drainage), 8 (Phasing Plan), 9 (Location of Affordable Housing), 11 (Visibility splays), 13 (Travel Plan), 16 (On-site Construction), 17 (Ecology), 19 (Nests), 20 (Archaeology), 21 (Open Space) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works. DISAPP 2nd October 2015

15/01418/FUL REC

15/01741/REM Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT GRANT 17th August 2015

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15/01899/DIS Discharge of Condition 8 (Phasing Plan) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 2nd October 2015

15/02017/ADV Erection of non-illuminated freestanding Land Acquired promotional board GRANT 21st July 2015

15/02833/DIS Discharge of conditions 9 (Affordable Housing Layout), 17 (Ecology) and 19 (Nests) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 17th August 2015

15/02836/DIS Discharge of Condition 11 (Access) and 12 (Roundabout Detail) relating to planning permission 12/04646/OUT -Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 24th May 2018

15/03263/DIS Discharge of Condition 13 (Travel Plan) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 18th December 2015

15/03264/DIS Discharge of condition 7 (Drainage) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 18th December 2015

15/03265/DIS Discharge of Condition 16 (On site Construction) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 27th July 2016

15/03426/FUL Installation of temporary construction access GRANT 13th October 2015

15/03601/DIS Discharge of Condition 21 (landscaping) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 2nd October 2015

15/03603/DIS Discharge of Condition 14 (traffic) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISPAR 27th July 2016

15/03918/DIS Discharge of Condition 20 (Archaeology) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a

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community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 29th October 2015

15/03920/DIS Discharge of Condition 2 (road construction) relating to planning permission 15/01741/REM - Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT DISAPP 27th July 2016

16/00557/DIS Discharge of Condition 18 (lighting plan) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 27th April 2016

16/01206/REM Reserved matters pursuant to outline permission reference 12/04646/OUT dated 22nd March 2013 for construction of a community swimming pool and leisure building with provision of area for community allotments to include access, appearance, landscaping, layout and scale GRANT 23rd December 2016

16/01436/AMP Non material amendment relating to planning permission 15/01390/REM - Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 12/04646/OUT for the mixed residential development of 184 dwellings GRANT 10th May 2016

18/02355/AMP Non material amendment relating to planning permission 15/01390/REM - Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 12/04646/OUT for the mixed residential development of 184 dwellings GRANT 11th June 2018

18/05199/FUL Erection of 61 dwellings (re-plan of northern 2 parcels of development previously approved under planning consent 15/01741/REM dated 15th April 2015) GRANT 29th January 2019

19/01580/DIS Discharge of Condition 4 (landscaping) relating to planning permission 18/05199/FUL - Erection of 61 dwellings (re-plan of northern 2 parcels of development previously approved under planning consent 15/01741/REM dated 15th April 2015) DISAPP 3rd July 2019

19/02905/AMP Amendments to planning permission 15/01741/REM - Seeking plot substitution of plot 129 approved under reserved matters application 15/01741/REM from P501 5 bedroom 2 storey housetype to a X518 also a 5 bedroom 2 storey housetype. GRANT 3rd July 2019

22/02397/DIS Discharge of condition 4 (highways) on planning permission 21/04072/FUL DISAPP 8th July 2022

22/02399/DIS Discharge of condition 11 (landscaping) on planning permission 21/04072/FUL DISAPP 8th July 2022

22/02400/DIS Discharge of condition 3 (materials) on planning permission 21/04072/FUL DISAPP 8th July 2022

22/02410/DIS Discharge of condition 4 (highways) on planning permission 21/04072/FUL DISAPP 18th July 2022

23/03744/AMP Non-Material Amendment to planning consent 21/04072/FUL GRANT 6th September 2023

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12.0 Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T04G0HTDJM900>

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 Thomas Clayton