



Shropshire Council
Legal and Democratic Services
Guildhall,
Frankwell Quay,
Shrewsbury
SY3 8HQ

Date: Monday, 12 October 2026

Committee:
Northern Planning Committee

Date: Tuesday, 20 October 2026

Time: 2.00 pm

Venue: The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

You are requested to attend the above meeting. The Agenda is attached
There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda*

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for public speaking at Planning Committees can be found by clicking on this link: <https://shropshire.gov.uk/planning/applications/planning-committees>

Richard Phillips
Director – Legal and Governance (Monitoring Officer)

Members of the Committee

Julian Dean (Chairman)
Benedict Jephcott (Vice-Chair)
Caroline Bagnall
Neil Bentley
Andy Davis
Greg Ebbs
Gary Groves
Mark Owen
Brian Evans
Carl Rowley
Ed Potter

Substitute Members of the Committee

Duncan Borrowman
Jamie Daniels
Adam Fejfer
Jon Tandy
Colin Taylor
Sam Walmsley
Brendan Mallon
Nick Hignett
Craig Emery
Alan Mosley

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

When attending this meeting, Members are reminded of the three principles of the Jo Cox Foundation and Compassion in Politics Civility Pledge:

1. *Use a civil and constructive tone in debate*
2. *Act with integrity, honesty and compassion*
3. *Behave respectfully towards others, including those I disagree with*

*(Please note that while we strive to live stream meetings, technical issues may occasionally occur. In the event of a technical disruption, the meeting will be paused to try to resolve the issue. Should it not be possible to resume the live stream, the meeting will proceed as scheduled, and a backup recording will be made available after the meeting. Any disruption to the live stream does not affect the legality of the meeting).

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 22 September 2026, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is [12 Noon on Wednesday 14 October 2026

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Land North Welshpool Road Bicton Heath Shrewsbury Shropshire (25/02916/FUL) (Pages 5 - 48)

Hybrid Planning Application that seeks Full Planning Permission for the erection of a new Lidl foodstore (Use Class E) with associated car parking and landscaping and Outline Planning Permission for residential development (Use Class C3) and a care home (Use Class C2) with accesses approved in detail

6 Proposed Residential Development Land East Of Teal Drive Ellesmere Shropshire (25/03560/FUL) (Pages 49 - 94)

Erection of 40No dwellings together with associated infrastructure and landscaping

7 Proposed Residential Development Land To The South Of Station Road Clive Shrewsbury Shropshire (25/03814/OUT) (Pages 95 - 144)

Outline Planning Application (with access for approval) for a residential development of up to 25 dwellings

8 National Scheme of Delegation (Pages 145 - 152)

Report of the Area Planning Manager is attached

Contact Emma Green emma.green@shropshire.gov.uk

9 Appeals and Appeal Decisions (Pages 153 - 154)

10 Date of the Next Meeting

To note that the next meeting of the Northern Planning Committee will be held at 2.00 pm on Tuesday 17 November 2026 at the Guildhall, Shrewsbury



Committee and Date

Northern Planning Committee

20th October 2026

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 22 September 2026

In the Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

2.00 - 4.41 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Julian Dean (Chairman)

Councillors Benedict Jephcott (Vice-Chair), Caroline Bagnall, Neil Bentley, Andy Davis, Gary Groves, Mark Owen, Brian Evans, Carl Rowley and Sam Walmsley (Substitute) (substitute for Greg Ebbs)

22 Apologies for Absence

Apologies for absence were received from Councillors Greg Ebbs (substitute: Councillor Walmsley) and Ed Potter.

23 Minutes

RESOLVED:

That the Minutes of the meeting of the Northern Planning Committee held on 18th August 2026 be approved as a correct record and signed by the Chairman.

24 Public Question Time

There were no public questions or petitions received.

25 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

26 Proposed Residential Development Land Between Aston Road and Church Lane, Wem, Shropshire (25/02775/OUT)

The Senior Planning Officer introduced the outline application, to include access matters only for: up to 175 dwellings, site access and highway works, green infrastructure including public open space, sustainable drainage, landscape buffering, amenity green space, and ancillary work. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Geoff Soul, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for **Page 1** Speaking at Planning Committees.

Councillor Bob Barker, on behalf of Wem Town Council Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Gary Groves, as local ward councillor, made a statement and then left the table, taking no part in the debate or vote on this item.

Sarah Jones and Adrian Simms, on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, sharing the three minute speaking allocation.

During the ensuing debate Members expressed their sympathy with the concerns raised by objectors and some members of the committee in relation to highways safety and the width of the footpath, however on balance the majority of members felt that the site was safe and sustainable.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members expressed their support for the proposal.

RESOLVED:

That outline planning permission be granted, in accordance with the officer recommendation, subject to a Section 106 legal agreement securing the on-site affordable housing (20%), off-site active travel infrastructure, and a 30-year BNG management plan, and any other necessary planning provisions, alongside planning conditions to be agreed in consultation with consultees and the applicant.

27 Proposed Residential Development Land North Of Old Rectory Gardens, West Felton, Shropshire (25/03651/FUL)

The Senior Planning Officer introduced the application for the proposed residential development of 10 dwellings and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Lee Osbourne, a local resident, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor John Thornhill, on behalf of West Felton Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Walker, as local ward councillor, made a statement and then left the table, taking no part in the debate or vote on this item.

Andrew Jones, Agent, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, Member's expressed their support for the proposals.

RESOLVED:

That planning permission be granted, in accordance with the officer's recommendation, subject to the conditions set out in Appendix 1 of the officer's report and the applicant entering into a S106 agreement to secure the provision of 2 affordable dwellings.

28 Proposed Residential Development Land West Of Alma Close West Felton Shropshire (26/00099/OUT)

The Senior Planning Officer introduced the outline application for a residential Development (Outline) with Access to be considered and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Lee Osborne, a local resident, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor John Thornhill, on behalf of West Felton Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Walker, as local ward councillor, made a statement and then left the table, taking no part in the debate or vote on this item.

Nigel Thorns, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate Members, expressed sympathy with the concerns raised by those objecting to the application and shared concerns in relation to density. It was requested that these concerns be noted and communicated with the developer and that the developer be requested to consider the war memorial, ha-ha and visitor parking when considering the layout of the development at reserved matters stage.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members expressed their support for the proposals, subject to the inclusion of the additional points raised.

RESOLVED:

That outline planning permission be granted, in accordance with the officer's recommendation, subject to:

- The conditions set out in Appendix 1 of the officer's report;
- The applicant entering into a S106 legal agreement;
- Delegated authority being granted to officers to continue discussions with Severn Trent Water on whether a Grampian condition is required, as suggested in its consultation response, to prevent occupation of the dwellings until the necessary infrastructure works have been completed to increase network capacity.
- That the committee's concerns in relation to density be noted and communicated with the developer and that the developer be requested to consider the war memorial, ha-ha and visitor parking when considering the layout of the development at reserved matters stage.

29 39 Oak Street Shrewsbury, Shropshire, SY3 7RQ (26/02359/FUL)

The Area Planning Manager introduced the application for the creation of a terrace above existing conservatory, porch to front and insertion of an additional window at second floor level.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1.

30 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

31 Date of the Next Meeting

It was noted that the next meeting of the Northern Planning Committee would be held at 2.00 p.m. on Tuesday 20th October 2026, in The Council Chamber, The Guildhall, Shrewsbury.

Signed (Chairman)

Date:



Committee and date
Northern Planning Committee Tuesday 20 th October 2026

Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

Application Number: 25/02916/FUL	Parish:	Shrewsbury Town Council
Proposal: Hybrid Planning Application that seeks Full Planning Permission for the erection of a new Lidl foodstore (Use Class E) with associated car parking and landscaping and Outline Planning Permission for residential development (Use Class C3) and a care home (Use Class C2) with accesses approved in detail		
Site Address: Land North Welshpool Road Bicton Heath Shrewsbury Shropshire		
Applicant: C/o Agent		
Case Officer: Rowena Dale	email: rowena.dale@shropshire.gov.uk	

Grid Ref: 345743 - 313295
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Recommendation:- That delegated authority be granted to officers to approve the application, subject to the completion of a Section 106 Agreement and the conditions set out in Appendix 1 and for any minor changes to conditions as required.

REPORT

1.0 THE PROPOSAL

- 1.1 This hybrid application is seeking full consent for the erection of a new food store with associated infrastructure, access and landscaping on land north of Welshpool Road, Bicton Heath, Shrewsbury. The application is also seeking outline consent for the principle of residential development and a care home including the access arrangements, with all other matters (appearance, layout, landscaping and scale) to be reserved for subsequent approval.
- 1.2 The proposal has divided the site into three plots. The proposed food store is identified as Plot 1, the residential development identified as Plot 2 and Plot 3 is identified as the proposed care home.
- 1.3 The site has been subject to two previous pre-application enquiries submitted in July 2024 and February 2025 respectively. The pre-application enquiry submitted in February 2025 sought advice on a new food store, secondary retail unit, drive-thru coffee shop and residential development.
- 1.4 The pre-application enquiry concluded in a response made by the LPA that a retail impact assessment would be required to be submitted with any application to demonstrate whether the proposal is in line with the development strategy which seeks to direct retail uses to town centre locations. The enquiry response also noted that the scale of the proposal was a concern, with the secondary retail facility and drive-thru coffee shop going above what would be considered a 'local' centre, as the site is allocated within the Shrewsbury West SUE Master Plan.
- 1.5 Whilst this application was submitted with the same scheme as submitted in the pre-application enquiry, through negotiation with the agent and applicant, the scheme now presents reduced commercial use in comparison to the pre-application enquiry, with Plot 3 to provide a care home facility in place of the secondary retail unit and drive-thru coffee shop.
- 1.6 The residential and care home elements of the application are submitted in outline and as such, the submission is limited in detail with regard to the quantum of development, the design, layout and landscaping.
- 1.7 An indicative layout was submitted for the residential parcel to demonstrate that residential use can be accommodated within plot 2 of the site. However, this layout

is purely illustrative, and no scale, layout, appearance or landscaping of the development is approved as part of this application. These matters will be assessed at the reserved matters application stage.

- 1.8 Similarly, an indicative layout was submitted for the care home facility to demonstrate that a care home can be accommodated within plot 3 of the site. However, this layout is purely illustrative, and no scale, layout, appearance or landscaping of the development is approved as part of this application. These matters will be assessed at the reserved matters application stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site forms a parcel of land to the north of Welshpool Road which is broadly triangular in shape and bound by Welshpool Road to the south, Little Oxon Lane to the west and existing residential development to the east. The site wraps around a number of existing residential dwellings to the south including the Grade II listed Rose Villa.
- 2.2 The site is surrounded by a mix of uses including the Oxon Park & Ride to the northwest, former farmland to the north, residential and industrial uses to the east and residential dwellings to the south of Welshpool Road. To the west of the site is the existing Bicton Heath local centre which contains the existing Co-op food store and range of other retail/commercial facilities.
- 2.3 The site forms part of the Shrewsbury West Sustainable Urban Extension (SUE) which is an allocated strategic expansion of Shrewsbury to deliver major housing development, additional employment land, infrastructure improvements, health and care facility development and new community facilities.
- 2.4 Within the SUE West Masterplan, plots 1 and 3 are identified as the location for the expanded/enhanced Bicton Heath local centre and plot 2 is identified for residential use. The existing farmland north of the site is allocated for residential development under the SUE West Masterplan. The farmland to the north of the site is currently subject to a live planning application for residential development, with application reference 24/04563/FUL.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have submitted a view contrary to officers based on material planning reasons. The Principal Planning Officer in consultation with the Committee Chair agrees that the application raises issues which are appropriate to be discussed at and determined by committee.

4.0 Community Representations

The below section provides a summary of representations received during the consultation/publicity period. Comments can be viewed in full on the online

planning register, using the application reference.

4.1 Consultee Comments

4.1.1 SC Archaeology – No objection.

Trial trench evaluation was undertaken by TVAS across the proposed development site. No archaeological features were recorded in four trenches, suggesting a low archaeological potential. Officers concur with the findings. No further mitigation is recommended.

4.1.2 SC Ecology – No objection subject to conditions and S106 to secure on-site BNG.

The on-site BNG is considered to be significant and is required to be secured by S106 for a period of 30 years. The deficit of habitat and hedgerow units will need to be purchased from a Biodiversity Gain Site, with the details submitted to discharge the General Biodiversity Gain Condition prior to commencement of development.

4.1.3 SC Green Infrastructure – No objection

Previous comments regarding amending the specification notes and the management plan have been met.

The wider issue of pedestrian movement from the north is still relevant, as per previous comments. Plan R-2888-1K Landscape Masterplan highlights there is a possibility to create a connecting path from the PROW route along the east boundary into the Lidl site via the perimeter of the care home site. This could be an alternative to providing a path which runs along the north perimeter of the Lidl site, entering from the west boundary. This comment is raised in support of policy MD2 - the importance of outdoor space which is well connected and designed holistically.

4.1.4 SC Highways – No objection subject to conditions, financial contributions secured by S106 and a S278 technical approval.

With regard to the Stage 1 Road Safety audit, the majority of matters can be dealt with through the Section 278 technical approval process.

In relation to Section 106 contributions to be secured it is recommended in view of the likely impact on Welshpool Road and the surrounding road network that Section 106 contributions relate only to the monitoring of the travel plan and passenger transport contributions.

4.1.5 SC Conservation – No objection

The buildings within Plot 2 should be of a scale, design and layout so as not to overwhelm or overpower the Grade II listed Rose Villa to the immediate south of the red line boundary, and we repeat that there should be sufficient building

separation and setbacks built into site boundary areas as well as adequate landscaped visual screening relevant to the listed dwelling.

4.1.6 **SC Landscape (ESP Ltd) – Recommended conditions.**

The submitted Landscape and Visual Assessment should be revised to clarify on elements of the methodology and an assessment of the effects for Year 1 and 15 inclusive of the proposed mitigation.

The LVA was subsequently updated with the requested amendments.

4.1.7 **SC Affordable Housing – No objection subject to affordable housing provision and contributions to be secured by S106.**

The site area is located within an area where the affordable housing target rate is 20%. Therefore, 11 dwellings would require a provision of 2.2 (two dwellings) together with a financial contribution for the fraction. Affordable dwellings should meet Nationally Described Space Standards and be accessed from an adopted highway.

4.1.8 **SC Regulatory Services – No objection subject to conditions.**

Deliveries should be conditioned to ensure they are during opening times with later hours conditioned with no vehicles to arrive later than 2100 hours and only with post completion operation where it can be demonstrated lack of impact that 2300 hours be permitted.

A post-operative survey should be undertaken and commitment to undertake mitigation works should complaints be received with regard to noise impacts from the plant area. This is justifiable as although individual units SPL outputs can be assessed, the plant may have a cumulative impact and there can be extraneous noises from pipework and similar when operational.

4.1.9 **SC Rights of Way – No objection**

Officers have no comments to make regarding the full planning permission for the Lidl food store, however from checking the Definitive Map of Public Rights of Way it appears that the legal line of FP46 will run through the phase 2 and phase 3 which are within the outline planning application for residential development and care home.

The line of FP46 is expected to be incorporated into the development with preference given to the use of made-up routes through landscaped or open space areas away from vehicular traffic. Officers would like to see this taken into consideration at the submission of the reserved matters and for the public footpath to be a surfaced 'off road' route around the edge of the development.

4.1.10 **SC Trees – No objection subject to conditions.**

Within the submission of reserved matters, the Arboricultural Impact Assessment and associated landscaping proposals will need to be updated and revised to reflect the finalised site layout for this phase of the development, in order to demonstrate that retained trees can be appropriately integrated and protected in accordance with BS 5837:2012.

4.1.11 SC Drainage (SUDS) – No objection subject to conditions

4.1.12 National Highways – No objection subject to conditions.

4.1.13 Shrewsbury Town Council – Object

The Town Council objects to the application on the following grounds.

- This development constitutes overdevelopment, cramming multiple uses on site with little regard for visual amenity, biodiversity or impact on existing infrastructure
- The proposed residential development has been shoe-horned into the site with a proposed access on a blind bend of Welshpool Road, which is already a principal route into the town with significant traffic
- The creation of drive-thru facilities will only exacerbate vehicle traffic to and from this site
- The layout of the supermarket given the desire to cram as much infrastructure as possible on site, has an overbearing effect on the character of the Welshpool Road and needs to be set back, similar to other comparable establishments on Welshpool Road
- Members have been most disappointed to see how a national company can be allowed to have such a devastating impact on a piece of land. The fact that the company has been allowed to get away with the removal of a well-established hedgerow without punitive recourse is a disgrace

An updated comment was received on 11.03.2026:

Whilst the Town Council welcomes the replacement of the Drive-Thru Facility for a Care Home, this development does not address the underlying problem of accessibility to the site. The Council's original objections in relation to this application still applies.

4.1.14 Cllr Tandy – Object

12.09.2025: I am objecting to this Lidl application (25/02916/FUL) on the basis of 'over development'.

The proposed eleven houses and Costa coffee are in addition to the proposed supermarket. There is simply not enough room on the site.

The proposed Lidl store would need to be moved back from the boundary of the site on Welshpool Road in order to allow for road improvements to take place. This will allow increased traffic flow as a result of the proposed store. Currently the road struggles to accommodate the traffic flow it has. The additional pressures of traffic flow from the proposed store is unacceptable.

The proposed Costa Coffee store should be refused planning as currently more parking would be required to accommodate shoppers at the Lidl store.

Access into the proposed housing development creates a potential traffic hazard as a drivers view on exit is compromised due to the current road layout sitting on a bad bend. This has the potential to cause accidents.

Currently there is no detail of what housing is planned for the site. It is imperative that the developer provides this information prior to any works being undertaken.

The mature hedging sitting on the boundary of the site was removed without planning consent or discussion with local councillors. Removal of the hedge was undertaken during breeding season. No permission was sought from any relevant party. This has upset and annoyed many local residents within Gaines Park Ward.

Road improvements for the junction with Welshpool Road and Little Oxon Lane must be undertaken prior to the commencement of any proposed building work on site. The site boundary needs to be revised in order to accommodate the planned road improvements on Welshpool Road and Little Oxon Lane. There is currently a proposal for 486 houses to be built on Little Oxon Lane further adding to traffic flow issues. As you are aware the Park & Ride site is being used for Hospital parking which is beyond breaking point.

Due to all the issues raised above I'm objecting to the current application.

Date comment received: 30.07.2026

Everyone needs a Lidl store for the Gains Park area, The problem with this application is that there is another care home which we do not need. We do need more retail stores to help the community.

There is also planning for housing to be put at the back of the Lidl store, which the entrance is on a corner of Welshpool Road. the sight lines to see out of that entrance are not safe.

The Welshpool road at the junction of little Oxon lane is already too congested, and the road needs to be widened to allow a round about to be put in, as oppose to traffic lights.

Highway England have already said that Welshpool road is over congested. Until changes are made to the road layout and to little Oxon lane, I don't feel that i can support any application which impinges on my ward.

Date comment received: 03.03.2026

The Oxon Lane Junction with Welshpool Road is too busy to except the extra traffic generated by this Lidl store. It needs to have a roundabout at this junction. Already the Welshpool Road has to much traffic.

Applications: Lidl Development (Little Oxon Lane) and 24/04563/FUL (SUE West Phases 3 & 4)

As a local councillor, I wish to formally raise concerns regarding the adequacy of the submitted Transport Assessments (TAs) in support of the proposed Lidl development at Little Oxon Lane and the associated residential development under application 24/04563/FUL.

My concerns relate to the accuracy of the baseline modelling, the failure to robustly assess cumulative impacts, and the implications for congestion and safety at key junctions.

The May 2025 traffic surveys submitted with the Lidl TA record substantial peak-hour queuing at:

Churncote Roundabout

Little Oxon Lane / A458 Welshpool Road junction

However, the ARCADY and PICADY modelling presented in the assessment significantly underestimates the queue lengths that were physically observed.

If the baseline model does not replicate existing congestion, it cannot provide a reliable foundation for assessing future impacts. Any future-year scenario built upon that flawed baseline must therefore also be treated with caution.

This issue alone warrants further validation work before any determination is made.

The modelling appears to assume zero heavy vehicles in the turning movements, despite Churncote being a trunk road junction. This is concerning, as heavy vehicles materially affect roundabout capacity and queuing.

If heavy vehicle proportions have not been properly input and validated, capacity may be overstated and delays understated.

The Lidl proposal sits alongside significant residential development, including:

283 dwellings under application 24/04563/FUL

Earlier SUE phases of 340 and 106 dwellings

The residential phases were assessed on the assumption of delivery of the North West Relief Road (NWRR). Given the current funding uncertainty surrounding the

NWRR, the "no NWRR" scenario must be treated as a realistic and robust worst-case.

It is not clear that the standalone Lidl assessment includes the full cumulative traffic impact of:

- All committed residential development
- Background traffic growth
- Development traffic
- Without the NWRR in place
- This cumulative impact must be transparently demonstrated before any consent is granted.

4. Existing Congestion at Churncote

The May 2025 survey data confirms that Churncote Roundabout already experiences significant peak-hour congestion.

This evidence appears to contradict earlier modelling assumptions relied upon in connection with the NWRR.

Given existing congestion levels, it is difficult to conclude that further retail and residential development can be accommodated without meaningful mitigation.

5. Junction Design and Pedestrian Safety

Council officers have raised legitimate concerns regarding:

- The layout of the Little Oxon Lane junction
- Pedestrian accessibility and crossing provision
- Potential signalisation
- The impact of increased pedestrian demand and potential crossing upgrades on junction capacity has not been robustly modelled.

Furthermore, the proposed site accesses align directly opposite existing accesses, creating avoidable conflict points. Given the available frontage, alternative offset arrangements should be explored.

6. Robustness of Trip Rate Assumptions

The proposed Lidl store falls within Use Class E(a), which allows a range of retail uses. The TA appears to rely solely on Lidl-derived trip rates without sensitivity testing for alternative occupiers.

This raises concerns about the long-term robustness of the assessment should the use of the building change.

Conclusion

In summary:

The baseline traffic modelling does not accurately reflect observed conditions.

Cumulative impacts of retail and residential development have not been robustly demonstrated without reliance on the NWRR.

Existing congestion at Churncote is already significant.

Junction design and pedestrian safety require further scrutiny.

Until an accurate, validated baseline model is produced and cumulative impacts are fully assessed under a realistic "no NWRR" scenario, it cannot reasonably be concluded that the proposals would not result in severe congestion or unacceptable highway impacts.

I therefore request that the applications not be determined until the Transport Assessments are revisited, validated, and updated to properly address these concerns.

This cumulative impact must be transparently demonstrated before any consent is granted.

Council officers have raised legitimate concerns regarding:

The layout of the Little Oxon Lane junction

Pedestrian accessibility and crossing provision

Potential signalisation

The impact of increased pedestrian demand and potential crossing upgrades on junction capacity has not been robustly modelled.

Furthermore, the proposed site accesses align directly opposite existing accesses, creating avoidable conflict points. Given the available frontage, alternative offset arrangements should be explored.

The houses suggested will be coming on Welshpool Road this is on two bad bends

one coming from both directions this makes this road dangerous.

4.2 Public Comments

4.2.1 Following publication of the application, a total of 30 responses to the application have been received. There have been 15 responses in support of the application and 15 responses objecting to the application. The material planning considerations raised can be summarised as following:

- **Highway capacity, traffic and safety**
 - Concerns over additional traffic on Welshpool Road, existing congestion and adequacy of highways infrastructure
 - Concern regarding suitability of access from Little Oxon Lane and residential access where there is limited visibility
 - Concerns regarding pedestrian safety and accessibility of Little Oxon Lane
 - Impacts of cumulative traffic from additional housing growth and abandonment of the NWRR arrangements which have not been sufficiently assessed
 - Concerns relating to construction traffic causing highways safety issues
 - Inappropriate assessment of traffic movements of surrounding network
 - Impact on congestion on neighbouring caravan park particularly at weekends which would coincide with caravan arrivals and departures
 - Junction capacity results are above acceptable thresholds particularly in relation to A5 Churncote Roundabout
 - Failure to demonstrate compliance with relevant highways policies within the NPPF
 - Transport Assessment is flawed in relation to traffic modelling which underestimates existing congestion and queue lengths
 - Concerns over conflict with existing accesses to local centre and Park and Ride
- **Overdevelopment/Need**
 - Combination of residential, retail and care home uses will result in overdevelopment of the site and will place pressure on existing infrastructure
 - No demonstrated need for a discount foodstore in this location which is disproportionate in scale to the local centre role as set out in the SUE West Masterplan
 - Concerns the foodstore will dominate the local centre and adversely impact on the vitality and viability of the existing local businesses
 - No demonstrated need for a care home
- **Ecology**
 - Concerns raised in relation to the removal of the mature trees and hedgerows and loss of habitat
 - Concern relating to lighting and noise as a result of the development

- Insufficient planting to mitigate against the impacts of the development
- Achievement of Biodiversity Net Gain
- **Design and Visual Impact**
 - Concerns that the scale, height, form and materials are inappropriate in the local context.
 - The prominence of the car parking along Welshpool Road will have an adverse impact on the street scene
- **Pedestrian connectivity and sustainability:**
 - Concerns raised in regard to inadequate pedestrian/cycle routes to surrounding housing and facilities
 - Concerns that the drive-time catchment is insufficiently evidenced and the proposal will attract customers from a wider area which will constitute unsustainable shopping patterns
 - Lack of linked trips or integration with the existing local centre with the proposal acting as a self-contained destination

Support for the proposal:

- Providing greater supermarket choice including an affordable alternative to existing local provision
- Meet the need of the ongoing housing development
- Improve access to grocery shopping for local residents without access to cars
- Provide local employment and reduce car journeys to supermarkets

5.0 THE MAIN ISSUES

The main issues are whether the type and scale of proposed development in this location is acceptable in principle having regard to the allocated status of the site within the adopted Development Plan for the expansion of the existing local centre and residential use; other material considerations; the scale, layout and design; residential amenity; landscape impact; impact on highways safety, network capacity and pedestrian connectivity and the impact on ecology and biodiversity.

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application site lies within the development boundary of Shrewsbury and forms part of the Sustainable Urban Extension (SUE) for Shrewsbury West.
- 6.1.2 Core Strategy Policy CS1 identifies Shrewsbury as the primary focus for development in Shropshire, supporting significant retail development and accommodating approximately 25% of Shropshire's residential development over the plan period. Policy CS2 states that Shrewsbury will deliver approximately 25% of Shropshire's housing over the plan period and develop its role as Shropshire's primary retail centre whilst protecting the vitality and viability of the town centre.

- 6.1.3 The site forms part of the Shrewsbury West SUE which, as set out in Core Strategy Policy CS2 has been identified to incorporate major housing development and includes scope for additional health and care facility development and provision of new community facilities.
- 6.1.4 Plots 1 and 3 are allocated within the SUE Masterplan to deliver an expanded local centre across Little Oxon Lane, forming active frontage at the centre of the site, with good links to existing and proposed housing areas. This is identified to include additional retail and commercial uses and community and health facilities, subject to need and demand. Plot 2 is allocated within the SUE West Masterplan to deliver residential use.
- 6.1.5 SAMDev Policy S16(5) states that development of an appropriate scale and type as identified within the SUE West Masterplan will be supported with regard to the principles of the Masterplan, infrastructure requirements and with initial planning applications accompanied by phasing and delivery strategies. SAMDev Policy MD3 supports the development of housing on allocated sites as set out in Settlement Policies S1-18.
- 6.1.6 The proposed development will deliver a discount food store within Plot 1 of the site and residential development within Plot 2 which are uses consistent with the allocated land uses with the SUE West Masterplan Area. Whilst the care home is not wholly consistent with the allocated local centre land use within the SUE West Masterplan for Plot 3, the proposal will provide care use which contributes to the wider objectives of the Shrewsbury West SUE and does not prejudice the delivery or function of the expanded local centre. Notwithstanding this, the proposal will provide specialist housing for older people in a sustainable location within the development boundary of Shrewsbury, where there is an identified need. The use will create local employment opportunities and complement the surrounding residential and commercial land uses in accordance with Core Strategy Policies CS2, CS11 and CS13.
- 6.1.7 As such, the proposed development will deliver a discount food store, care home and residential development which are consistent with the overall strategic approach for development within Shrewsbury and more specifically, with the strategic development approach for the Shrewsbury West Sustainable Urban Expansion and comply with the relevant development plan policies CS1, CS2, CS11 and CS13 and SAMDev Policies MD3 and S16.
- 6.1.8 Policy CS15 supports the delivery of retail offerings which maintain and enhance the vitality and viability of Shropshire's network of town and rural centres. Shrewsbury is identified as the preferred location for this development where a sequential approach to site selection should be followed and priority is given to identifying and delivering town centre and edge of centre redevelopment opportunities. As set out in the SUE West Masterplan and Policy S16, the proposed food store is located on land allocated for commercial/retail use to support the expansion of the Bicton Heath local centre. As the proposed use is consistent with

the use allocated within the development plan, there is no requirement to conduct a sequential site assessment in this case.

- 6.1.9 SAMDev Policy MD10b requires a Retail Impact Assessment (RIA) to be provided where the proposal is located outside a defined town centre or more than 300m from a locally recognised high street or village centre, is not in accordance with the area's settlement strategy and has a gross floorspace above 500sqm (Shrewsbury). An RIA was requested within the pre-application response by Shropshire Council due to the scale of the proposed development which at the time, included a secondary retail unit and drive-thru. However, it is noted that the proposed food store in its current form is of a reduced scale, located on a site allocated for commercial/retail use within an existing local centre and therefore, does not meet the requirements of SAMDev Policy MD10b to provide an RIA. However, for robustness, the applicant has provided an RIA which assesses the impact of the proposed development on the vitality and vibrancy of Shropshire's town and rural centres.
- 6.1.10 The accompanying RIA identifies and assesses the impact of the proposed development on the existing food stores within a 5-minute drive-time catchment of the site and locations outside of the catchment that could be impacted on by the proposal including Shrewsbury Town Centre and the Bicton Heath Local Centre. The RIA concludes that there will be a less than 1% level of trade diversion from the existing retail offering in Shrewsbury Town Centre as there is no comparable main-food shopping destination within this area. The highest levels of trade diversion are identified to be a 9.81% trade diversion from the Bicton Heath Local Centre Co-op and a 10.44% trade diversion from the Aldi on Oteley Road.
- 6.1.11 Whilst there will be some limited trade diversion from the Bicton Heath Co-op, the proposed Lidl will provide welcome variety and choice for existing consumers and will expand on the food retail provision within the local centre, meaning residents are unlikely to need to travel further afield to access the range of products that they require. This will facilitate more local and sustainable shopping patterns and reduce travel distances. Additionally, the proposal provides an opportunity for the existing Co-op store to benefit from linked shopping trips by proximity, reducing 'trade leakage' from the Bicton Heath Local Centre to retail centres further afield.
- 6.1.12 The proposed Lidl will provide a discount food store where there is currently no local provision, with the nearest discount food store approximately 6km from the site. Whilst there will be some limited trade diversion from the Aldi on Oteley Road, the proposal will predominantly serve the needs of the existing and future residents within the Bicton Heath area, particularly noting the increased housing numbers being delivered as part of the wider Shrewsbury West SUE development.
- 6.1.13 As such, officers agree with the conclusion of the RIA that the proposed food store will not have any significant adverse impacts on the vitality and vibrancy of the Shrewsbury Town Centre or the Bicton Heath Local Centre.
- 6.1.14 Overall, when read against the adopted Development Plan (Core Strategy and

SAMDev Plan), the proposal meets the strategic aims for retail and housing development in Shrewsbury and the development strategy for the Shrewsbury West Sustainable Urban Extension.

6.2 National Planning Policy Framework (2026)

- 6.2.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The current development plan includes the Core Strategy and Site Allocations and Management of Development (SAMDev) Plan.
- 6.2.2 On 17th August 2026, the Government issued a new revised version of the National Planning Policy Framework (NPPF) which is identified as a material consideration of critical importance. The national decision-making policies (NDMPs) in the Framework are a material consideration in making decisions and should be read alongside the policies in the development plan.
- 6.2.3 In accordance with Annex A of the NPPF, development plan policies which are materially inconsistent with national decision-making policies (NDMP) in this Framework should be given very limited weight. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.
- 6.2.4 In this case, the relevant policies within the Shropshire Development Plan as set out in the previous section, are consistent with the relevant NDMPs in the Framework by virtue of their support for retail and residential use within settlement boundaries. Therefore, whilst the NPPF is a material consideration, the development plan maintains significant weight in the planning balance, despite its adoption prior to the publication of the Framework. Notwithstanding this, for completeness, the proposal has been assessed against the relevant policies within the NPPF.
- 6.2.5 Policy S3 of the NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development and where the proposal is within a settlement, Policy S4 applies. Policy S4 states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.
- 6.2.6 The proposed development delivers retail use which will support the overall vitality of the Bicton Heath Local Centre in accordance with Policy TC2. The proposal is accompanied by an RIA demonstrating that the proposal meets the requirements of Policies TC3 and TC4 as the site is located within an existing centre, allocated for retail use in accordance with the Shrewsbury West SUE Masterplan and will not have a significant adverse impact on the existing vitality and viability of the Shrewsbury Town Centre or the Bicton Heath Local Centre.
- 6.2.7 The proposed development delivers residential use and affordable housing

provision where there is an identified need in accordance with Policies HO7 and HO8. The proposed care home use will deliver specialist housing for older people which accords with Policy HO9 due to its location within proximity to existing services and facilities within the Bicton Heath Local Centre.

- 6.2.8 The proposed development site is located within the settlement boundary of Shrewsbury which is identified as a sustainable location for retail and residential development with access to a genuine choice of public transport modes and suitable pedestrian and cycle opportunities in accordance with Policy TR3 which aims to direct development to sustainable locations.
- 6.2.9 As such, the principle of the proposed development is supported by the key relevant policies within the NPPF and constitutes sustainable development, subject to acceptable technical matters.

6.3 Scale, Layout and Design

- 6.3.1 The full element of the application, the Lidl food store, is accompanied by a set of detailed plans which illustrate the scale, layout and design of Plot 1. The proposed food store is sited to the east of the plot, in a north-south orientation, creating an active, welcoming frontage along Welshpool Road without appearing dominant and overbearing from the street scene. The layout enables appropriate access, parking, delivery areas to be accommodated and the plant area to be located centrally within the site, screened by existing and proposed landscaping. Whilst the layout will result in a prominent view of car parking from the corner of Welshpool Road and Little Oxon Lane, this will not appear alien in the context of the surrounding area and will be softened by the proposed planting along the southern and western boundaries of the site.
- 6.3.2 The proposed food store will include a sales area of approximately 1,529sqm with associated staff and operational facilities located in separate areas accessed by independent external doorways from the car parking area. The Class E(a) retail use of the building will be secured by appropriately worded planning conditions which restrict the maximum sales area, subdivision of the unit and introduction of other uses. The frontage along Welshpool Road incorporates a landscaped seating area and open space which enhances the visual appearance of the food store and helps to integrate it into the street scene.
- 6.3.3 The proposed single storey height of the food store measures approximately 7.1m which is set down from the existing local centre buildings which reach approximately 9m in height, and the scale of proposed food store will sit comfortably within the plot. The proposed design incorporates a contemporary design whilst using materials which complement the surrounding area, the details of which will be secured by condition.
- 6.3.4 Overall, the submitted scale, layout and design of the food store shows an appropriate and logical arrangement of built form, access and associated parking and landscaping which responds to the site's context within the existing urban area

and presents a contemporary addition to the Bicton Heath Local Centre with active frontages and open space in accordance with the Shrewsbury West SUE Masterplan design principles, Core Strategy Policy CS6 and SAMDev Policy MD2.

- 6.3.5 The residential and care home development are in outline with matters relating to layout, scale, appearance and landscaping reserved for subsequent approval.

6.4 Heritage

- 6.4.1 The Conservation Officer has raised no concerns regarding the proposed Lidl store in relation to heritage impacts. Plot 2 lies adjacent to the Grade II listed Rose Villa and there are also a number of non-designated heritage assets in the vicinity of the site, including Vaughan Cottages to the south of Plot 1 and the buildings associated with Little Oxon Farm to the north of Plot 3. Whilst the residential and care home elements are submitted in outline, sufficient information has been provided to demonstrate that these uses can be accommodated within the respective plots without giving rise to an in-principle heritage objection. The illustrative layouts are not submitted for approval and carry limited weight in the assessment; however, they demonstrate that there is sufficient developable area to allow development to come forward whilst responding appropriately to surrounding heritage assets. The detailed layout, scale, appearance, landscaping and relationship of the development to nearby heritage assets will be assessed through future reserved matters application(s). In order to inform that assessment, a proportionate Heritage Impact Assessment will be required to accompany the reserved matters submission(s).

6.5 Visual impact and landscaping

- 6.5.1 The application is supported by a Landscape and Visual Appraisal, which identifies that, whilst the proposed development will result in some localised adverse change associated with the loss of the existing agricultural land and alteration of boundary vegetation, the overall effect on the wider landscape character will be neutral as the proposed development relates well both in terms of landscape and visual terms to the existing settlement pattern and evolving character of the western approach to Shrewsbury. This is accepted by the Council's Landscape Advisor.
- 6.5.2 It is acknowledged that the former hedgerow made a positive contribution to the street scene and local biodiversity and there was local concern with regard to its removal. However, as set out in the decision for application 25/01555/FUL, no unlawful works occurred in removing the hedgerow and whilst the hoarding does not enhance the site, it does not result in demonstrable harm to the environment or visual amenity, particularly given its temporary nature. The proposal before you provides a landscape mitigation strategy which reinstates the boundary hedgerow, which will soften the visual appearance of the development and integrate the development into its surroundings over time. The detailed landscaping strategy to replace the hoarding around Plots 2 and 3 will be assessed as part of the reserved matters applications.

6.5.3 The Councils Landscape Advisor identified a number of shortcomings in the methodology and assessment included within the LVA. The LVA has since been updated to address these shortcomings. However, it should be noted that despite these concerns, the overall judgement reached is that the proposal is acceptable in landscape and visual terms, subject to appropriate mitigation and further detail being secured by condition and at reserved matters stage.

6.5.4 All matters relating to the design, materials, hard/soft landscaping and landscape management of the outline elements of the application can be appropriately controlled through the submission of the reserved matters and subsequent planning conditions. In relation to the Lidl food store, it can be concluded that in consideration of the scale, form and landscaping strategy of the proposal, there will be no unacceptable harm to the character of the local area.

6.6 Residential Amenity

6.6.1 The proposed food store has been assessed with regard to its impact on residential amenity, including the potential noise and air quality impact associated with its operation and transport movements.

6.6.2 The proposed food store has been orientated so the roof slopes to its lowest extent in closest proximity to the existing and proposed residential dwellings to the south and east. The food store is single storey in scale with the height at its eastern extent measuring approximately 5.1 m, which is approximately 3m lower than the height of the nearest neighbouring residential dwelling. On this basis, the food store is not considered to result in an overbearing relationship, unacceptable loss of outlook or harmful loss of daylight or sunlight to existing or proposed neighbouring dwellings.

6.6.3 As the residential development of Plot 2 is in outline with only access considered at this stage, the distance of the food store to the nearest residential dwelling cannot be determined. However, the proposed food store will be separated from the new residential development by a significant landscape buffer which combined with the changes in ground level, will provide a degree of physical and visual separation. It is expected that the reserved matters for Plot 2 will assess and incorporate a layout and design to ensure there is no adverse impacts to residential amenity.

6.6.4 The accompanying noise assessment considers the operational impacts of the development, including traffic movements and the introduction of mechanical plant. The assessment concludes that the cumulative plant noise is likely to be acceptable during daytime but will result in an adverse impact during nighttime hours without appropriate mitigation. As such, it is necessary to install a noise mitigation barrier to control cumulative plant noise at the nearby dwellings and undertake a post-operative survey with the commitment to undertake mitigation works should any complaint be received. The required mitigation will be secured by appropriately worded planning conditions.

6.6.5 With regard to traffic movements, the noise assessment concludes that delivery

noise will be of a low impact at all noise-sensitive receivers and is acceptable for daytime periods. Delivery noise at night is likely to result in unacceptable impacts and as such, delivery hours will be restricted to daytime hours to control the noise impact on dwellings in the area. In order to control the noise impact on the dwellings in the area, the delivery hours will be restricted by condition to 7am-9pm. An extension of the delivery hours until 11pm may be acceptable following the submission of a post completion survey which demonstrates a lack of adverse impact. The details of this will be secured by an appropriately worded planning condition.

6.6.6 The Air Quality Assessment submitted in support of the application concludes that both construction and operational impacts on air quality would be not significant. Predicted changes in pollutant concentrations at nearby residential receptors are negligible and well below relevant national objectives. Subject to standard construction management and dust mitigation measures, the proposal is therefore not considered to give rise to unacceptable air quality impacts.

6.6.7 Overall, the proposed layout and scale of the food store will not result in unacceptable harm to the living conditions of nearby residents or future occupants of the proposed dwellings. The matter of noise impacts from external plant and transport movements can be appropriately controlled through planning conditions and the reserved matters process. It is expected that the reserved matters for the outline elements will include up to date noise assessments to ensure no adverse impact on residential amenity. The proposal is therefore considered to comply with Policies CS6 and CS17 of the Core Strategy, Policies MD2 and MD12 of the SAMDev Plan, and relevant national policy.

6.7 Access and Highways

6.7.1 The application is supported by a Transport Assessment (TA) and detailed access plans. The access for the food store and care home is to be taken upon construction of 2no. new priority T-junctions from Little Oxon Lane along the western boundary of the site. The residential element of the scheme will be accessed by a priority T-junction along the southern boundary of the site approximately 175m east of the Little Oxon Lane/Welshpool Road junction.

6.7.2 The applicant has provided detailed access drawings which include carriageway dimensions, swept path analysis and appropriate visibility splays compliant with the Manual for Streets, which demonstrate that all anticipated vehicle movements can be accommodated through the proposed accesses for each plot. For the Lidl plot, this includes demonstration that large rigid vehicles can safely enter the site and the proposed delivery bay and exit onto the highway in forward gear. The full engineering details for each access will be secured by condition.

6.7.3 It is noted that the proposed access for the Lidl site is opposite an existing access for the neighbouring Co-op. However, the Co-op access road is for the entry only of delivery vehicles and two-way access for staff and refuse collection only. Therefore, there is expected to be minimal conflict with the proposed food store access off

Little Oxon Lane.

- 6.7.4 The site is located within the Shrewsbury West SUE which was planned to accommodate a section of the North West Relief Road (NWRR) between the A5 Churncote Roundabout junction and Holyhead Road known as the Oxon Link Road (OLR). The Churncote Roundabout is approximately 900m west of the site and serves as an interchange between the A485 (Welshpool Road) and the A5 which forms part of the Strategic Road Network where the highway authority is National Highways.
- 6.7.5 The NWRR was formally cancelled by Shropshire Council in February 2026, however, the OLR section remains under a separate review and may still be implemented. As such, it was discussed and agreed with the applicant that the TA should consider a 'with' and 'without' NWRR to account for the potential implementation of the OLR during the lifetime of the proposed development noting that 'without NWRR' forms the worst-case scenario in this case.
- 6.7.6 The TA estimates the likely trip-generating potential of the proposed development during weekday PM and Saturday Peak hours. As agreed with National Highways, for the retail store, the Retail Floor Area (RFA) has been considered the most appropriate metric for estimating trip generation and assesses the trip generation on the basis of an RFA of 1,529 sqm. The floor area will be secured by condition. The trip generation includes the cumulative impacts of the food store, care home and residential development combined. The trip generation for the outline elements is based on TRICS data due to the unknown scale of the proposal however, the proposed food store generates the vast majority of vehicle movements and so any additional increase in residential and care home trips could feasibly fall within daily fluctuations in traffic due to the minor proportion of overall trips they account for.
- 6.7.7 The TA estimates that the proposed development would generate up to 157 vehicle movements during the weekday AM peak period, 256 vehicle movements during the weekday PM Peak and 297 vehicle movements during the Saturday peak period. Traffic distribution has been assessed based on the proposed vehicle trips as a result of the development including the opening year of 2026 and the future year of 2031. This is based on the assumption that approximately 50% of the trips associated with the development will comprise new primary trips, and the remaining 50% comprise pass-by, diverted or linked trips which is considered to be a worst-case scenario.
- 6.7.8 Junction modelling has been undertaken at all major junctions in the vicinity of the proposed development site including the site access, the junction of Little Oxon Lane and Welshpool Road, the junction of Welshpool Road, Clayton Way and Somersby Drive, the junction of Welshpool Road and the B4380 and the A5 Churncote Roundabout. Whilst junction assessments in the surrounding area were undertaken as part of the Council's Transport Assessment for the NWRR, given the potential worst-case scenario (without NWRR), the TA accompanying this application provides assessments of the above junctions to demonstrate they will not be adversely impacted as a result of the development should the OLR not be

proceeded with.

- 6.7.9 Whilst the A5 Churncote Roundabout falls within the identified 5 minute drive-time catchment of the food store, there is no significant residential area where routing via the A5 would represent the most logical or efficient vehicle route choice compared to the local highway network. As such, any customer trips using the A5 are likely to be minimal and the impact of the proposed development on the Churncote Roundabout will be limited.
- 6.7.10 The junction modelling demonstrates that all assessed junctions are expected to operate within capacity in both assessment years, 2026 and 2031, in the worst-case scenario (without NWRR), except the A5 Churncote Roundabout. The A5 Churncote Roundabout currently operates close to capacity irrespective of any traffic movements associated with the proposed development. As set out above, the expected customer trips from the proposed development using the A5 will be minimal which quantitatively, equates to less than one additional vehicle added to the maximum queues on the Welshpool Road approach in the 2031 scenario. Therefore, whilst the modelling shows the A5 Churncote Roundabout is close to capacity, this is not a direct impact of the proposed development, and the proposal will not result in any additional congestion or operational issues at this junction.
- 6.7.11 National Highways and the Council's Highways Officers are satisfied that the junction modelling is consistent with their approach and that the proposed development can be accommodated by all assessed junctions without adversely the existing highway network in the scenario that the OLR is not proceeded with.
- 6.7.12 Parking provision comprises 97 spaces for the proposed Lidl including 9 parent and child spaces, 6 DDA compliant spaces and 2 EV charging spaces. Parking enforcement will be managed by Lidl and include limited time free parking for customer use. Covered cycle parking for 12 bicycles will be provided to the south of the Lidl store which will be easily accessible from Welshpool Road and encourage the use of cycling to access the site. The parking provision for the outline elements of the application will be secured at reserved matters stage and is expected to be provided in accordance with Shropshire Council's Design of New Dwellings adopted SPD.
- 6.7.13 As the proposed development is capable of being accommodated with no unacceptable highways safety concerns or severe impacts on the local highway network in a scenario where the OLR is not proceeded with, it is not reasonable to request S106 contributions in relation to the construction of the OLR.
- 6.7.14 Overall, the proposed development is considered acceptable in highways and access terms in the worst-case scenario (without NWRR) and is compliant with local adopted policies CS6 and MD2 and would not give rise to unacceptable highway safety concerns or result in severe impacts on the local highway network.

6.8 Sustainable Transport and Connectivity

- 6.8.1 The site is well-located with access to a genuine choice of sustainable transport modes. The site is bound by continuous 2m street-lit footways which extend north to the Oxon Park & Ride and east and west along Welshpool Road, connecting the proposed development to surrounding residential uses and other facilities and services. The proposal includes the provision of a pedestrian crossing which will connect the site to the existing Bicton Heath Local Centre and provide safe pedestrian access across Little Oxon Lane. An existing signalised pedestrian crossing of the A458 is available to the west of the site, connecting the existing local centre to the south side of Welshpool Road.
- 6.8.2 The proposed residential plot is adjacent to an existing public right of way which connects Welshpool Road to the existing farmland to the north where residential development is proposed under a separate planning application. Whilst there is no proposed connectivity between the public right of way and the food store plot, the reserved matters for both outline elements will be required to demonstrate pedestrian and cycle access to the existing public right of way to provide connectivity to the future residential development to the north.
- 6.8.3 The proposed site plan for the food store includes a break in the boundary treatment to the north and a pedestrian crossing over the delivery bay to enable future pedestrian and cycle connectivity to the care home plot. The details of the pedestrian and cycle access within the care home plot will be considered at reserved matters stage.
- 6.8.4 There are a number of bus stops within 300m of the site which provide regular services into central Shrewsbury, connecting the site to a wide range of services and facilities and Shrewsbury railway station which provides public transport connections to a range of further destinations. In view that the proposed food store will serve a predominantly local need, the proposal is likely to impact on the existing public transport network including local bus services. As such, S106 contributions towards Passenger Transport infrastructure have been sought as part of this application.
- 6.8.5 The application is accompanied by a Travel Plan for the Lidl food store which sets out a commitment to reduce the number of vehicular trips generated by the proposed development. The Travel Plan sets out measures to reduce the percentage of staff travelling to work by single occupancy vehicle by 10% by Year 5 of the Travel Plan and increase the percentage of staff travelling to work by alternative means by 10% by Year 5 of the Travel Plan. This includes distribution and advertisement of relevant information to all staff, provision of changing facilities including lockers to encourage walking and cycling, membership of schemes including Cycle to Work and Lift Share and the adoption of flexible working for management staff where possible. S106 contributions are sought in relation to the monitoring of the Travel Plan by the Council. A Travel Plan for the care home element of the application will be secured by appropriately worded planning condition.

- 6.8.6 The proposed development includes off-site highways works including the provision of a pedestrian crossing over Little Oxon Lane and the resurfacing of footways across the site frontages along both Welshpool Road and Little Oxon Lane. A Stage 1 Road Safety Audit has also been submitted which identifies improvements to highways land to be delivered as part of the development. The details of which will be secured by a Section 278 technical approval in conjunction with the Council's Highways Team.
- 6.8.7 Overall, the proposed development is well-located with access to a genuine choice of sustainable transport modes and will predominantly serve a local catchment area, reducing the reliance on private vehicle use. The proposal includes infrastructure improvements to encourage pedestrian and cycle use to access the food store, the technical details of which will be secured by Section 278 agreement. Matters in relation to the pedestrian and cycle connectivity of Plots 2 and 3 will be assessed at reserved matters stage. As such, the proposed development is compliant with local adopted policies CS6, CS8 and MD2.

6.9 Ecology and Biodiversity

- 6.9.1 The application is supported by an Ecological Impact Assessment (EclA) prepared by Enzygo Environmental Consultants (April 2026), which includes a desk study and field survey undertaken in accordance with the UK Habitat classification methodology. The EclA confirms the site is predominantly comprised of improved grassland which is identified as species poor and with minimal biodiversity value. There are some unvegetated and sparsely vegetated areas and bramble scrub which are also limited in their biodiversity value and are considered to be of negligible ecological importance. The principal ecological feature of note is the length of hedgerow running along the centre of the southern site boundary which is classified as species-rich and of local ecological value. There are also five semi-mature Ash and Oak trees associated with the site boundary which are identified to have negligible ecological importance as they do not have features that provide ecological niches. The hedgerow and trees are identified to provide suitable habitat for foraging and commuting bats and birds whilst the site also has a limited extent of suitable habitats for Badgers and some opportunities for Common Reptiles and other Priority Species.
- 6.9.2 No statutory designated sites were identified within 5km of the site, and whilst the site falls within an Impact Risk Zone, the development does not meet the categories for which the LPA are advised to consult Natural England. The field survey did not identify any evidence of Badgers on site however, suitable habitats for badgers, bats and breeding birds were found on site.
- 6.9.3 The proposed development will implement a landscaping scheme including the planting of individual trees and native hedgerow to compensate for the loss of the five existing trees and the small length of hedgerow which will be lost to facilitate the proposed access. This will provide habitat for bats and breeding birds which alongside the installation of bat and bird boxes will provide enhanced conditions for

these species. Measures to protect retained habitats and existing species throughout the construction period will be identified within a Construction Environment Management Plan which will be secured by an appropriately worded planning condition. The detailed landscape proposals of the outline elements are expected to provide additional ecological improvements which will be considered at reserved matters stage.

- 6.9.4 The application is supported by a Biodiversity Net Gain Design Stage Report and associated BNG metric which identifies that the proposal will result in a net loss of biodiversity on site. It should be noted that the BNG assessment includes the site baseline prior to the clearance of the boundary hedgerow and scrub associated with the erection of the hoarding fencing.
- 6.9.5 The proposed landscaping scheme for Plot 1 provides modified grassland, individual urban trees, mixed scrub and species-rich native hedgerow however, there remains a shortfall of 1.14 habitat units (c.71% loss) and a gain of 0.25 hedgerow units (c.9.3% gain) therefore, failing to achieve the mandatory 10% net gain on site. As the delivery of BNG is able to be addressed by off-site habitat units, the deficit identified does not provide a reason for refusal. The BNG report states that only the BNG outcomes of Plot 1 can be assessed as the landscape design for the outline elements is yet to be determined. However, the statutory requirement to deliver 10% Biodiversity Net Gain applies to the whole site including the outline elements and as such, any identified shortfall is required to be met through off-site biodiversity gains where it cannot be delivered on site, either via the allocation of registered off-site habitat units or the purchase of biodiversity credits, to be secured through a Section 106 legal agreement. The discharge of the mandatory pre-commencement condition imposed by the Environment Act 2021 is a post-planning matter.
- 6.9.6 The proposed development will therefore avoid significant harm to biodiversity and deliver opportunities for ecological enhancements in accordance with CS17 and MD12.

6.10 Flood Risk and Drainage

- 6.10.1 The application is supported by a Flood Risk Assessment which identifies that the site is in Flood Zone 1 where the risk of fluvial flooding is low. Plots 1 and 3 are not at risk of surface water flooding whilst Plot 2 is at a high risk of surface water flooding.
- 6.10.2 The accompanying detailed surface water drainage strategy for the food store demonstrates that Plot 1 can be appropriately drained and the development will not present a risk from flooding and will not increase flood risk elsewhere. The drainage strategy incorporates appropriate Sustainable Urban Drainage Systems (SUDS) features including tree pits to control flow rates and reduce volumes of runoff in accordance with the National Standards for SUDS. The proposed strategy follows the drainage hierarchy demonstrating that infiltration and discharge into a watercourse were not feasible solutions and as such, the surface water will

discharge into an existing public surface water sewer. The details of which will be subject to a separate agreement with Severn Trent.

- 6.10.3 The proposed drainage strategy and accompanying technical note demonstrates that all plots have suitable space to accommodate SUDS features. The applicant has demonstrated that the residential site can accommodate appropriate SUDS storage systems to mitigate against the flood risk posed by surface water. The details of the SUDS features are dependent on the final layout and as such, the detailed drainage designs for the outline elements of the proposal will be assessed at reserved matters stage and secured by an appropriately worded planning condition. However, it can be concluded that subject to acceptable technical details, the proposed development of Plots 2 and 3 will not present a risk from flooding and will not increase the flood risk elsewhere.
- 6.10.4 The foul discharge from the site will discharge into the public sewer network and will be subject to a separate agreement with Severn Trent.

6.11 Environmental Impact Assessment Screening

- 6.11.1 The proposed development does not meet the criteria and thresholds to comprise development falling within Schedule 2, paragraph 10(b) (Urban Development Projects) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore, the proposal is not required to be screened under the Environmental Impact Assessment regulations.

7.0 CONCLUSION

- 7.1 In consideration of the planning balance, significant weight is given to the provision of a food store, care home and residential development which are uses consistent with the overall strategic approach for development within Shrewsbury and more specifically, with the strategic development approach for the Shrewsbury West Sustainable Urban Expansion. The proposal will provide retail use on an allocated site for the expansion of the Bicton Heath Local Centre and residential use on an allocated site for residential development which will also contribute towards the provision of affordable housing. The proposed care home will provide care use, delivering specialist housing development and employment opportunities within a sustainable location. As such, the proposal is consistent with the policy objectives of CS1, CS2, CS11 and CS13 and SAMDev Policies MD3 and S16 and the relevant national planning policies within the NPPF.
- 7.2 The application is supported by a Retail Impact Assessment that demonstrates the proposed food store will not cause significant adverse impacts on the vitality and vibrancy of the Bicton Heath Local Centre or Shrewsbury Town Centre in accordance with Policies CS15 and MD10b.
- 7.3 Whilst the matters of layout, scale, appearance and landscaping are reserved for the outline elements of the application, namely the residential development of Plot 2 and the care home development of Plot 3, this application seeks to approve the principle of proposed uses on site and the detailed access arrangements. All other

matters will be subject to a reserved matters application which will be secured by condition.

7.4 The proposal has been carefully assessed in relation to scale, design and layout for the food store and residential amenity, landscape and visual impact, impact on highways safety, network capacity and pedestrian connectivity, the impact on ecology and biodiversity and flood risk and drainage for the site as a whole. The detailed design matters for Plots 2 and 3 and associated technical details will be dealt with at reserved matters stage. All technical matters and associated mitigation measures can be secured by condition and Section 106 agreement where required and as such, the proposal will not result in unacceptable impacts on residential amenity, landscape character, highways safety, ecology or biodiversity. Concerns raised by the Town Council, Ward Councillor and local residents have been fully considered, and it is concluded that, whilst limited adverse effects relating to the loss of undeveloped land and additional traffic have been identified, having regard to the mitigation proposed and the conclusions of the technical consultees, these impacts attract limited weight and do not outweigh the identified benefits of the proposed development. As such, the proposal is considered acceptable in planning terms in accordance with the Development Plan.

7.5 It is therefore recommended that permission be **GRANTED** subject to the imposition of planning conditions and a Section 106 legal agreement to secure a financial contribution towards highways matters, affordable housing and to secure the necessary on and off-site BNG gains.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

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

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

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

8.3 Equalities

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

8.4 Artificial Intelligence (AI)

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

National Planning Policy Framework (2026)

Core Strategy and SAMDev Policies:

CS1 - Strategic Approach
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS11 - Type and Affordability of housing
CS13 - Economic Development, Enterprise and Employment
CS15 - Town and Rural Centres
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD10B - Impact Assessments for Town and Rural Centres
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

PREAPM/25/00073 Hybrid Planning Application that seeks Full Planning Permission for a new Lidl foodstore and Outline Planning Permission for a retail unit, a drive-thru coffee shop, and residential development. **ACCEPTABLE IN PRINCIPLE** 1st July 2025

25/01555/FUL Erection of temporary hoarding fence (retrospective) **GRANT** 12th November 2025

PREAPM/26/00024 Proposed residential dwellings for 24no. units **NOT PROCEEDED WITH** 11th May 2026

26/01469/VAR Variation of Condition No. 2 attached to permission 25/01555/FUL dated 12 November 2025 **GRANT** 22nd May 2026

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T0L3OBTDJTQ00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member

Cllr Jon Tandy

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The full planning permission component of the development must be begun before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

2. Application(s) for the approval of the details of the layout, scale, appearance and landscaping covered by the outline elements of the application (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins in connection with the outline schemes and the development shall be carried out as approved.

Reason: The application is a hybrid application which comprises part full application and part outline application under the provisions of Article 5 of the Development Management Procedure Order 2015. No particulars have been submitted with respect to the matters reserved in the outline parts of this permission.

3. Applications for approval of the reserved matters with respect to the outline elements of the development shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. The outline elements of the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

7. Prior to the commencement of works associated with the site access full engineering details of the proposed site access junction improvements to the proposed foodstore, to include footway connection and proposed Zebra crossing on Little Oxon Lane, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the foodstore is first brought into use.

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

8. Prior to the commencement of the residential development (Use Class C3) hereby permitted full engineering details of the proposed site access junction, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the 1st dwelling.

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

9. Prior to the commencement of development of the care home (Use Class C2) hereby permitted full engineering details of the proposed site access junction, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the care home.

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

10. No development shall take place on each plot until a construction management plan incorporating a method statement relevant to that plot has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A5 trunk road). The approved plan shall be based on the approved outline construction management plan submitted in support of the application and shall include as a minimum:

- i. A construction programme including phasing of works;
- ii. A 24-hour emergency contact number;
- iii. Expected number and type of vehicles accessing the site:
 - Deliveries, waste, cranes, equipment, plant, works, visitors;
 - Size of construction vehicles;
 - The use of a consolidation operation or scheme for the delivery of materials and goods;
 - Phasing of works;
- iv. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;
 - Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling
- v. Routes for construction traffic, to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, signage, accesses and construction delivery times (to avoid peak hours), avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- vi. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- vii. Locations for storage of plant/waste/construction materials;
- viii. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- ix. Arrangements to receive abnormal loads or unusually large vehicles;
- x. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- xi. Any necessary temporary traffic management measures;
- xii. Measures to protect vulnerable road users (cyclists and pedestrians);
- xiii. Arrangements for temporary facilities for any bus stops or routes;
- xiv. Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- xv. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- xvi. Details of signage including type, drawings, timescales and locations
- xvii. Mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes.
- xviii. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

- xix. Waste management.
- xx. Wheel washing measures.
- xxi. Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and to mitigate any adverse impact from the development on the A5 trunk road and to satisfy the reasonable requirements of road safety.

11. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'.

No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a site-specific Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the tree protection requirements recommended in BS5837: 2012 and taking account of Veteran Tree Guidance (where relevant), to cover all retained trees on and adjacent to the site that could be impacted by the development activity, have been submitted and approved in writing by the Local Planning Authority.

The Tree Protection Plan and Arboricultural Method Statement must provide the details of how any operation within the RPA (or buffer area around the veteran trees) will be managed and controlled. The TPP and AMS must identify a responsible person who has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with.

All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development.

All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

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

12. Prior to or in conjunction with the submission of a reserved matters application for each outline element, in accordance with the submitted FRA and Drainage Strategy (Flood Risk

Assessment & Drainage Strategy, by SCP, April 2026), and updated information submitted within the SuDS Elements Site Wide Proposals (Water Quality) (SuDS Elements Site Wide Proposals (Water Quality) by SCP, 17 July 2026), detailed designs of a surface water drainage scheme for that plot incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be constructed and will be implemented prior to the first occupation of that phase of development. The scheme shall address the following matters:

Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration features.

Or

If infiltration is proven to be unfavourable then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network;

Provision of interception for the first 5mm of rainfall for the majority of rainfall events;

Provision of multiple surface water source control attenuation storage features, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP and 1% AEP rainfall events (both including allowances for climate change);

Detailed designs, modelling calculations and drawings of the drainage storage and conveyance network in the:

- a) 3.33% AEP critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
- b) 1% AEP critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- c) Attenuation features will half drain their runoff volume rainfall events up to the 3.3% AEP critical rainfall event within 24 hours for infiltration and 48 hours for lined systems.
- d) Urban Creep of 10% shall be added to impermeable areas of residential properties;

Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015 or any update), including appropriate biodiversity, amenity and treatment stages for water quality prior to discharge;

The design of any infiltration / attenuation / detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Drawings to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP rainfall

event plus climate change allowance

AND

Finished ground floor levels of residential properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

Reason: To prevent flooding in accordance with National Planning Policy Framework plus National SuDS Standards 1 to 7, by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

13. Prior to the commencement of any demolition or construction, a construction phase surface water management plan for the site will be submitted to and approved in writing by the Local Planning Authority. This plan shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The temporary drainage scheme shall subsequently be implemented in accordance with the approved details prior to and during the construction phase and be appropriately decommissioned following the final drainage scheme being validated as operational. Survey and photographic evidence of remediation shall be supplied for any permanent SuDS used in the temporary scheme, prior to being made operational.

Reason: To ensure that the construction of the site is appropriately managed in accordance with National SuDS Standard 7, does not result in any flooding both on and off site in accordance with NPPF.

14. As part of the reserved matters for the residential development plot hereby permitted, a fully specified hard and soft landscape plan with a referenced key must be submitted and approved in writing by the Local Planning Authority. The submitted details shall include a timescale for the implementation of the landscape works.

The landscaping details shall include the following details:

1. Hard landscape features - including surfacing and edging, specifications for boundary treatments and furniture/ structures (e.g. benches, signs, lighting).
2. Planting plans that are labelled and quantified
3. Written specifications (including cultivation and other operations associated with softworks establishment for all soft landscape);
4. Schedules of plants, noting species (including scientific names), planting sizes, and proposed numbers/densities where appropriate.
5. Native species used are to be of local provenance (Shropshire or surrounding counties);
6. Details of proposed planting schedules, methods and aftercare provision and

- maintenance which shall be procured and planted in accordance with BS8545:2014;
7. Implementation timetables.

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

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

15. As part of the reserved matters for the care home development plot hereby permitted, a fully specified hard and soft landscape plan with a referenced key must be submitted and approved in writing by the Local Planning Authority. The submitted details shall include a timescale for the implementation of the landscape works.

The landscaping details shall include the following details:

1. Hard landscape features - including surfacing and edging, specifications for boundary treatments and furniture/ structures (e.g. benches, signs, lighting).
2. Planting plans that are labelled and quantified
3. Written specifications (including cultivation and other operations associated with softworks establishment for all soft landscape);
4. Schedules of plants, noting species (including scientific names), planting sizes, and proposed numbers/densities where appropriate.
5. Native species used are to be of local provenance (Shropshire or surrounding counties);
6. Details of proposed planting schedules, methods and aftercare provision and maintenance which shall be procured and planted in accordance with BS8545:2014;
7. Implementation timetables.

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

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

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

16. Prior to first use of the foodstore, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 6 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 12 swift bricks.
- A minimum of 12 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design) and/or house martins (house martin nesting cups).

The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. Bat boxes should be erected on southerly aspects (south-west, south or south-east) and bird boxes should be erected on northerly or shaded east/west aspects. Swift bricks should be positioned: 1) Out of direct sunlight; 2) At the highest possible position in the building's wall; 3) In clusters of at least three; 4) 50 to 100cm apart; 5) Not directly above windows; 6) With a clear flightpath to the entrance; and 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf>.) The boxes shall thereafter be maintained for the lifetime of the development.

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

17. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

18. The construction of any new estate street shall not be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy CS6.

19. The construction of any new estate street shall not be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have

been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

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

20. Prior to the proposed care home (Use Class C2) being first occupied, a Travel Plan in relation to the care shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development.

Reason: To promote sustainable modes of transport in line with both local and national objectives and to accord with Policy CS6 of the adopted Core Strategy.

21. Prior to the commencement of works relating to the installation of hard landscaped areas containing tree pits, soil cell systems, or other underground load-bearing tree rooting structures within the detailed retail element of the development hereby permitted, a detailed Arboricultural Supervision and Installation Method Statement must be submitted to and approved in writing by the Local Planning Authority. The statement shall include:

- Details of the proposed soil cell system and associated tree pit design;
- Construction methodology and sequencing of installation works;
- Measures for the protection of retained trees and rooting environments during construction;
- Details of soil specification, irrigation, aeration, drainage, and rooting volumes;
- Tree planting specifications, including nursery stock, planting operations, staking, irrigation, and establishment maintenance;
- Details of arboricultural supervision, including key stages requiring inspection and monitoring.

The approved soil cell installation and tree planting works shall thereafter be carried out under the direct supervision of a suitably qualified arboriculturist. Within 28 days of completion of the works, a written verification report shall be submitted to the Local Planning Authority confirming that the installation and planting have been undertaken in accordance with the approved details and identifying any variations from the approved methodology.

Reason: To ensure the successful establishment of proposed trees, safeguard long-term tree health and rooting conditions, and secure appropriate green infrastructure and visual amenity in accordance with BS 5837:2012, BS 8545:2014, and relevant local and national planning policy.

22. The development hereby approved shall not be occupied until details of the maintenance and management of the Sustainable Drainage Scheme (SuDS) for each plot in accordance with National SuDS Standard 7 have been submitted to and approved in writing by

the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved on that plot and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the network in addition to those listed in SuDS Standard 7 to be submitted for approval shall include:

A timetable for its implementation;

Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a non-technical labelled drawing showing where they are located and how to access them, and;

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Local Plan Policies of Shropshire Council.

23. Upon completion of the surface water drainage scheme for each plot and prior to the first occupation of the development on that plot, a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), must be submitted to and approved (in writing) by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved and shall include as a minimum:

1. CCTV survey of substantial underground structures,
2. Photographs of excavations (including soil profiles/horizons) and any installation of any surface water drainage structures and control mechanisms.
3. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Local Plan Policies of Shropshire Council.

24. Prior to the above ground works commencing samples and/or details of the roofing

materials and the materials to be used in the construction of the external walls of the foodstore shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

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

25. No goods, deliveries, collections, loading, unloading activities shall take place at the site except between the hours of 07:00 and 21:00 Mondays to Saturdays and between 09:00 and 18:00 on Sundays and Bank Holidays.

Should there be a requirement to extend the delivery hours until 23:00, a post completion operation survey which demonstrates that there will be no adverse impact must be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential occupiers from noise and disturbance in accordance with Policies CS6 and MD2 of the Shropshire Local Development Framework and the National Planning Policy Framework.

26. The Lidl store will have opening times of 08.00 - 22.00 Monday - Saturday, and 10.00 - 16.00 on a Sunday and Bank Holidays.

Reason: To safeguard the amenities of nearby residential occupiers from noise and disturbance in accordance with Policies CS6 and MD2 of the Shropshire Local Development Framework and the National Planning Policy Framework.

27. The gross internal floorspace of the retail foodstore hereby permitted shall not exceed 2,184 sqm, of which no more than 1,529 sqm shall be used for the display and sale of goods to visiting members of the public, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning and to ensure that the development is carried out in accordance with the basis upon which the application has been assessed.

28. The retail foodstore hereby approved shall not be subdivided into two or more units without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the planning implications of any alteration to the approved form of development.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting that Order, no internal mezzanine floor or additional trading floor space shall be provided within the retail foodstore without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of any increase in retail floorspace on the highway network, retail hierarchy and other planning considerations.

30. No cafe, restaurant, hot food takeaway or other food and drink use (whether ancillary or otherwise) shall be provided within the retail foodstore building unless otherwise approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impacts of any such use on amenity, parking demand and the operation of the development.

31. All recommendations as set out in the Noise Impact Assessment (11450/JLY - 19th January 2026) shall be carried out, and the rating level of the noise emitted from plant equipment's located at the retail foodstore shall not exceed the measured nighttime L90 of 34dB at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019). So as to not impact on neighbouring dwellings at nighttime (2300-0700), should the noise emitted from plant equipment located at the retail foodstore exceed this rating, further attenuation may be required, the measures of which will be set out in a subsequent noise assessment to be submitted and approved in writing by the local planning authority.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

Informatives

1. NESTING BIRDS INFORMATIVE

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

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

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

GENERAL SITE INFORMATIVE FOR WILDLIFE PROTECTION

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

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

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

common reptiles or amphibians are present.

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

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

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

2. The development as approved requires construction in proximity to existing electrical infrastructure which may include (but not be limited to) substations, underground cables, poles and overhead cables. Separate consent(s) will be required to do works to any existing electrical infrastructure prior to the development being undertaken. Planning permission does not convey any approval for these works.

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Committee and date
Northern Planning Committee Tuesday 20th October 2026

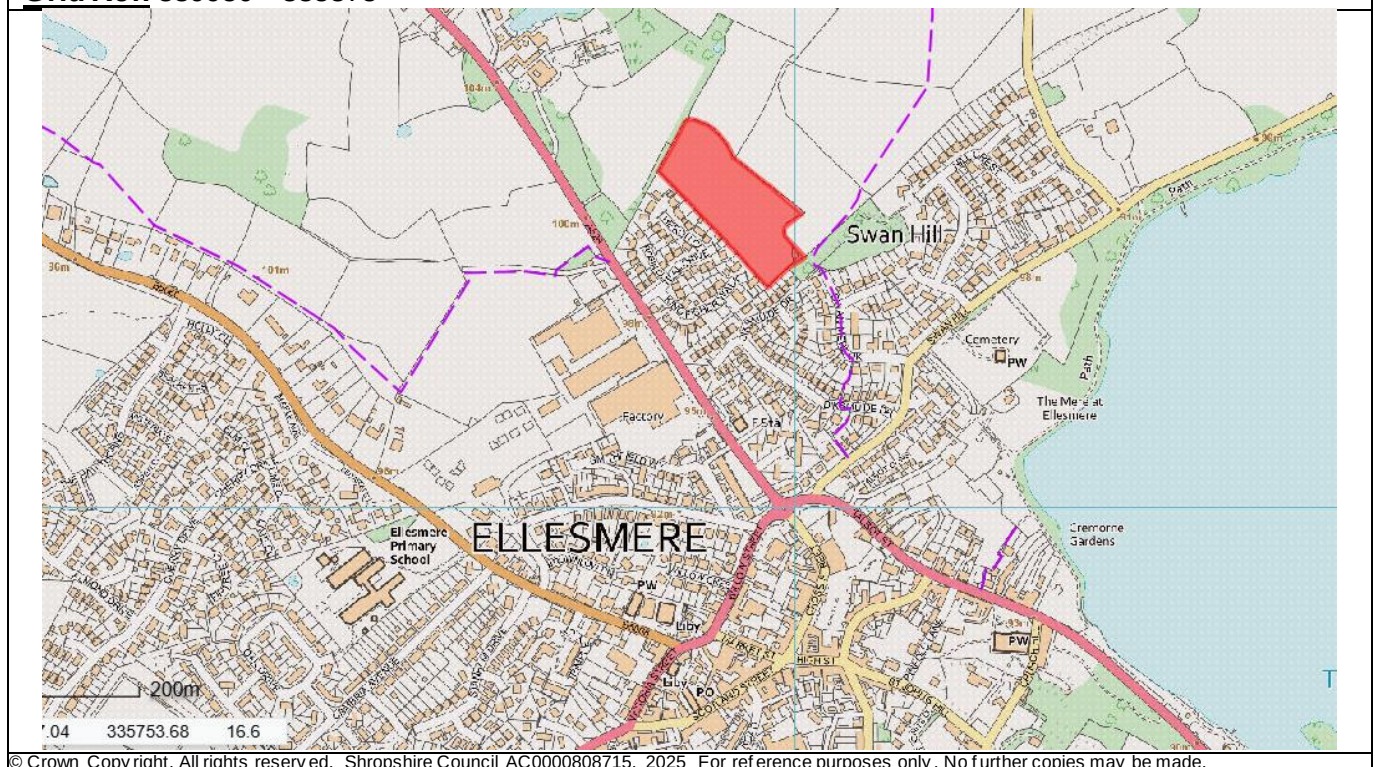
Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

<u>Application Number:</u> 25/03560/FUL	<u>Parish:</u>	Ellesmere Urban
<u>Proposal:</u> Erection of 40No dwellings together with associated infrastructure and landscaping		
<u>Site Address:</u> Proposed Residential Development Land East Of Teal Drive Ellesmere Shropshire		
<u>Applicant:</u> Shropshire Homes Limited		
<u>Case Officer:</u> Mark Perry		<u>email:</u> mark.perry@shropshire.gov.uk

Grid Ref: 339950 - 335375



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Recommendation:- Grant planning permission subject to the conditions set out in Appendix 1 and the completion of a S106 legal agreement.

REPORT

1.0 THE PROPOSAL

1.1 The submitted application seeks full planning permission for the construction of 40 residential units on a parcel of agricultural land located to the northeast of the current Teal Drive housing estate. The existing estate consists of 50 predominantly detached homes situated around several cul-de-sacs.

1.2 The proposed development would have a single point of access off the end of the existing Teal Drive which currently terminates at the boundary of the site.

1.2 The following supporting statements have been submitted:

- Design and Access Statement
- Drainage Strategy
- SUDS Management Plan
- Planning Statement
- Landscape, Townscape and Visual Impact Assessment
- Landscape Strategy
- Heritage Statement
- Archaeological Assessment
- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Bat Survey Report
- Geoenvironmental Site Assessment
- Transport Statement
- Travel Plan
- Biodiversity Net Gain Report (including Metric)
- Arboricultural Assessment
- Noise Assessment

2.0 SITE LOCATION/DESCRIPTION

2.1 The site comprises a 1.8-hectare parcel of grassed grade 3 agricultural land currently used for sheep grazing. The north-western and north-eastern boundaries are defined by existing hedgerows with scattered trees, with several trees along the north-eastern boundary protected by Tree Preservation Orders (TPOs). The south-western boundary adjoins the rear and side garden fences of

properties within the neighbouring development which creates a stark settlement edge. The shorter south-eastern boundary is formed by the rear fences of dwellings fronting Diksmuide Drive. To the east of these dwellings is a small area of woodland on the former railway line, which contains a public footpath linking Swan Mere Park to the corner of the application site and continuing across the agricultural land to the east.

- 2.2 The site slopes towards the east and away from the adjacent estates, the lowest part of the site contains a marked depression towards the southeastern boundary of the site. The land outside of the application site to the east rises out into the wider rural landscape.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member has requested that this application be considered by the Northern Planning Committee. The reason for referral to committee is due to significant public interest and on the grounds of flood risk, drainage, highway safety, type and mix of housing and the site's planning history.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Town Council** [1/6/26]- Ellesmere Town Council strongly objects to this application for the same reasons we have already submitted. The revised application does not make any material difference to the application, and the objections previously raised by the Town Council still stand.

Town Council [20/11/25]- Ellesmere Town Council objects to this application in the strongest possible terms.

An application on this site was submitted by a previous developer; the application was refused by Shropshire Council on the 4th February 2016. A decision that was appealed and later dismissed by order of the Planning Inspectorate on the 5th July 2017.

Other than the reduction of the proposed number of dwellings by Shropshire Homes, the Town Council's stance is that they do not believe that anything has changed.

All of their previous reasons for objecting to an application on this site, as well as the strong sense of feeling from the community, that development on this site should not be allowed, still stand. Members did not feel that there are any benefits of the development that would outweigh the unacceptable harm to the open countryside.

The site is outside the development boundary and not allocated in the SamDev, which is still current and in place. The Town Council's preferred development

sites are to the South of the town. The Shropshire Council Core Strategy Policy CS3 states the following:

‘The Market Towns and other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterlands and providing foci for economic development and regeneration. 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 towns’ development boundaries and on sites allocated for development.’

The conditions set out under SamDev MD3 for warranting additional residential development beyond the development boundary would not be met and there are plenty of adequate potential development sites to the South of the town.

Members also have the following concerns.

1. Highway Safety and Traffic Impact.

- Increased traffic on narrow or rural roads could pose safety risks. Access to and egress from the estate is already troublesome, and contrary to and in spite of the developers partially substantiated claims the junction with the busy Grange Road remains dangerous. This will be exacerbated by the increased traffic from 40 additional dwellings and between 60 and 80 vehicles. Grange Road which will be used to access site is already being regularly monitored by Shropshire Council and West Mercia Police.
- Lack of adequate visibility splays or safe pedestrian access.
- Insufficient parking provision leading to on-street congestion. Parking provision for owner’s vehicles is marginal, in these days, but there is no provision for visitor parking; this is already an issue for residents on the existing Teal Drive development.

2. Drainage and Flood Risk.

- The site is prone to surface water flooding or has poor drainage, development could worsen local flood risk in this and surrounding areas that already suffer.
- The very need for swales, catchment tanks and restrictions to release suggest that the site is unsuitable. If natural drainage is not sufficient the no construction should be allowed.

Inadequate Flood Risk Assessment and Over-Reliance on Existing Infrastructure. The submitted FRA acknowledges that the site is greenfield and proposes discharge of surface water to an existing on-site ditch. This represents an over-reliance on existing water infrastructure without sufficient evidence of its capacity, condition, or long-term maintenance.

- The ditch is not a designed public sewer but a small watercourse of limited conveyance. No hydraulic modelling has been provided to demonstrate that it can safely accept flows restricted to “greenfield rates” under all storm events, including climate change scenarios.

- The FRA relies on a “quick storage estimate” (~857 m³ attenuation) rather than full network modelling. This is inadequate for a site of 3.6 ha, especially given the topographic fall from north to south and the risk of exceedance flows concentrating at the southern boundary.
- No evidence has been provided of land drainage consent or agreement with the responsible authority for discharge to the ditch. Without this, the strategy is speculative.

Surface Water Flood Risk and Exceedance Routing.

The FRA acknowledges surface water pathways across the site but does not provide a detailed exceedance routing plan. We feel this is appropriate at this location, and local roads, are prone to flooding and excesses of surface water during and after rainstorms.

- Finished floor levels are only proposed at +150 mm above ground, which is insufficient freeboard given the site’s topography, history of flooding and potential ponding at low points.
- Exceedance flows are assumed to be contained within the road network, but no drawings or modelling confirm this. This is a dangerous assumption and creates a material risk of water ponding against dwellings or flowing towards adjacent properties.

Failure to Demonstrate Compliance with SuDS Hierarchy.

The FRA dismisses infiltration on the basis of superficial geology (clay/till) but provides no site-specific BRE 365 testing. National and local policy require infiltration to be tested before moving down the hierarchy.

- By defaulting to discharge into the ditch, the applicant has not demonstrated that infiltration or at-source attenuation is unviable.
- The proposed SuDS features (permeable paving, swales, pond) are described only in outline, with no adoption or maintenance plan. This undermines confidence in their long-term operation.

Foul Drainage and Pumping Station Risks.

The FRA proposes an adoptable pumping station and rising main to connect to the public foul sewer in Teal Drive.

- This represents further over-reliance on existing water infrastructure (Severn Trent Water network) without evidence of downstream capacity.
- Pumping stations are inherently vulnerable to failure, power outage, or surcharge. No resilience measures (storage, emergency overflow routing, or standby power) are described.
- The developer enquiry with Severn Trent Water is indicative only and must be refreshed; without a Section 106 agreement, capacity cannot be assumed.

Policy Conflict

The proposal conflicts with:

- NPPF paragraphs 170–182: requiring development to be safe for its lifetime, to avoid reliance on vulnerable infrastructure, and to demonstrate that flood risk is

not increased elsewhere.

- Shropshire Core Strategy Policy CS18: requiring sustainable water management, reduction in runoff rates, and robust SuDS adoption.
- Shropshire SFRA (2018): requiring cumulative impacts to be assessed. The FRA does not consider other consents in Ellesmere catchment, underestimating downstream flood risk.

We feel that the FRA is inadequate and fails to demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere. The strategy is overly reliant on existing water infrastructure (ditch outfall and public foul sewer) without robust evidence of capacity, resilience, or adoption.

- 4.1.2 **Highways-** No objection. A highway objection to the extension of Teal Drive to serve a further 40 dwellings is not warranted or sustainable on highway safety grounds. The planning layout is acceptable and suitable to be offered for adoption. The junction of Teal Drive onto the A528 (Grange Road) meets acknowledged standards in terms of junction geometry and visibility splays and the local highway network can cater for the likely increase in traffic generation as a result of the proposed development. Conditions are suggested to secure a construction management plan, details of construction and phasing of estate roads and implementation of submitted Travel Plan.
- 4.1.3 **Trees-** No objection following the submission of further details. Conditions suggested.
- 4.1.4 **Green Infrastructure-** Additional LVIA details allows officers to make an informed decision. Revision shows improvement to overall layout. Some minor matters are raised in respect of areas of open space, details of enclosures, planting plans and management of POS. It is considered that these can be dealt with by a planning condition.
- 4.1.5 **Drainage-** Following the submission of additional information, no objection is raised subject to planning conditions.
- 4.1.6 **Ecology-** Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.1.7 **Regulatory Services-** The submitted report concludes that historical infilled ponds and an adjacent former railway pose a moderate risk to human health and controlled waters from potential contaminants including heavy metals, hydrocarbons, asbestos, and ground gases. An intrusive site investigation is recommended to determine the extent of these risks. Planning conditions suggested.
- 4.1.8 **Severn Trent Water-** request that any approval has a condition requiring details of foul and surface water drainage.

- 4.1.9 **Conservation-** The submitted HIA conforms to the requirements set out in paragraph 207 of the NPPF and MD13 of SamDev having appropriately assessed the heritage assets which required consideration. Officers agree with the report's conclusion that no harm will arise to the heritage assets as a result of the proposed development. To ensure that this is the case Officers would request that the boundary treatments to the northwest of the site are retained and reinforced with native hedge and tree planting.
- 4.1.10 **Affordable Housing-** A scheme of 40 new homes should provide 4 affordables on site which the applicant is proposing, however they are currently unacceptable. The mix should include 3 for social rent made up of 1 x 1 bed house, 1 x 2 bed house and 1 x 3 bed house. (We will not accept a 1 bed in a block of flats.) and 1 x 3 bed for shared ownership. The size of the 2 and 3 bed properties shown are at least 10sqm short of space standards for a 2bed 4 person and a 3 bed 5 person. The properties are on an unadopted road which is not acceptable. If the development is to be built in phases then the affordable homes should be on each phase and I would question whether the affordable homes are fully integrated into the development in their current location. Housing Associations do not determine Shropshire Council's housing need and their acceptance of the proposed units do not mean that they meet the local need identified.
- 4.1.11 **Archaeology-** A desk-based assessment has been submitted in support of the proposed development. We concur with the assessment of up to low potential for archaeological remains within the site. Conditions requiring a programme of archaeology should be imposed.
- 4.1.12 **West Mercia Police-** no comments received at time of writing report.

4.2 Public Comments

- 4.2.1 A total of 29 individual letters of objection have been received raising the following comments:

Planning Policy and Previous Decisions

- The site is said to fall outside the development boundary for Ellesmere and conflict with the adopted SAMDev plan.
- Development should be on the south side of town, not to the north/east of Teal Drive.
- Very similar proposal was previously refused and that nothing material has changed since then.

Flooding and Drainage

- Flooding and surface water drainage, especially for Diksmuide Drive and nearby properties.

- Land already suffers from poor drainage, heavy clay soil, standing water, and runoff problems.
- Question the proposed drainage solution, including tanks, swales, culverts, and discharge arrangements.
- Would worsen existing flooding; current drainage systems have not been adopted by Severn Trent.

Traffic, Access, and Highway Safety

- Dangerous junction with poor visibility, speeding traffic, and near misses.
- 40 extra homes would add a significant number of cars and increase congestion.
- Redeveloped Fullwood/business park site opposite the junction is making traffic risks worse, especially with HGVs.
- Teal Drive is unsuitable for increased traffic, construction vehicles, refuse vehicles, and emergency access.
- Pedestrian safety for children walking to school along Grange Road and over the railway bridge.

Local Infrastructure and Services

- Local schools, GP services, dentists, and other public services are already at capacity.

Agricultural Land and Brownfield Preference

- Loss of agricultural land and greenfield countryside.
- Brownfield sites should be developed first

Environmental and Ecological Impact

- Harm to trees, hedgerows, wetlands, biodiversity, and protected species.
- Question whether adequate ecological, environmental, and flood risk assessments have been carried out.
- Impact on local character, landscape, and the setting of nearby listed property The Grange.

Design, Density, and Layout

- Too dense and out of keeping with the existing character of the area.
- Inadequate parking provision.
- Layout suggests future expansion into adjoining fields.

Impact on Existing Residents

- Loss of privacy, overlooking, noise, dust, disruption, and reduced amenity.
- Impact of construction including road damage, mud, disruption, and access.

Management and Maintenance

- Maintenance of drainage systems, pumping stations, and communal areas.

4.2.2 **Councillor Radford-** Flood risk & drainage: The lower half of the site floods wholly or partially every winter once the underlying clay soil is saturated. The Environment Agency's Surface Water Map shows the central part of the site as having a "High Chance" of flooding (>3.3% annually). Residents at the lowest point on Diksmuide Drive already suffer repeated flooding due to inadequate culvert capacity. Routing surface water through the same channel would increase flood risk to surrounding properties, contrary to policy. The application form incorrectly states the site is not within 20m of a watercourse, despite the RACE 2025 flood risk assessment identifying a stream along the northern boundary. The Drainage Strategy also proposes discharge into an open ditch within the site, raising further inconsistencies.

- Highway safety (Grange Road): The junction sits opposite a large primary school, on a main route to school and key walking route; risks of congestion and pedestrian safety are acute at peak times.

- Plan accuracy: Concerns about discrepancies in the submitted drawings.

- Housing mix & type: Questions about suitability against identified local need.

- Planning history: The previous scheme on this site was refused (04/02/2016) and dismissed at appeal (05/07/2017); issues remain unresolved.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Design, Scale and Character
- Open Space
- Landscape Impact
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Biodiversity Net Gain
- Drainage
- Contaminated Land
- Affordable Housing
- Heritage Assets

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 As noted by the Town Council and objectors, the site has been the subject of two

previous planning applications. The first, submitted by David Wilson Homes in 2014 (14/03370/FUL), sought permission for 68 dwellings on a 3.4-hectare site. This was significantly larger than the current 1.8-hectare application site, as it also included the field to the north-east.

- 6.1.2 The 2014 application was subsequently refused by the planning committee for the following reason:

“It was acknowledged that the housing proposed by the development would contribute economically and socially by boosting the housing supply including open market and affordable housing and highway improvements to which weight was given. However, it was considered that this was outweighed by the harm identified. The Committee were concerned that the development would result in an unacceptable harm to the open countryside and furthermore weight was given to the fact that the proposed development was not plan led being contrary to both current saved policies of the North Shropshire Local Plan H5 and emerging policies in the Site Allocations and Management of Development DPD, which classifies the site as being within open countryside contrary to Shropshire Core Strategy CS4, CS5 and CS6.”

- 6.1.3 In August 2015 the applicant then submitted an appeal to the above refusal (14/03370/FUL), and the Planning Inspector allowed the appeal in a decision dated 16th May 2016. However, on the 2nd November 2016 the High Court quashed this appeal because the Inspector's decision was legally flawed. Specifically, he had wrongly interpreted the lack of an up-to-date Full Objectively Assessed Need (FOAN) as proof that the Council could not demonstrate a five-year housing land supply, and he failed to properly consider the available evidence at that time.

- 6.1.4 In July 2017, a different Inspector redetermined the appeal. At that time, the Council could then demonstrate nearly a six-year supply of deliverable housing land and the relevant development plan policies were therefore considered up to date which included the then recently adopted Core Strategy and SAMDev, both of which had been found sound.

- 6.1.5 At that time of the second appeal the Inspector commented that, *“that adherence to the adopted Development Plan would suffice to ‘boost significantly the supply of housing as advocated in the Framework’”,* he goes on to state that, *“In those circumstances, I consider that the social and economic benefits of the scheme would not be sufficiently compelling to warrant the damaging effects of the proposal in constituting an unacceptable form of residential development intruding into the countryside beyond the town; the retained trees, hedgerows, open space and ecological enhancements would not adequately ameliorate the harmful effects of the proposed estate”.*

- 6.1.6 The Inspector concluded that the material considerations identified at that time

did not justify allowing the appeal contrary to the development plan. The site was outside the development boundary on the adopted Policies Map and was therefore within the countryside. In this location, Policies CS5 and MD7a strictly limit residential development to specific forms and purposes, none of which applied to the appeal scheme. Overall, the Inspector found that the balance of economic, social and environmental considerations weighed against the proposal at that time.

6.1.7 The Inspector's decision remains a material consideration. However, the current application differs from the appeal scheme, as it relates to a smaller single-field site and proposes fewer dwellings. Although the adopted local policies remain the same as those in place in 2014, namely the Core Strategy and SAMDev, Shropshire Council's housing land supply position has changed since the Inspector's decision. This matter is considered further below.

6.1.8 In the intervening period between the submission of an appeal against the refusal in February 2015 and the determination of the planning application a second planning application (15/04813/FUL) was submitted, again for 68 dwellings. This application was refused under delegated powers in February 2016 for the following reason:

"The application site in policy terms, is clearly a countryside location, where open market housing provision is not supported in principle by adopted development plan policies. Development on site it is considered will have a significant detrimental impact on the character of the landscape within which the site is located within. The development overall is not considered to represent sustainable development in accordance with the three dimensions of sustainable development as referred to in the National Planning Policy Framework. (Economic, social and environmental). As such the proposal is considered contrary to Shropshire Core Strategy policies CS1, CS3, CS5, CS6 and CS17 and S8.1, S17, MD7a and MD12 of Site Allocation and Management of Development (SAMDev)."

6.2 Policy & Principle of Development

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

6.3 Adopted Local Plan Policy

6.3.1 At this point in time the development plan consists of the Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. Policies CS1 and CS3 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that Market Towns and Other Key Centres will maintain and enhance their roles in providing facilities and services to their rural

hinterland, balancing housing, and employment development, of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure within the towns development boundaries and on sites allocated for development.

- 6.3.2 Core Strategy Policy CS3 identifies Ellesmere as a Market Town and Key Centre. The policy supports balanced housing development of an appropriate scale and design that respects the town's distinctive character and is supported by infrastructure improvements.
- 6.3.3 SAMDev Settlement policy S8 sets out the expectations for Ellesmere and how it will accommodate additional development of around 800 homes during the plan period 2006 to 2026. The plan sets out how new housing development will be delivered through the allocation of a single greenfield site together with a windfall development.
- 6.3.4 The most up-to-date five year housing land supply statement details that there have been 576 completions between the years 2006/07 and 2024/25 in Ellesmere with a further 383 sites with permission totalling 959 dwelling dwellings against a guideline of 800 in SAMDev. Whilst the 800 dwelling figure is likely to be exceeded this is only a 'guideline' and is not a ceiling, although it is a 'significant policy consideration' (policy MD3.2).
- 6.3.5 The proposed site does fall outside of the defined development boundary and is therefore classified as countryside for planning policy purposes. The Core Strategy indicates that development in the countryside will not be allowed unless it complies with the requirements of Policy CS5 of the Core Strategy.
- 6.3.6 To support sustainable patterns of development, Core Strategy Policy CS5 and SAMDev Policy MD7a strictly control development in the countryside. Residential development is limited to specific forms, including the conversion of buildings of architectural or heritage merit, accommodation for essential countryside workers, and affordable housing.
- 6.3.7 The proposed development does not align with the criteria outlined in policies CS5 and MD7a with regards to new development within the countryside. Consequently, open market housing on this site would not be supported under the current Core Strategy and SAMDev policies.

6.4 National Planning Policy Framework

- 6.4.1 Since the Core Strategy and SAMDev Plan were adopted, there have been various iterations of the NPPF, with the most recent and significant revision published in August 2026. The NPPF is a material consideration to which significant weight must be given.
- 6.4.2 The new NPPF introduces a rules-based policy structure, replacing the former

paragraph-led approach with separate plan-making and national decision-making policies. The presumption in favour of sustainable development remains central to decision-taking but is now expressed through policies S3 to S5 requiring the decision-maker to consider whether the proposal is within a settlement, outside a settlement, or otherwise falls within one of the categories of development supported by national policy.

- 6.4.3 For this application, the site is outside a recognised settlement for development plan purposes, and the proposal must therefore be assessed against the national decision-making policies for development outside settlements, namely Policy S5, together with the development plan and all other material considerations.
- 6.4.4 The age of the adopted Core Strategy and SAMDev Plan does not, of itself, mean that the relevant policies should be disregarded. Annex A of the NPPF makes clear that policies in adopted development plans should not be considered out of date simply because they were prepared under previous national policy. They remain part of the adopted development plan and continue to provide the starting point for decision-making. However, any material inconsistency with the NPPF affects the weight that can be given to those policies.
- 6.4.5 In this case, the adopted Core Strategy continues to direct open market dwellings towards settlements rather than countryside locations, but this conflict must be weighed against the national decision-making policies of the NPPF 2026, including Policy S5 and the Council's current housing land supply position.
- 6.4.6 The Council is currently unable to demonstrate a five-year supply of deliverable housing land. Policy S5(1) of the NPPF sets out the circumstances where new development outside of settlements should be approved.
- 6.4.7 The NPPF states that development outside a settlement which falls within one of the specified categories in Policy S5(1)(a)–(j), including circumstances where there is a lack of a five-year housing land supply under point (j), should be approved unless its benefits are likely to be substantially outweighed by the adverse effects. This is subject to the development being physically well-related to an existing settlement, unless the nature of the development would make this inappropriate, and being of a scale that can be accommodated having regard to existing or proposed infrastructure, as set out in Policy S5(1)(j)(i).
- 6.4.8 Policy HO7 of the revised NPPF requires substantial weight to be given to the benefits of providing homes which contribute towards meeting evidenced accommodation needs.
- 6.4.9 Policy N2(1)(b) of the NPPF requires decision-makers to take account of the quality of agricultural land, including Best and Most Versatile agricultural land. Where significant development of agricultural land is necessary, areas of poorer quality land should be used where possible. In this case, the land is classified as

Grade 3, which is good to moderate quality.

6.5 Draft Local Plan

- 6.5.1 The Draft Local Plan has been withdrawn from examination, meaning its settlement strategies, development boundaries and proposed allocations no longer carry weight as material considerations. The site was not proposed for allocation in the withdrawn plan. Although Ellesmere would still have acted as a Key Centre delivering around 800 dwellings over the plan period.
- 6.5.2 Although the Draft Local Plan itself carries no weight, the evidence base that supported it has been endorsed by Cabinet for use as a material consideration in decision-making. That evidence identified Ellesmere as a sustainable location suitable for significant housing growth, having regard to available infrastructure.

6.6 Sustainable Location

- 6.6.1 The site adjoins the development boundary of Ellesmere. It is recognised that it does lie outside of the boundary however the town itself is a suitable and sustainable location for new housing development. It is a settlement where development is intended to contribute to greater self-sufficiency in a location that is a focal point for local transport networks, employment opportunities and services (as set out in the explanation to policy CS3).
- 6.6.2 Ellesmere provides a broad range of services and facilities, including nursery, primary and secondary schools, bus links to nearby settlements and Shrewsbury, and local services within the town. The town centre contains shops, cafés and pubs, while residents also have access to a Tesco supermarket, medical centre, recreational areas, churches, the Mere and the Llangollen Canal. Employment opportunities are available at Fullwood's and Ellesmere Business Parks.
- 6.6.3 Taking into consideration the size of Ellesmere, and the amount of recent and approved development, the provision of an additional 40 dwellings is of a scale which would not be considered disproportionate to the overall size of the town and not result in local services and facilities being overwhelmed.
- 6.6.4 The proposed development site would provide good access to services and facilities with the following distance and walking times for key services:

Town centre- 7 minute walk
Primary school- 13 minute walk
Senior school- 17 minute walk
Tesco supermarket- 13 minute walk
Doctors- 10 minute walk

All of the above can be accessed utilising existing pavements.

6.6.5 The site is not isolated in planning terms. Given its relationship with surrounding development, any future occupiers on the site would have good access to a wide range of day-to-day services and facilities that are available within Ellesmere. The site would represent a logical extension to the existing built form of the town, adjoining the established Teal Drive estate and making use of the existing highway and pedestrian network. It would also provide enhancement in terms of pedestrian connectivity by providing a link between Teal Drive and Swan Mere Park and the recreational value of the Mere.

6.6.6 Although outside the defined development boundary, the site is physically well-related to the settlement and future residents would not be reliant on private car travel for all day-to-day needs.

6.7 Efficient and Effective Use of Land

6.7.1 The proposed development will deliver 40 dwellings on a site measuring 1.8 hectares, resulting in a density of 22 dwellings per hectare. Considering its edge-of-town setting and the inclusion of public open space, landscaping, and sustainable urban drainage systems (SUDS), this density is deemed appropriate. The density aligns closely with that of the neighbouring Teal Drive estate, which comprises 50 dwellings over 2.3 hectares, equating to 21 dwellings per hectare. Notably, the existing estate does not meet current planning policy requirements for open space, highlighting how the application site achieves a comparable density while also accommodating a diverse range of dwelling types and sizes as well as open space.

6.8 Design and Layout

6.8.1 The proposed development comprises a mix of detached and semi detached dwellings all of which are two storey in height, these would front onto a mix of adopted and private highways. The layout demonstrates a hierarchy of highways with a single main estate road which would represent a continuation of Teal Drive and from this will lead smaller cul-de-sacs serving a limited number of dwellings. Some of the dwellings will be accessed by private shared driveways, these are generally located on the outer edges of the development where the properties face out across the surrounding countryside.

6.8.2 The outward-facing perimeter dwellings would help create a softer edge to the development by avoiding rear garden fencing and domestic paraphernalia forming the outer boundary. Such unsympathetic features are evident on the adjoining estate and, in some circumstances, have a harmful visual impact.

6.8.3 The outward-facing perimeter dwellings would help integrate a green edge into the development by making use of existing hedgerows and trees, alongside new areas of public open space. Two main open spaces are proposed, one at the north-western end of the site and one to the south-east. These would be linked by a formal path incorporating the eastern green buffer, creating a walking route

around much of the site. A further path at the southern end would connect to the existing public right of way. Additional planting would be provided where appropriate to strengthen the existing hedgerow.

- 6.8.4 The proposed dwellings comprise a mix of traditional house types that reflects the established character of the locality. The submitted house types incorporate pitched roofs with varying ridge heights, together with features such as projecting gables, bay windows and mono-pitch roofs over garages, all of which are evident within the adjoining development. The dwellings would be finished predominantly in facing brick, with some plots incorporating render or a combination of both. The elevational detailing, including appropriate window proportions, door treatments and variation in materials, would assist in creating an attractive and varied streetscene and in avoiding excessive uniformity. Plots are arranged to address streets and areas of open space, with a number also outward-facing towards the adjacent countryside.
- 6.8.5 The site has a varied topography with the most elevated position being towards the western corner of the site with the land then falling away to the south eastern corner. Overall, there is a variation of around 8.8m across the site. The lowest part of the site is naturally already wet and a small part of it is identified on the surface water maps as high risk of surface water flooding. It is this lower area of the site that will be utilised as public open space and for the surface water attenuation system.
- 6.8.6 The layout of the development, including the siting of dwellings and areas of public open space, has been designed to respond to the site's topography. Along the south-western boundary, the proposed dwellings would have finished floor levels approximately 0.5m above the existing ground level along the shared boundary, resulting in the new dwellings sitting above the dwellings on the adjacent Heron Close. Having regard to the scale and height of the proposed dwellings, together with the separation distances between existing and proposed properties, this level difference would not cause the development to appear unduly prominent or overbearing.
- 6.8.7 The scheme incorporates dual-aspect dwellings on corner plots, and focal points are strengthened by the orientation of dwelling. The spacing between properties avoids overdevelopment and provides satisfactory outlook and residential amenity. Overall, the proposal is considered appropriate in scale and design, responds positively to its context, and would be a well-designed residential environment in accordance with Policies CS6 and MD2 of the Local Plan.

6.9 Impact on Landscape

- 6.9.1 The application is supported by a Landscape, Townscape and Visual Impact Assessment. Following comments from the Council's Green Infrastructure Advisor and revisions to the scheme, the applicant submitted an addendum providing further detail.

- 6.9.2 A Landscape Character Assessment of Shropshire was undertaken by the Council in 2006 The Shropshire Landscape Typology assessed the character of 27 unique landscape character area types (LCA). A very small part of the application site is located within LCA type 17 Principle Timbered Farmlands (Figure 2) which is described as “the small medium sized fields were enclosed directly from woodland or rough grazing land, whilst small woods and hedgerow trees give these lowland landscapes a wooded feel. Scattered farms and cottages represent the main form of settlement”.
- 6.9.3 Long-term effects by year 15 on this LCA would be Minor adverse, not significant. Long- term Indirect impacts on Ellesmere’s Townscape Character Area (TCA) would be Negligible adverse as the development would be similar in character to existing residential edge development on the periphery of this area.
- 6.9.4 The LTVIA identifies that the greatest landscape effects would occur within the application site itself, through the development of an agricultural field for housing, roads, footpaths, public open space and soft landscaping. However, as the proposal is contained within a single field, the existing field structure would be retained. This differs from the 2014 scheme, where the development proposed at that time would have extended into a second field and would have absorbed, and to some extent diminished, the strong tree- and hedge-lined field boundary within the proposed housing development.
- 6.9.5 The LTVIA states that the effects on the site during the construction period would be most significant, but this would be short term and by year 15 the long term effects would be Minor adverse which is judged not to be significant.
- 6.9.6 Users of the public right of way would obtain the closest public views of the proposed development and the visual effects would be Moderate to Major adverse, and significant during the construction period. The submitted landscape scheme details that additional infill hedgerow planting along the northern boundary would reduce long term visual impacts and effects would be Minor adverse, and not significant by year 15.
- 6.9.7 Views from Teal Drive would be most significantly affected with Minor adverse, not significant long-term effects caused at year 15. By year 15 on-site hedgerow planting would largely screen views into the proposed development from Kingfisher Walk.
- 6.9.8 The LTVIA details how the retention of the existing field structure in combination with the retention and enhancement of the on-site vegetation would provide instant structure within the proposed development. It goes on to state that in addition, the existing mature trees and hedgerows located along the northern site boundary would be enhanced through infill planting forming a buffer between the development and the wider agricultural landscape to the north.

- 6.9.9 The proposed development would form a small extension to the existing residential edge to the north of Ellesmere and long-term adverse effects on landscape character and visual amenity are judged not be significant.
- 6.9.10 Having considered the LTVIA, its addendum and the proposed landscape strategy, officers are satisfied that, although the development would change the site from agricultural to residential use, its long-term effects on landscape character and visual amenity would be limited. Subject to detailed planting, boundary treatments, landscaping and management of the public open space, the proposal accords with Policies CS6, CS17 and MD12 in relation to landscape impact.

6.10 Trees

- 6.10.1 Several trees along the north-eastern boundary are protected by Tree Preservation Orders and would be retained. These trees would maintain a green edge, screen the development and soften views from the surrounding countryside.
- 6.10.2 The location of the proposed dwellings are all shown as being outside of the root protection areas for the trees and where parts of the estate road are shown to be within this area a no dig construction technique will be used.
- 6.10.3 Following the initial comments raised by the Council's Tree Officer further investigation was carried out on site. This involved digging trial trenches to establish the location of tree roots which may have been affected by the presence of a ditch and also the topography of the land.
- 6.10.4 The investigations concluded that the small agricultural ditch to the south of the stems acted as a root barrier, as roots were not found throughout the full extent of the root protection areas (RPAs) and that no roots were discovered in locations where the proposed estate road would incur into the RPAs, especially at the peripheries of these RPAs.
- 6.10.5 The submitted landscape plan also details that the hedgerow running along the northeastern boundary will be retained and enhanced with new planting.

6.11 Heritage

- 6.11.1 The application is supported by a Heritage Statement which identifies three listed buildings. The nearest is The Grange, approximately 170 metres north-east of the site and separated from it by mature tree planting. Although filtered views between the site and The Grange may be possible during winter, the proposal is not considered to affect the setting or significance of this listed building, or the two other listed buildings located further away.
- 6.11.2 The Council's Conservation Officer is satisfied that the proposed development

will not result in any harm to heritage assets.

6.12 Ecology

- 6.12.1 The application is accompanied by an Ecological Impact Assessment and also a Bat Survey report. The applicant has also provided confirmation that they will enter into the Great Crested Newt District Level Licensing scheme by the submission of a counter signed Impact Assessment & Conservation Payment Certificate from Natural England.
- 6.12.2 The site comprises mainly grazed modified grassland, with smaller areas of other neutral grassland, bramble scrub and willow scrub. Established native hedgerows along the north-eastern boundary contain several mature pedunculate oak trees.
- 6.12.3 Surveys undertaken in 2025 and 2026 recorded up to 10 bat species, predominantly common and soprano pipistrelles, noctules and Myotis species with activity was concentrated along the north-eastern hedgerow and the north-western boundary adjoining off-site woodland. Mature trees on the north-eastern boundary contained potential roost features, but climbing inspections that were carried out found no evidence of roosting bats. No evidence of badgers was recorded within the site and concluded that the species is therefore unlikely to be present.
- 6.12.4 With regards to great crested newts (GCN), there are several ponds within 500m of the site with one a large pond 180m to the north-west of the site. The terrestrial habitats, particular bramble scrub and hedgerows, may be used by GCN moving between ponds and GCN presence is assumed.
- 6.12.5 The applicant has advised that they were not granted access to carry out surveys of the off-site ponds which are located on private land. As such the applicant will enter the District Level Licensing Scheme which is a strategic approach to mitigating impacts on great crested newts through off-site habitat creation and enhancement, removing the need for site-specific mitigation measures whilst ensuring the species remains protected.
- 6.12.6 The applicant is enrolling in Natural England's (NE) District Level Licensing Scheme for Great Crested Newts and has submitted a countersigned Impact Assessment and Conservation Payment Certificate (IACPC), this confirms that the project is eligible to enter the District Level Licensing scheme.
- 6.12.7 Planning permission cannot be legally granted until the countersigned IACPC has been submitted and the '3 tests' have been considered (with the completion of a '3 tests' matrix). The 'three tests', which is included below in Appendix A, must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an European Protected Species

licence to allow an activity which would otherwise be unlawful.

- 6.12.8 Officers are therefore satisfied that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations.
- 6.12.9 The Ecological Impact Assessment identifies the development's potential direct and indirect effects and proposes mitigation, including retaining key habitats, bat flight lines and mature trees with potential roost features; pre-construction checks for badgers and nesting birds; avoiding the bird-nesting season where practicable; creating new habitats; preparing a Construction Environmental Management Plan to protect the environment during construction; implementing an appropriate lighting strategy; and installing bat boxes on retained trees.
- 6.12.10 The site lies within the impact visitor impact zone of the Midland Meres and Mosses Phase 2 Ramsar Site at Colemere and must therefore be considered through the Habitats Regulations Assessment process under the Conservation of Habitats and Species Regulations 2017.
- 6.12.11 The potential adverse effect of increased recreational pressure would be mitigated by a Section 106 contribution of £50 per bedroom which would go towards implementing visitor management measures to mitigate increased recreational pressure arising from the development over the long term.

6.13 Biodiversity Net Gain

- 6.13.1 A Biodiversity Net Gain Assessment February 2026 has been submitted to demonstrate that the proposed development would provide Biodiversity Net Gain of 10%. It notes that the Statutory Biodiversity Metric was used to determine the baseline (pre-development) and post-intervention (post-development) biodiversity values, and to calculate the net effect of the development upon biodiversity. The metric demonstrates that the existing site represents 4.17 Habitat units and 2.04 Hedgerow units. Post development this would increase to 4.66 Habitat units and 2.73 Hedgerow units representing an 11.84% and 33.75% respectively and exceeding the 10% requirement.
- 6.13.2 The proposed Biodiversity Net Gain would be considered 'significant' in a Biodiversity Net Gain and site context and therefore a Section 106 agreement will be required to secure the Biodiversity Net Gain for 30 years along with the associated monitoring fee of £8,221.90. A Biodiversity Gain Plan will need to be submitted to discharge the General Biodiversity Gain Condition prior to the commencement of development. The Council Ecology Officer has raised no objection.

6.14 Affordable Housing

- 6.14.1 The proposed site would be required to provide affordable housing. The existing

target rate is 10% and based on 40 dwellings the total number of affordable dwellings to be provided on site would be 4 dwellings. These are shown on the submitted plan as being 1 x 1-bed, 2 x 3 bed and 1 x 2-bed. During the course of the application the scheme has been amended following the comments made by the affordable housing officer. The affordable dwellings are now shown as being accessed from an adoptable road, the 1-bed is now a dwelling and the affordable dwellings now meet nationally described space standards. The Type and Affordability of Housing Supplementary Planning Document indicates that the starting point for affordable housing mix would be 70% rented and 30% low-cost home ownership. The affordable dwellings would be secured by a Section 106 Legal Agreement.

6.15 Open Space

- 6.15.1 Policy MD2 of SAMDev requires residential development to provide 30 square metres of open space for each bedroom proposed. On the basis of the submitted accommodation schedule, the development would comprise 120 bedrooms, generating a policy requirement for 3,600sqm of public open space. The submitted layout would provide 3,750sqm of open space within the site. This would exceed the minimum policy requirement by 150sqm, representing an overprovision of approximately 4%. The proposal would therefore meet, and modestly exceed, the open space requirement set out in Policy MD2.
- 6.15.2 Public open space would be positioned along the north-west boundary and the south-east edge of the site, opening out onto established planting. The open spaces allow for a softer transition between the built-up part of the site and its agricultural surroundings and avoids a harsh and dominant edge defined by fencing.
- 6.15.3 The areas of open space provide for formal and informal play as well as circular pathway around the site.
- 6.15.4 The finer details of both hard and soft landscaping and the provision of play and recreation equipment will be secured by a planning condition.

6.16 Impact on Residential Amenity

- 6.16.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard residential and local amenity.
- 6.16.2 The proposed dwellings would back onto existing properties on Heron Close, with a minimum separation distance of approximately 26 metres between facing windows. This would exceed the 21-metre guideline used to assess privacy relationships between directly facing habitable room windows. The separation would provide a satisfactory degree of privacy and outlook for both existing and

future occupiers. Elsewhere along the boundary, proposed dwellings would generally present side elevations towards existing properties, reducing the potential for direct overlooking. Taking account of the layout, orientation of dwellings and separation distances, the proposal would not result in any unacceptable loss of privacy or overbearing impact for neighbouring residents.

6.16.3 The position of the site, the orientation of dwellings and the distance of separation would ensure that there is no detrimental loss of light to neighbours.

6.16.4 The development would result in an increase in vehicle movements along Teal Drive. Having regard to the scale of the proposal at 40 dwellings and the residential nature and speed of the traffic generated, the level of additional activity would not be excessive. The associated vehicle noise would be typical of a residential estate and would not be of a frequency or intensity likely to cause an unacceptable loss of amenity to existing residents.

6.17 Drainage

6.17.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.

6.17.2 The application identifies that foul sewage will be disposed of by mains sewer via a pumping station within the site and that the surface water would be dealt with through a sustainable drainage system.

6.17.3 The application site and the surrounding land fall within Flood Zone 1, which is land at the lowest probability of flooding from rivers. However, parts of the site are identified as being at risk of surface water flooding. The surface water flooding is associated with isolated low-lying areas within the site and along the ditch, which impacts the ability of the run-off to flow into the watercourse.

6.17.4 Any new development must ensure that surface water is appropriately managed on site and that runoff from the development does not exacerbate existing surface water flood risk on the site or elsewhere.

6.17.5 From representations received it is evident that there has been issues of flooding locally, in particular on the nearby Diksmuide Drive.

6.17.6 During the course of the application and following the initial comments provided by the Council's Drainage team the applicant has provided further supporting information in the form of an updated Flood Risk Assessment Technical Note and also CCTV survey reports of the existing drainage system.

6.17.7 Surface water from the development will be managed via an attenuation system with flows from it then restricted via a hydro brake system at the point that the

surface water leaves the site. The outfall for the surface water will be a watercourse which runs along the northern boundary of the development.

- 6.17.8 The applicant has carried out CCTV survey work on the downstream culvert in order to establish condition.
- 6.17.9 In response to comments from the Council's Drainage team, the applicant has submitted further modelling information for the surface water drainage system. The applicant's drainage consultant advises that the modelling takes account of downstream restrictions on the proposed system and demonstrates that it would operate within the required parameters, with peak flows not exceeding equivalent greenfield run-off rates. The consultant further advises that the submitted Flood Risk Assessment and subsequent technical notes demonstrate that flows for all storm events up to and including the 1 in 100-year event plus a 45% allowance for climate change would be restricted to an average annual flood flow rate (QBAR) of 4.0 l/s. As a result, peak flows from the proposed development would be significantly lower than existing overland run-off, and any surface water flooding associated with the downstream culvert would be reduced once the development's surface water drainage system is operational.
- 6.17.10 The submitted flood risk assessment and further survey and technical notes have been considered by the Council's Drainage team who have raised no objection to the details that have been submitted. It is therefore considered that the submitted information adequately demonstrates that the proposed development will not itself flood and that there would be no impact on surrounding area.

6.18 Planning Balance

- 6.18.1 In assessing this application, the Council is required to determine in accordance with the Development Plan, unless material considerations indicate otherwise. The application site lies outside the defined settlement boundary and therefore departs from the spatial strategy of the adopted development plan.
- 6.18.2 As the Council cannot currently demonstrate a five-year supply of deliverable housing land, the proposal must be considered in the context of the new NPPF. Policy S5(1)(j) supports development outside settlements where it would help address an evidenced unmet housing need, provided the site is physically well-related to an existing settlement and the scale of development can be accommodated having regard to existing or proposed infrastructure. In these circumstances, planning permission should be granted unless the benefits would be substantially outweighed by the adverse effects when assessed against the national decision-making policies in the Framework.

Benefits

- 6.18.3 **Delivery of additional housing:** helping to boost housing delivery in the context

of the Councils current position of a lack of five-year supply. The proposal also includes the provision of 4 affordable dwellings to meet a local identified need. This attracts **substantial weight**.

- 6.18.4 **Improved housing choice for local residents:**, with a development that provides a broad range of dwellings size including 23 open market dwellings with 3 bedrooms or less. This attracts **moderate weight**.
- 6.18.5 **Right of way connectivity:** from the both the proposed estate also existing estate and further afield onto the public right of way. This attracts **moderate weight**.
- 6.18.6 **Location:** the site is physically well-related to Ellesmere and adjoins existing residential development along much of its boundary. It would make efficient use of an already accessible site which is within walking distance of the town centre, local services, facilities and bus routes. This attracts **moderate weight**.
- 6.18.7 **Economic benefit:** this will be provided both in the short-term during construction, including employment and expenditure in the local area and long term benefit from the spending power of residents helping to support local services and facilities. This attracts **moderate weight**.

Harms

- 6.18.8 **Countryside location:** The site lies outside of any defined settlement boundary in the countryside, resulting in a departure from the spatial strategy of the adopted development plan. This attracts **significant weight**.
- 6.18.9 **Loss of an area of green space and associated habitats.** The loss will require mitigation through habitat creation on the site. This attracts **moderate weight**.
- 6.18.10 **Additional Traffic Movements:** the development will result in some increase of vehicle movements as a consequence of an additional 40 dwellings, although this has been assessed as acceptable and not severe in highway terms. This is therefore considered as **limited**.
- 6.18.11 **Landscape and Visual Change:** The development will result in a permanent change to the landscape character at the settlement edge, notwithstanding mitigation. This attracts **moderate weight** in recognition that the site does not lie within a protected landscape, is visually contained by existing development and strong boundaries and the proposal responds to the built-form and settlement pattern.
- 6.18.12 **Increase surface water flows:** by adding areas of hard surfacing, roofs and roads will increase surface water run-off but by appropriate attenuation within the site and other mitigation this is considered to be acceptable and is therefore considered as **neutral**.

7.0 CONCLUSION

- 7.1 The application site adjoins the edge of the existing Teal Drive housing estate in Ellesmere. It lies in a sustainable location, close to public transport links and the services, facilities and infrastructure available within the market town. The scheme would contribute to local housing supply by providing a mix of open market and affordable dwellings, together with safe vehicular access and improved pedestrian links to the town and surrounding countryside.
- 7.2 The previous appeal decision remains an important material consideration and has been carefully considered. However, the current application must be assessed on its own merits and against the materially different circumstances that now apply. The appeal scheme related to a larger site extending across two fields and proposed a greater number of dwelling than is proposed now. In contrast, the current proposal is confined to a smaller, single field site and is of a reduced scale. As a result, its physical extent, relationship with the surrounding field pattern and degree of landscape incursion would be more limited than the appeal scheme.
- 7.3 The policy context has also materially changed since the Inspector's 2017 decision. At that time, the Council could demonstrate a five-year supply of deliverable housing land and the relevant housing policies were treated as up to date. That is no longer the case, with the Council currently able to demonstrate only 4.61 years' supply.
- 7.4 Taking the proposal as a whole and applying Policy S5(1)(j) of the NPPF, the development would help meet an evidenced unmet housing need and is physically well-related to an existing settlement. Although adverse effects have been identified, they are not considered to substantially outweigh the benefits of granting permission. The applicant has adequately addressed the principle of development, ecology, landscaping, arboricultural impacts, drainage and flooding matters. While this does not remove the conflict with the development plan, it changes the weight to be given to that conflict and requires the adverse effects of granting permission to be weighed against the benefits. The planning balance is therefore materially different from that considered by the Inspector in 2017.
- 7.5 Although some harm has been identified, the proposal would provide market and affordable housing in a sustainable location at a time when the Council cannot demonstrate a five-year housing land supply. In these circumstances, Officers consider that the adverse effects would not substantially outweigh the benefits.
- 7.6 The proposed residential development is therefore considered acceptable and is recommended for approval, subject to conditions and a Section 106 agreement to secure the following:
- Affordable Housing

- Open Space and Management
- Management of the Biodiversity Net Gain and associated monitoring fee.
- A financial contribution of £50 per bedroom to mitigate recreational impacts at Colemere.

8.0 Artificial Intelligence (AI)

8.1 AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

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 irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose.

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

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

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

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 1970.

10.0 FINANCIAL IMPLICATIONS

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

APPENDIX A

EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

25/03560/FUL Proposed Residential Development Land East Of, Teal Drive, Ellesmere, Shropshire Erection of 40No dwellings together with associated infrastructure and landscaping
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Date:

5th October 2026

Officer:

Sophie Milburn
Planning Ecologist
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Test 1:

Is the development '**in the interests of public health and public safety**', or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

No

Test 2:

Is there '**no satisfactory alternative?**'

The development is proposed on a defined site and its housing benefits, at a time when a five year supply cannot be demonstrated, cannot be delivered through a materially different layout or construction method that would avoid all potential effects on great crested newts while maintaining the nature and scale of the scheme.

Test 3:

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

'There is a large pond approximately 180 m to the north-west of the site. ... Permission was not granted to undertake GCN surveys of off-site ponds which were all located on private land.'

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (Enquiry no. DLL-ENQ-SHRP-00113) has been submitted which confirms that the project is eligible to enter the District Level Licensing scheme and that the developer intends to do so.

With the submission of the IACPC, and provided that works are carried out under the District Level Licensing scheme, SC Ecology are satisfied that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations. As stated in the

IACPC, '[I]n signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy regulation 55 (9) (b) of the 2017 Regulations ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range") and has concluded that the payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of great crested newts at favourable conservation status within their natural range, provided that the 'District Level Licence condition for GCNs' condition included in the response from Sophie Milburn to Mark Perry (dated 5th October 2026) is included on the decision notice and is appropriately enforced.

Guidance

The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report, and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Preserving public health or public safety must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there 'no satisfactory alternative'?

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

APPENDIX B

HABITATS REGULATIONS ASSESSMENT (HRA)

1.0 INTRODUCTION

As required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended), before Shropshire Council (the competent authority) can grant planning permission for a project that has the potential to affect an internationally designated site, the council has to undertake a Habitat Regulations Assessment.

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Shropshire Council relating to the following planning application.

NAME OF PLAN OR PROJECT AND DESCRIPTION:	25/03560/FUL Proposed Residential Development Land East Of, Teal Drive, Ellesmere, Shropshire Erection of 40No dwellings together with associated infrastructure and landscaping
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2.0 HRA STAGE 1 – SCREENING

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (People Over Wind v Coillte Teoranta C-323/17), any proposed mitigation measures which are not an integral part of the project but which are put in place to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

NAME AND DESCRIPTION OF SITE(S) SITE SCREENED IN FOR CONSIDERATION:	Cole Mere is part of the Midland Meres and Mosses Phase 2 Ramsar site. As a whole, the Ramsar is designated for the following: Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog. Criterion 2a. Supports a number of rare plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i>, elongated sedge <i>Carex elongate</i> and bog rosemary <i>Andromeda polifolia</i>. Also present are
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	the nationally scarce bryophytes <i>Dicranum undulatum</i>, <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>. Criterion 2a. Containing an assemblage of invertebrates, including several rare wetland species. There are 16 species of Red Data Book insect listed for the site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>. Cole Mere exhibits open water, swamp, wet pasture and carr habitats.
POTENTIAL EFFECT PATHWAYS:	Recreational pressure
IS THE PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO THE MANAGEMENT OF THE SITE (PROVIDE DETAILS)?	No
ARE THERE ANY OTHER PROJECTS OR PLANS THAT TOGETHER WITH THE PROJECT BEING ASSESSED COULD AFFECT THE SITE (PROVIDE DETAILS)?	Yes. The SAMDev Plan and Local Plan Review both identify site allocations which lie within the Zone of Influence of Cole Mere (estimated to be 11.7km from the site derived from on-site visitor surveys). These allocations and any windfall sites would act in combination with the proposed project.

2.1 ARE SIGNIFICANT EFFECTS LIKELY?

The proposed development consists of 40 dwellings approximately 3.4km from Cole Mere, therefore within the 11.7km catchment where additional housing is likely to give rise to significant adverse effects upon the structure, function and integrity of the site, through increased recreation.

Cole Mere is owned by Shropshire Council, is a Countryside Heritage Site, Common Land and has been declared Open Access Land. Hence there is full public access to the site.

The Shropshire Council Cole Mere Management Plan 2020 - 25 states that the site is popular for dog walking and bird watching, especially with the link to the Shropshire Union Canal and Ellesmere. The amenity grass area is well used for picnicking and informal games. Formal recreation includes sailing and angling.

The site is sensitive to increased visitor pressure through a number of means:

- direct disturbance (swimming of dogs, trampling by people);
- eutrophication of surrounding habitats, particularly species-rich meadows, by increased dog fouling;
- increased risk of non-native and/or invasive plant introductions; and
- visitors preventing appropriate management of the site designed to restore the designated features (e.g. grazing).

Face to face visitor questionnaire surveys using a standard methodology were carried out at Cole Mere in August and September 2017. The results suggest that baseline recreational pressure is around 8.75 people per hour (averaged over the year) and 37,000 people per year.

The majority of visitors complete the circular walk around the lake. Dog walking was the most commonly cited reason for visiting (47.1%), although walking and exercise were also popular. The majority of dog walkers said their dog(s) were let off the lead (86.2%), and almost half of dog owners said their dog(s) entered the water (48.3%).

The study proposes an indicative catchment area of 11.7km (75% of visits) from Cole Mere, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

The report concluded that in light of the high baseline visitation levels at Cole Mere, any increase in recreational pressure arising from new housing within the 11.7km catchment is likely to give rise to significant adverse effects upon the structure, function and integrity of site and impact avoidance measures are required.

2.2 SCREENING CONCLUSION

Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to have a significant effect on the Midland Meres and Mosses Phase 2 Ramsar (constituent site Cole Mere). An Appropriate Assessment is therefore required.

3.0 HRA STAGE 2 – APPROPRIATE ASSESSMENT

3.1 PREDICTED IMPACTS

Both the Cole Mere Visitor Survey Report (EPR, May 2018) and the Cole Mere Management Plan 2020-2025 (Shropshire Council) identify that recreational pressure is influencing the integrity of Cole Mere and impacting upon the aim to bring it into favourable condition.

The site has a relatively high visitation rate and dog walking and walking are popular, leading to impacts as follows:

- Increased nutrients derived from dog faeces and urine damaging nutrient poor habitats;

- Increased physical damage to habitats through walkers and dogs;
- Increased risk of introducing invasive species, via footwear, equipment and dogs; and
- Interference with habitat management.

The average household size in the UK was 2.36 residents per household in 2023¹.

It can be assumed that of the 40 households proposed, around 36% of those are likely to own a dog² with an average of 1.3 dogs per dog owning household, which equates to an additional 19 dogs and 94 additional people in the visitor catchment of Cole Mere.

¹ ONS website:

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2023> (Accessed 11th April 2025.)

² Statista Website: <https://www.statista.com/statistics/308218/leading-ten-pets-ranked-by-household-ownership-in-the-united-kingdom-uk/> (Accessed 11th April 2025.)

3.2 COUNTERACTING (MITIGATION) MEASURES

In order to protect Cole Mere, Shropshire Council identified a suite of visitor improvement measures that could be implemented at the site to mitigate recreational impacts, which the proposed development could contribute to. The measures include improved visitor signage, visitor infrastructure maintenance, car park improvements, visitor monitoring etc.

A contribution of £6000 (£50/bedroom) will be made to Shropshire Council to implement ongoing visitor management mitigation measures which will be secured in a section 106 agreement.

3.3 ASSESSMENT OF ADVERSE EFFECTS ALONE

There will be no adverse effect on site integrity, alone.

3.4 ASSESSMENT OF ADVERSE EFFECTS IN COMBINATION

There will be no adverse effect on site integrity in-combination with any other proposals, as residual effects will be absent.

3.5 SECURING OF MITIGATION MEASURES

A section 106 agreement is proposed to secure the contribution to the visitor management measures.

4.0 FINAL CONCLUSION

Following Stage 1 screening, Shropshire Council concluded that the proposed development is likely to cause significant effects on the Midlands Meres and Mosses Phase 2 Ramsar (constituent site Cole Mere) through the pathways detailed in this HRA.

The Appropriate Assessment concludes that, with the imposition of mitigation measures as detailed in this HRA, the proposed works under planning application reference 25/03560/FUL will not adversely affect the integrity of the Midlands Meres and Mosses Phase 2 Ramsar (constituent site Cole Mere). A planning decision can be made on this basis.

DATE OF COMPLETION FOR THE HRA SCREENING MATRIX:

29/09/2026

HRA COMPLETED BY:

Sophie Milburn Planning Ecologist

APPENDIX 1

Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 63, part 1:

63. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 63, part 5:

63. (5) In light of the conclusions of the assessment, and subject to regulation 64 (consideration of overriding public interest), the competent authority may agree to the plan or project only after

having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site", or "it may happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – *Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009)*.

63. (6) In considering whether a project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

Habitats Regulations Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 64 of the Conservation of Habitats and Species Regulations 2017. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

11. Background

Relevant Planning Policies

Central Government Guidance:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

14/03370/FUL Erection of 68 dwellings to include on-site open space provision REFUSE 19th February 2015

15/04813/FUL Erection of 68 dwellings to include 7 affordable dwellings; formation of estate roads; on-site open space provision REFUSE 4th February 2016

Appeal

15/02298/REF Erection of 68 dwellings to include on-site open space provision DISMIS 5th July 2017

12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T305G0TDKXJ00>

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 Rosie Radford
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

- iii) Installation of physical protection measures during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

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

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and the NPPF.

5. No works shall take place until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of great crested newts, which are European Protected Species.

6. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing.

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

Reason: The development site is known to have archaeological interest.

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

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

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

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

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

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan
- A conditional survey of the existing residential estate road

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

9. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and Arboricultural Method Statement have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

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

10. Prior to first occupation / use of the buildings, details of the following wildlife features shall be submitted to and approved in writing by the Local Planning Authority. The following features shall be included in the site design:

- A minimum of 12 swift bricks.
- A minimum of 10 artificial nests, of integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), wrens (wren specific), small birds (28mm or 32mm hole, standard design) and/or blackbirds/robins (open-fronted design).
- A minimum of 8 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 6 invertebrate boxes or bricks.
- A minimum of 2 hedgehog boxes.
- A minimum of 2 refugia and/or hibernacula.

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

Reason: To ensure the provision of wildlife roosting, nesting, hibernation and sheltering opportunities, in accordance with MD12, CS17 and section 193d of the NPPF.

11. No external lighting shall be installed until a lighting plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall:

- a) identify those areas/features on site that are particularly sensitive for wildlife, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right.

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

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

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

13. Notwithstanding the details shown on the approved plans, prior to above ground works commencing a detailed and coordinated landscaping plan shall be submitted to and approved in writing by the Local Planning Authority , the details of which shall include:

- Hard surfacing materials
- Soft planting specification to show the quantity, size, species and positions or density of trees to be planted, how they will be planted and protected, and the proposed time of planting, including a schedule of landscape maintenance for a period of 5 years
- Planting should involve the creation of wildlife habitats and features and ecological enhancements
- Street furniture, play equipment, refuse or other storage features,
- Earthworks showing existing and proposed finished levels and contours
- Sustainable urban drainage features and other water features
- An implementation programme, including phasing of work where relevant.

The development shall thereafter be implemented in accordance with the approved details. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the appropriate provision and quality of the open space, private spaces and public realm.

14. The development hereby approved shall not be occupied until details of the maintenance and management of the Sustainable Drainage Scheme (SuDS) in accordance with National SuDS Standard 7 have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the network in addition to those listed in SuDS Standard 7 to be submitted for approval shall include:

A timetable for its implementation.

Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a non-technical labelled drawing showing where they are located and how to access them.

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Shropshire Core Strategy policy CS18.

15. Prior to above ground works taking place details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water and a construction and final surfacing phasing plan have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented in accordance with the approved details prior to any of the dwellings being first occupied.

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

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

16. The development shall be carried out in full accordance with the approved Residential Travel Plan dated 28 May 2026. The Travel Plan shall thereafter remain in force for the lifetime of the development.

Reason: To promote sustainable travel choices and reduce reliance on the private car in the interests of sustainable development and highway safety.

17. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (Flood risk assessment, Rev 5, RACE, 01.05.2026) plus Drainage Strategy (Drainage strategy, dwg no P_ENG_002 Rev 4, RACE, May 2025), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any design flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Shropshire Core Strategy policy CS18.

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Northern Planning Committee
Tuesday 20th October 2026

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

<u>Application Number:</u> 25/03814/OUT	<u>Parish:</u>	Clive
<u>Proposal:</u> Outline Planning Application (with access for approval) for a residential development of up to 25 dwellings		
<u>Site Address:</u> Proposed Residential Development Land To The South Of Station Road Clive Shrewsbury Shropshire		
<u>Applicant:</u> Sansaw Dairies Ltd		
<u>Case Officer:</u> Jane Preece	<u>email:</u> jane.preece@shropshire.gov.uk	

The map shows the proposed Clive to Yorton Road (highlighted in red) connecting the village of Clive to Yorton. Key locations include Meadows Farm, Hillside, and Grissill Hill. The map also shows existing roads like Clive Lane and Yorton Lane, and a scale bar indicating 200m.

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Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement and to the imposition of the planning conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission (with access for approval) for residential development of up to 25 dwellings on approximately 2 hectares of land. All other matters, namely appearance, landscaping, layout and scale, are reserved for subsequent consideration.
- 1.2 The application is supported by an indicative site layout which demonstrates how up to 25 dwellings, together with associated open space, drainage infrastructure and access arrangements, could be accommodated on the site. The layout is illustrative only and does not form part of the application for approval.
- 1.3 Access to the site is proposed from Station Road, this being the sole matter submitted for determination at this stage.

2.0 SITE ADDRESS

- 2.1 As above.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has been referred to Planning Committee following a request from the local Ward Member. Given the level of objection received and the planning balance to be struck in determining the application, the Vice Chairman and Planning Manager agreed that it would be appropriate for the application to be determined by Planning Committee.

4.0 Community Representations Summary

4.1 Consultee Comments Summary

- 4.1.1 **SC Drainage (Lead Local Flood Authority, LLFA)** – Initial responses from the LLFA objected to the proposal on the basis that insufficient information had been provided to demonstrate an acceptable surface water drainage strategy.

Concerns were raised regarding the proposed method of surface water disposal, the viability of the proposed discharge route, the lack of information required by the Council's Surface Water Drainage Proforma, and the absence of sufficient

evidence to demonstrate that surface water could be managed without increasing flood risk on or off site. The LLFA maintained its objection following the submission of additional information, citing unresolved concerns regarding the viability of the proposed discharge point and the adequacy of the supporting drainage evidence.

Following the submission of further drainage information, including an updated Flood Risk Assessment Addendum, Outline Drainage Strategy and supporting technical information, the LLFA confirmed that the additional information demonstrated that a surface water drainage strategy could be achieved in principle and withdrew its objection. The LLFA raises no objection to the development subject to the imposition of a condition requiring the submission and approval of detailed surface water drainage design at the reserved matters stage.

4.1.2 SC Ecology - The Ecology Officer reviewed the submitted ecological information, including the Ecological Impact Assessment, Bat Activity Survey Report and Biodiversity Net Gain Assessment.

The initial response raised concerns regarding the Biodiversity Net Gain position. The submitted metric identified a deficit in habitat units and it had not been demonstrated how the statutory requirement for a minimum 10% Biodiversity Net Gain would be achieved. The Ecology Officer recommended that the outstanding habitat unit deficit be resolved at application stage and advised that a Section 106 Agreement would be required to secure any significant on-site Biodiversity Net Gain together with a monitoring contribution.

The Ecology Officer also noted that a financial contribution towards mitigation measures at Cole Mere Ramsar Site had been agreed in principle and that a Habitats Regulations Assessment and Appropriate Assessment would be undertaken once the necessary information had been provided. The financial contribution is currently calculated at £50 per bedroom.

The Ecology Officer confirmed that the submitted ecological survey work was otherwise acceptable in principle and indicated that conditions and informatives would be recommended in relation to protected species, ecological enhancement measures and lighting.

Following review of the additional information submitted during the application process, the Ecology Officer confirmed that the ecological survey work remained acceptable and raised no objection to the proposal subject to planning conditions, planning obligations and informatives.

The final response confirmed that the submitted Biodiversity Net Gain Assessment identified a loss of 0.70 habitat units (-15.96%) and a gain of 0.31 hedgerow units (+54.97%). It remained the Ecology Officer's view that the Biodiversity Net Gain position should preferably be resolved at application stage.

However, the Ecology Officer confirmed that the matter could be addressed through the Reserved Matters process, provided that the biodiversity gain hierarchy is followed and appropriate mechanisms are secured through planning conditions and a Section 106 Agreement.

The Ecology Officer confirmed that a Section 106 Agreement would be required to secure the delivery, management and monitoring of Biodiversity Net Gain for a minimum period of 30 years together with a monitoring contribution. A financial contribution towards visitor management and mitigation measures at Cole Mere Ramsar Site was also identified as necessary and would be secured through the Section 106 Agreement. An Appropriate Assessment was undertaken which concluded that, subject to the agreed mitigation, the proposal would not adversely affect the integrity of the designated site.

The final consultation response raised no objection to the proposal subject to planning conditions relating to badger surveys, wildlife enhancement measures, external lighting and ecological protection, together with the completion of the Section 106 Agreement.

- 4.1.3 **SC Highways** – The Local Highway Authority initially objected to the proposal. The initial response stated that the pre-application advice had not been adequately addressed and that insufficient traffic survey information had been submitted to assess visibility requirements, traffic flows and the appropriateness of walking and cycling within the carriageway. Whilst no concern was raised regarding the ability of the local highway network to accommodate additional vehicular traffic, concerns were expressed regarding the sustainability of the location, the limited opportunities for travel by modes other than the private car and the lack of supporting pedestrian and cycling infrastructure.

Further comments were provided during the course of the application in April 2026. These comments considered the proposed access arrangements, site layout, cumulative impacts of development proposals within Clive, pedestrian and cycling provision, and the relationship of the proposal to the character of the settlement. The Highway Authority maintained concerns regarding the sustainability of the location and the extent of supporting infrastructure for non-car travel and identified a range of potential mitigation measures.

In response, the applicant submitted additional information including Automatic Traffic Count survey data, visibility assessments, swept path analysis, revised access proposals and a Transport Statement Addendum dated June 2026.

Following review of the additional information, the Highway Authority confirmed that the proposed access arrangements and visibility splays were acceptable. The Highway Authority advised that the development was anticipated to generate fewer than 30 additional vehicle movements during peak hours and concluded that the proposal would not result in an unacceptable impact on highway safety or severe residual cumulative transport impacts, including when considered

alongside other development proposals within the village.

The Highway Authority subsequently withdrew its objection and raised no objection to the proposal subject to conditions relating to access design, adoptable street details and construction traffic management.

- 4.1.4 **SC Archaeology** – The Council's Archaeology Officer reviewed the application following earlier pre-application advice. The response notes that the site lies between Clive and Yorton, with the latter recorded as a settlement of early medieval origin. Whilst no designated or non-designated heritage assets are recorded within the application site on the Historic Environment Record, the response identifies evidence of historic mining and extraction activity in the wider area, including the former Clive Copper Mine, together with records of archaeological finds in the vicinity of the site.

The Archaeology Officer reviewed the submitted Heritage Impact Assessment prepared by Berrys. The assessment concluded that the archaeological potential of the site was low to very low but had not been informed by intrusive archaeological evaluation despite earlier pre-application advice.

The Archaeology Officer advised that, notwithstanding the absence of archaeological evaluation, the submitted Heritage Impact Assessment provided sufficient information for the determination of the outline application.

The response recommends that any planning permission be subject to a condition requiring a phased programme of archaeological investigation. This should comprise an initial geophysical survey followed by targeted trial trenching and any further mitigation considered necessary in light of the results. The Archaeology Officer raises no objection to the proposal subject to the recommended archaeological condition.

- 4.1.5 **SC Trees** – The Council's Tree Officer reviewed the submitted Arboricultural Survey and Impact Assessment together with the associated Tree Protection Plan and supporting drawings.

The Tree Officer confirmed that there is no objection to the proposal on arboricultural grounds.

The response notes that, due to the outline nature of the application, any planning permission should be subject to conditions requiring the submission of a tree survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan based upon the final approved layout and prepared in accordance with BS5837:2012.

The Tree Officer also recommends that any future Reserved Matters application be accompanied by a landscaping scheme incorporating appropriate tree and

hedgerow planting prepared in accordance with BS8545:2014, together with details of planting specifications, protection, maintenance and replacement.

The Tree Officer raises no objection to the proposal subject to the recommended conditions.

- 4.1.6 **SC Green Infrastructure** – The Council's Green Infrastructure Officer reviewed the submitted Landscape and Visual Appraisal, illustrative layout and supporting landscape information.

The initial response raised concerns regarding the extent to which landscape mitigation identified within the Landscape and Visual Appraisal relied upon planting located within private residential plots. Observations were also made regarding the assessment of visual effects, the treatment of site boundaries and the long-term retention of proposed landscape mitigation. The response further identified matters relating to public open space, green infrastructure connectivity, tree planting, pedestrian access, links to the Public Rights of Way network and formal play provision.

The Green Infrastructure Officer advised that future Reserved Matters submissions should incorporate appropriate public open space and formal play provision and indicated that the detailed design should consider the provision of a Local Area for Play (LAP), or alternatively a Local Equipped Area for Play (LEAP), together with enhanced pedestrian connectivity and publicly managed landscape mitigation.

In response to later consultation, the Green Infrastructure Officer confirmed that the previous comments remained applicable and should inform any future Reserved Matters submission. The response reiterated the recommendation that landscape mitigation should, where possible, be located within publicly managed open space, that public open space should be served by accessible pedestrian routes, and that future Reserved Matters proposals should include appropriate play provision, public rights of way connections and green infrastructure measures.

The Green Infrastructure Officer raises no objection to the proposal in principle and identifies a number of matters to be addressed through future Reserved Matters submissions and planning conditions.

- 4.1.7 **SC Affordable Homes** – The Council's Affordable Housing Team reviewed the submitted Affordable Housing Proforma and advised that the proposal provides the correct level of affordable housing in accordance with the Council's requirements.

The initial response noted that the identified affordable housing need was for

rented 1 and 2-bedroom bungalows and advised that the affordable housing tenure should be for rent. The response also noted that the indicative layout showed 3-bedroom houses rather than the dwelling types identified as being required.

Following re-consultation, the Affordable Housing Team confirmed that, although the indicative layout remained unchanged, the applicant had confirmed that the detailed affordable housing provision would be agreed through the Section 106 Agreement.

The Affordable Housing Team raises no objection to the proposal subject to the affordable housing provision being secured through the Section 106 Agreement.

- 4.1.8 **SC Learning and Skills** – The Council's Learning and Skills Team reviewed the application and advised that current forecasts indicate the need for additional school place capacity at primary, secondary and special educational needs level within the local area.

The response notes that additional education infrastructure may be required to accommodate pupil demand arising from the development together with other planned growth within the area.

The Learning and Skills Team recommends that contributions towards primary, secondary and special educational provision should be secured through the Community Infrastructure Levy (CIL) process rather than through a site-specific planning obligation.

- 4.1.9 **SC Regulatory Services (Environmental Protection)** – The Council's Regulatory Services (Environmental Protection) team reviewed the application and raised no objection in principle to the proposed development on residential amenity grounds.

The response notes that construction activities associated with the development have the potential to generate impacts including noise, dust and general disturbance affecting nearby residential properties and other sensitive receptors.

Regulatory Services recommends that any future planning permission should be subject to a Construction Environmental Management Plan (CEMP) incorporating appropriate mitigation measures to control construction-related impacts.

- 4.1.10 **Integrated Care Board** - The Integrated Care Board reviewed the application and raised no objection to the proposed development in principle.

The response identifies a requirement for a financial contribution of £15,546

towards healthcare infrastructure and advises that suitable provisions should be secured through a Section 106 Agreement, with the contribution index linked to BCIS Tender Price Index (TPI) and capable of being drawn down at an appropriate stage. The response states that the support provided is subject to confirmation of the contribution amount and the agreement of suitable Section 106 provisions.

4.2 Public Comments Summary

4.2.1 Clive Parish Council – Initial Objection

Clive Parish Council considered the application in November 2025 and resolved to object. The Parish Council disputed the Council's five-year housing land supply position and the use of the withdrawn Local Plan evidence base as a material consideration. The Parish Council considered the site to be open countryside and stated that the proposal conflicted with the adopted spatial strategy and policies restricting open market housing in the countryside.

The Parish Council further raised concerns regarding the sustainability of the location, the availability of local services and facilities, infrastructure capacity, healthcare provision, school capacity, water supply and sewerage infrastructure, highway safety, public transport provision, flood risk and drainage, biodiversity impacts, landscape character, visual impact, housing density and the cumulative effects of development within Clive. The Parish Council concluded that the proposal conflicted with the development plan, national policy and a number of the Council's Sustainability Objectives and should be refused.

Clive Parish Council – Re-consultation Objection

Following consideration of the revised application and additional information, Clive Parish Council reconsidered the proposal in March 2026 and resolved to maintain its objection.

The Parish Council stated that its previous concerns remained unresolved and raised further concerns regarding the submitted traffic generation figures, the traffic survey information, vehicle speeds, the continuation of the proposed access road beyond the site, the suitability of the proposed drainage strategy and the impact of widened visibility splays on the appearance and character of the development.

The Parish Council maintained that the proposal would have unacceptable impacts in relation to highways, drainage, sustainability and landscape character, requested that the application be determined by Planning Committee and urged that full weight be given to the conflicts it identified with planning policy and the Council's Sustainability Objectives.

4.2.2 Local Ward Member, Cllr Alison Williams – objects.

The Councillor maintains her objection to the proposal. Concerns are raised regarding the sustainability of the location, the capacity and resilience of existing water supply, sewerage and wastewater infrastructure, and the absence of certainty regarding future infrastructure upgrades. The Councillor refers to recent water supply interruptions within the village, reports of low water pressure, the use of tanker deliveries to support local water infrastructure and concerns regarding the capacity of the sewage treatment system.

Further concerns are raised regarding highway safety, including the revised access position, the attainability of the proposed visibility splays, potential visibility constraints associated with nearby infrastructure, and the reliability of the submitted traffic survey information. The Councillor also raises concerns relating to the loss of agricultural land, the potential for future development beyond the application site, biodiversity and ecology impacts, light pollution, and the long-term management and maintenance of landscaping, attenuation features and communal open space.

The Councillor additionally maintains concerns regarding the viability of the proposed drainage strategy, including the potential implications of bedrock and the proposed drainage route, and requests that the application be considered by Planning Committee.

4.2.3 Public representations summary – 164 objections and 1 representation of support were received.

The main objections raised included those relating to:

- Planning policy, countryside location, settlement strategy and decision-making process;
- Five-year housing land supply and the weight attributed to the withdrawn Local Plan evidence base;
- Sustainability of the location, including reliance on private car travel, public transport provision and local service availability;
- Highway safety, vehicle speeds, traffic generation, cumulative traffic impacts and pedestrian accessibility;
- Flood risk, surface water drainage, foul drainage, water supply and sewerage infrastructure;
- Capacity of local infrastructure including healthcare, education and community services;
- Ecology, biodiversity, protected species, Biodiversity Net Gain and impacts on dark skies;
- Landscape character, visual impact, rural setting and the perceived estate-style form of development;
- Housing density, housing mix, affordable housing provision and local housing need;
- Agricultural land loss and food production concerns.

The representation in support:

- supported the provision of additional housing within the village,
- considered the scale of development to be reasonable;
- considered that approval would allow new residents to live in the village.

4.2.4 The above provides a summary of the principal matters raised through consultation and public representations. All consultee responses, representations and supporting documents are available for inspection in full on the Council's Planning Portal and form part of the application record.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Highway, access and transport
- Drainage, flood risk and water infrastructure
- Ecology, Biodiversity Net Gain and Habitat Regulations
- Landscape and visual impact and Green Infrastructure
- Trees and arboriculture
- Heritage and archaeology
- Residential amenity (outline considerations)
- Infrastructure and developer contributions

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

6.1.1 The application seeks outline planning permission for residential development of up to 25 dwellings on land to the south of Station Road, Clive. The site lies outside any defined settlement boundary and is therefore located within the countryside for the purposes of the adopted development plan, immediately adjoining the existing built form of the village.

Development Plan Position

6.1.2 The adopted development plan comprises the Shropshire Core Strategy (2011) and the Site Allocations and Management of Development (SAMDev) Plan (2015). These documents direct the majority of new housing development to Shrewsbury, Market Towns, Key Centres and identified Community Hubs and Community Clusters. Clive is not identified as a settlement where strategic housing growth is directed.

6.1.3 Under Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev Plan, new open market residential development in the countryside is strictly controlled and generally limited to specific exceptions. The proposal does not fall within any

of these categories and is therefore contrary to the adopted spatial strategy.

- 6.1.4 This conflict with the development plan is an important material consideration, underlies many of the objections raised by the Parish Council, local Ward Member and local residents, and weighs against the proposal.
- 6.1.5 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Accordingly, whilst the proposal conflicts with the adopted development plan, it must also be assessed having regard to the National Planning Policy Framework (August 2026) and other material considerations.

Housing Land Supply and National Policy

- 6.1.6 The Council's most recent published Five Year Housing Land Supply Statement confirms that Shropshire currently has a 4.61 year supply of deliverable housing land and is therefore unable to demonstrate a five year supply of deliverable housing sites.
- 6.1.7 As a consequence, the decision-making policies of the National Planning Policy Framework (NPPF) relevant to housing delivery are directly engaged and the presumption in favour of sustainable development applies.
- 6.1.8 The August 2026 NPPF places a strong emphasis on boosting housing delivery and meeting identified housing needs. Policy S5 identifies circumstances where residential development outside settlement boundaries may be appropriate where there is an evidenced unmet housing need, including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites. Policy HO7 further requires substantial weight to be given to the benefits of providing homes which contribute towards meeting identified housing needs.
- 6.1.9 These policies are significant material considerations in favour of the proposal and attract considerable weight in the assessment of the principle of development.
- 6.1.10 Whilst the conflict with the development plan weighs against the proposal, it is not determinative in isolation and must be considered alongside national policy and all other material considerations in the planning balance.

Sustainability and Location

- 6.1.11 Concerns have been raised regarding the sustainability of Clive as a location for additional development, including reliance upon private car travel, the range of local facilities available to residents and the cumulative effect of housing growth. These concerns are acknowledged and are relevant considerations.
- 6.1.12 For development plan purposes, Clive remains countryside and the proposal is clearly contrary to the adopted settlement strategy. However, the assessment of

sustainability requires consideration of a range of factors and cannot be determined solely by reference to the adopted settlement hierarchy.

- 6.1.13 It is acknowledged that objectors dispute the weight which should be attributed to the evidence base supporting the withdrawn Local Plan, including the assessment of Clive's services and facilities. The withdrawn Local Plan carries no policy weight. However, Cabinet has resolved that the evidence base underpinning that plan remains a material consideration and may be taken into account where relevant to the determination of planning applications.
- 6.1.14 The evidence base supporting the withdrawn Local Plan identified Clive as a settlement containing a range of services and facilities and formed part of the assessment of settlement capacity undertaken through the Local Plan process. Similarly, the Strategic Land Availability Assessment identified the site as having future residential potential, whilst acknowledging that development would not accord with the adopted policy framework. Whilst neither document establishes policy support for the proposal, both form part of the wider evidence base relevant to the assessment of sustainability and settlement capacity.
- 6.1.15 The site directly adjoins and is physically related to the existing built form of the village. Clive contains a number of community facilities including a primary school, medical practice, village hall and church, together with bus services and access to rail services at nearby Yorton. A number of representations contend that the range of local services and facilities available to residents has reduced over time and that residents remain reliant on private car travel for many journeys. These are material considerations in assessing the sustainability of the location and are considered in the overall planning balance.
- 6.1.16 The sustainability of the proposal must therefore be assessed having regard to national policy, the Council's current housing land supply position and the detailed consideration of highways, accessibility, drainage, ecology, landscape, heritage and infrastructure matters addressed elsewhere within this report.

Scale of Development

- 6.1.17 The proposal seeks permission for up to 25 dwellings.
- 6.1.18 This scale of development would not ordinarily be supported within the countryside under the adopted development plan and contributes to the policy conflict identified above.
- 6.1.19 As the application is in outline form, the acceptability of the proposed scale must be considered alongside whether the associated impacts can be satisfactorily accommodated. Matters relating to highways, drainage, landscape impact, ecology, infrastructure capacity, design, layout and residential amenity are therefore considered separately within the relevant sections of this appraisal. The proposal would represent a material increase in the size of the housing stock. However, the scale of growth is not considered so significant as to

fundamentally alter the role or function of the settlement.

Affordable Housing

6.1.20 The provision of affordable housing is a material consideration and constitutes a social benefit associated with the proposal. The scheme would be required to provide affordable housing in accordance with the Council's prevailing policy requirements, secured through a Section 106 Agreement.

6.1.21 The Council's Affordable Housing Team advises that the prevailing target rate within this part of the County is 10%, with the precise tenure mix, dwelling types and distribution to be secured through the legal agreement and agreed through the Reserved Matters process.

6.1.22 The provision of both market and affordable housing attracts weight in favour of the proposal. In addition, Policy HO7 of the NPPF requires substantial weight to be given to the benefits of providing homes which contribute towards meeting identified housing needs. In the context of the Council's current housing land supply position, the delivery of up to 25 dwellings attracts significant weight in favour of the proposal.

Agricultural Land

6.1.23 A number of representations raise concerns regarding the loss of agricultural land and the implications for food production. This matter is a material planning consideration.

6.1.24 Policy N2 of the NPPF (2026) requires decision-makers to take account of the quality of agricultural land, including whether land is classified as Best and Most Versatile (BMV) agricultural land, and advises that where significant development of agricultural land is necessary, areas of poorer quality land should be used where possible. BMV agricultural land comprises land within Grades 1, 2 and Subgrade 3a.

6.1.25 The proposed development would result in the loss of approximately 1.99 hectares of agricultural land. A site-specific Agricultural Land Classification Assessment has been submitted in support of the application. Whilst the site is identified as Grade 3 land on the provisional mapping, the submitted assessment concludes that the entirety of the application site comprises Subgrade 3b agricultural land, with droughtiness identified as the principal limiting factor affecting agricultural productivity. No alternative technical evidence has been submitted to demonstrate that the site should be classified as BMV agricultural land.

6.1.26 The loss of agricultural land is acknowledged and attracts some weight in the assessment of the proposal. However, having regard to the submitted Agricultural Land Classification Assessment and the absence of identified BMV agricultural land within the site, the proposal is not considered to conflict with the specific provisions of Policy N2 relating to the protection of BMV agricultural land.

Whilst the loss of agricultural land weighs modestly against the proposal, it is not considered to represent a significant adverse impact in the overall planning balance.

Principle Conclusion

- 6.1.27 Whilst the proposal conflicts with the adopted settlement strategy and therefore the spatial strategy of the development plan, the Council's inability to demonstrate a five year supply of deliverable housing land, together with the support provided by Policies S5 and HO7 of the National Planning Policy Framework, are significant material considerations in favour of the proposal. The extent to which those considerations outweigh the identified development plan conflict depends upon the outcome of the detailed assessment of the proposal against the remaining material considerations addressed below. The principle of residential development therefore falls to be considered in the context of the Council's current housing land supply position, national planning policy and the detailed assessment of the proposal's impacts set out in the following sections of this report.

6.2 Highway, access and transport

- 6.2.1 A significant number of representations, including those from local residents, the Parish Council, the local Ward Member, Clive Matters and other interested parties, raise concerns regarding highway safety, increased traffic generation, vehicle speeds, pedestrian safety, limited footway provision, visibility at the proposed access, cumulative traffic impacts arising from other development proposals within Clive, and the overall sustainability of the site. These concerns have been carefully considered together with the submitted transport evidence and the consultation responses provided by the Local Highway Authority.

Local Highway Authority consultation history

- 6.2.2 The Highway Authority initially objected to the application. Whilst it did not identify a fundamental issue in terms of the capacity of the local highway network to accommodate the traffic likely to be generated by the proposal, concerns were raised regarding the sustainability of the location, the lack of dedicated pedestrian infrastructure within the settlement, the relationship of the proposed access with the character of Station Road, and the extent to which the proposal would support walking and cycling movements.
- 6.2.3 Further detailed comments were provided by the Highway Authority in April 2026, including observations regarding the proposed access arrangement, pedestrian connectivity, the indicative layout and the cumulative effect of growth within Clive. The Highway Authority also considered the potential cumulative effects arising from other planning applications under consideration within the village, including the two outline applications currently under consideration on land at the opposite end of the village.

- 6.2.4 In response, the applicant submitted additional transport information, including updated Automatic Traffic Count (ATC) survey data, revised access proposals, swept path analysis, visibility assessments and amendments to the indicative layout. The applicant also revised the access location, removed the continuous internal road loop and provided an additional pedestrian link with potential to connect to the development with the existing Public Right of Way network.
- 6.2.5 Following review of this additional information, the Highway Authority withdrew its objection and confirmed that the application would be acceptable subject to planning conditions.

Access and highway safety

- 6.2.6 As this is an outline application, access is the only highway matter submitted for approval at this stage. The detailed internal layout remains illustrative and will be subject to future reserved matters approval.
- 6.2.7 The application proposes a single point of vehicular access from Station Road. Visibility splays and swept path assessments have been undertaken and are illustrated on Drawing No. SA54111 BRY 0003A. The submitted assessment demonstrates visibility splays of 2.4m x 46m to the east and 2.4m x 50m to the west based upon measured vehicle speeds obtained from the ATC surveys. The Local Highway Authority has reviewed this information and confirmed that the proposed visibility splays are acceptable and that the use of Manual for Streets visibility standards is appropriate in this location.
- 6.2.8 The Highway Authority's final response specifically confirms that the proposed access arrangement is acceptable from a highway safety perspective, subject to detailed engineering design being secured by condition. It also confirms that swept path analysis demonstrates suitable access for service and refuse vehicles.
- 6.2.9 Having regard to the submitted visibility assessment, swept path analysis and the final advice of the Highway Authority, officers are satisfied that a safe means of vehicular access can be achieved.

Sustainability, walking and cycling

- 6.2.10 A recurring concern raised by objectors is that Clive has limited footway provision and that future residents would rely heavily upon private vehicles. Objectors also contend that the settlement lacks the infrastructure necessary to support sustainable travel choices and that additional development would reinforce car dependency.
- 6.2.11 It is recognised that Clive does not benefit from the level of footway provision, segregated active travel infrastructure or service provision typically associated with larger settlements, and that this forms a significant part of the concern raised by objectors. However, the absence of such infrastructure does not, in itself, render development unacceptable. The assessment must consider the

characteristics of the settlement, the opportunities available for walking and cycling, the likely travel behaviour of future residents, and whether the proposal would result in an unacceptable impact on highway safety or severe residual cumulative impacts on the transport network. In this regard, significant weight is attached to the final advice of the Highway Authority.

- 6.2.12 The submitted ATC surveys recorded relatively low traffic volumes on Station Road and mean vehicle speeds significantly below the posted speed limit. The supporting transport evidence concludes that the road currently operates as a low-speed, low-traffic environment in which pedestrians already share carriageway space with vehicles.
- 6.2.13 During the course of the application process the proposed access position was revised and moved closer to the settlement. In addition, the indicative layout was amended to show a pedestrian link to the existing Public Right of Way network and improvements to internal pedestrian permeability. Whilst the internal layout and associated pedestrian connections are illustrative only and are not submitted for approval at this outline stage, they demonstrate how the Highway Authority's concerns regarding accessibility and connectivity could be addressed through the detailed layout considered at reserved matters stage. The acceptability of the proposed access itself forms part of the current application and has been assessed by the Highway Authority accordingly.
- 6.2.14 Whilst it is accepted that residents are likely to make use of private vehicles for a proportion of journeys, this is not uncommon within rural settlements and must be considered in the context of the characteristics of the settlement as a whole. It does not, in itself, justify refusal of the application.
- 6.2.15 The relevant question is whether the development would result in an unacceptable impact on highway safety or severe residual cumulative transport impacts. The Highway Authority has ultimately concluded that it would not.

Traffic generation and cumulative impacts

- 6.2.16 A number of representations challenge the traffic generation assumptions within the Transport Statement, the reliability of the traffic survey data and the applicant's conclusions regarding the ability of the local road network to accommodate additional development. Particular concern has been expressed regarding the cumulative impact of this proposal when considered alongside other development proposals currently under consideration within Clive.
- 6.2.17 A number of representations, particularly those submitted by Clive Matters, challenge the reliability of the submitted traffic survey information, trip generation assumptions and elements of the transport assessment. These matters were raised through the consultation process and informed the submission of revised transport evidence by the applicant. The revised Transport Statement Addendum specifically addressed concerns relating to the ATC survey data, including an identified anomaly within the original survey dataset, and provided updated

analysis and supporting information. Whilst objections to the submitted transport evidence have been maintained by objectors, the revised information was subsequently reviewed by the Highway Authority, which ultimately withdrew its objection. Significant weight is therefore attached to the final professional advice of the Highway Authority.

6.2.18 The Highway Authority considered these matters in detail as part of its consultation response and expressly assessed the cumulative position within the village. This included consideration of existing traffic flows, vehicle speeds, likely trip generation and the impact of other live development proposals.

6.2.19 The updated transport evidence estimates that the development would generate fewer than 30 additional vehicle movements during the peak hour periods and approximately 150 two-way movements across a typical day. The Highway Authority accepted that the increase in traffic associated with a development of up to 25 dwellings would be modest.

6.2.20 Importantly, the Highway Authority's final consultation response concluded that the likely effects of the development would not result in an unacceptable impact on highway safety and that a highway objection could not be sustained, including when the cumulative effects of the other current applications were taken into account.

6.2.21 This conclusion carries significant weight as it represents the professional judgment of the Council's statutory highway adviser, reached after reviewing the additional information submitted during the course of the application. The NPPF states that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe. Having regard to the final Highway Authority response, officers are satisfied that neither of those tests is met in this case.

Conclusion

6.2.22 The concerns raised by local residents, the Parish Council, the Ward Member, Clive Matters and other interested parties regarding highway safety, pedestrian safety, sustainability, visibility, traffic generation and cumulative impacts have been carefully considered.

6.2.23 The Highway Authority initially objected to the application and sought further evidence. Additional transport information, revised access arrangements, visibility assessments and supporting highway analysis were subsequently submitted. Following review of that information, including consideration of the cumulative impact of development proposals currently under consideration within Clive, the Highway Authority withdrew its objection and confirmed that the development would be acceptable subject to conditions.

Having regard to the submitted Transport Statement, Transport Statement

- 6.2.24 Addendum, visibility and swept path assessments, the consultation history, the final advice of the Highway Authority and the relevant provisions of the National Planning Policy Framework, Core Strategy Policy CS6 and SAMDev Policy MD2, officers are satisfied that the proposal would not result in an unacceptable impact on highway safety and would not give rise to severe residual cumulative transport impacts. The proposal is therefore considered acceptable in highways and accessibility terms.

6.3 **Drainage, flood risk and water infrastructure**

- 6.3.1 A significant number of representations, including those from local residents, the Parish Council, the local Ward Member, Clive Matters and other interested parties, raise concerns regarding flood risk, surface water drainage, foul drainage capacity, sewage infrastructure and water supply resilience within the village. The matters raised include existing flooding on local roads, the suitability of the proposed surface water drainage strategy, the adequacy of infiltration testing, attenuation capacity, the viability of the proposed outfall route, the potential effect of additional surface water runoff, the capacity of existing sewerage infrastructure and reported interruptions to the local water supply. These representations and supporting technical submissions have been taken into account in assessing the application.

Surface water drainage and flood risk

- 6.3.2 The application site lies within Flood Zone 1 and is therefore at a low probability of fluvial flooding. The submitted Flood Risk Assessment also identifies no mapped areas of surface water flooding within the application site itself. The application is supported by a Flood Risk Assessment and Outline Drainage Strategy, together with subsequent technical addenda and revised drainage strategy drawings.
- 6.3.3 The original drainage strategy identified that infiltration testing undertaken within the site had not demonstrated favourable conditions for infiltration. The proposed strategy therefore provides for surface water to be collected and attenuated on site before being discharged at a controlled rate to a receiving watercourse. The supporting information includes greenfield runoff calculations, attenuation storage estimates and an indicative gravity outfall route.
- 6.3.4 The submitted drainage information identifies a potential discharge route to a receiving watercourse approximately 615 metres from the site. The applicant advises that the route lies within land under its control.
- 6.3.5 The Lead Local Flood Authority (LLFA) initially objected to the application because sufficient information had not been provided to demonstrate how surface water would be managed without increasing flood risk on or off the site. Its concerns included the feasibility of the proposed means of discharge, the

length and viability of the proposed outfall route, the absence of some of the information required by the Council's Surface Water Drainage Proforma and whether a continuous positive gravity fall could be achieved. The LLFA maintained its objection following an initial submission of further information while those matters remained unresolved.

- 6.3.6 Further drainage information was subsequently submitted, including an updated Flood Risk Assessment Addendum, revised Outline Drainage Strategy drawings, greenfield runoff calculations, attenuation storage estimates and further information concerning the proposed discharge route. The applicant also provided a response explaining why it considered the proposed gravity outfall to be technically feasible and deliverable.
- 6.3.7 Following its review of the revised information, the LLFA concluded that the applicant had demonstrated that a surface water drainage strategy could be achieved in principle. It considered that the additional information addressed its previous concerns regarding the feasibility of a surface water discharge strategy and consequently withdrew its objection. The LLFA identified an apparent discrepancy between the invert levels at two chambers, meaning that a continuous positive gravity fall had not yet been fully demonstrated throughout the proposed outfall route. However, having regard to the outline nature of the application, it was satisfied that this and the remaining detailed matters could be addressed by planning condition. The LLFA nevertheless concluded that these matters did not prevent a surface water drainage strategy being achieved in principle and therefore withdrew its objection.
- 6.3.8 The LLFA's final consultation response is a significant material consideration. Its conclusion was reached following several rounds of consultation and the submission and review of additional technical information. The withdrawal of its objection does not mean that the detailed drainage design has already been approved. Rather, it establishes that a viable surface water drainage strategy can be achieved in principle and that the outstanding detailed design matters are capable of being appropriately addressed through the recommended planning condition.
- 6.3.9 The condition recommended by the LLFA is comprehensive and requires the drainage design to be submitted prior to or in conjunction with each reserved matters application. Amongst other matters, it requires:
- agreement of greenfield runoff rates and attenuation of post-development runoff;
 - interception of the first 5 mm of rainfall;
 - attenuation storage for the specified rainfall events, including allowances for climate change;
 - demonstration of a continuous positive gravity fall throughout the drainage network and outfall route;
 - detailed drainage designs, hydraulic modelling and calculations for the

- 3.33% and 1% Annual Exceedance Probability rainfall events;
- an allowance for urban creep;
- appropriate biodiversity, amenity and water quality treatment measures;
- exceedance flow routing and management;
- protection of buildings and utility infrastructure from flooding; and
- appropriate finished ground-floor levels.

6.3.10 The representations concerning surface water runoff, infiltration testing, attenuation capacity, the proposed outfall, invert levels, exceedance flows and flood risk have therefore been carefully considered. Some of those concerns reflect matters also identified during the LLFA's assessment and explain why additional information was required before its objection was withdrawn.

6.3.11 Following consideration of the revised information, however, the Council's specialist drainage adviser is satisfied that a viable surface water drainage strategy has been established at the level required for an outline application. The detailed condition provides a mechanism for the final drainage scheme, supporting calculations and outfall arrangements to be scrutinised and approved before the detailed design of the development is settled and before the development is occupied.

6.3.12 The development would consequently be situated in an area at low risk of fluvial flooding, and an acceptable means of managing surface water has been demonstrated in principle. Subject to the recommended condition, officers are satisfied that the development can be made safe for its lifetime without increasing flood risk elsewhere and that the proposal accords with the relevant provisions of the National Planning Policy Framework and Core Strategy Policy CS18.

Foul drainage and water supply

6.3.13 Concerns have been raised by the Parish Council, local residents and Clive Matters regarding the capacity and resilience of the existing foul sewerage and potable water supply infrastructure serving Clive. Matters raised include reports of low water pressure, temporary interruptions to water supply, the recent use of tanker-supported water supplies within the village, concerns regarding foul sewerage and sewage treatment capacity, and reports of sewage overflows during periods of heavy rainfall. These concerns are acknowledged and have been taken into account in the assessment of the application.

6.3.14 The application proposes a connection to the existing public foul sewer in Station Road. The submitted Flood Risk Assessment and Outline Drainage Strategy identify the existing sewer and indicate that the development is anticipated to be capable of draining to it by gravity. The submitted information further recognises that the necessary connection and adoption arrangements would require engagement and agreement with the relevant statutory undertaker.

6.3.15 The provision of water supply and foul sewerage infrastructure is primarily the responsibility of the relevant statutory undertaker and is subject to separate

statutory approval processes. The right to connect to the public sewer, the provision of a water supply and any necessary network reinforcement or infrastructure improvements fall within the remit of those separate regulatory regimes.

- 6.3.16 Whilst objectors have supplied information relating to existing infrastructure performance, including reports of water supply interruptions and network operational issues, no technical evidence is before the Local Planning Authority demonstrating that the proposed development could not be satisfactorily served by the existing foul sewerage or water networks, or that any necessary infrastructure improvements could not be delivered through the relevant statutory processes. The material submitted evidences concerns regarding the current operation and resilience of the network but does not include a technical assessment of network capacity demonstrating that the development would be incapable of being served.
- 6.3.17 Accordingly, whilst the concerns raised by residents are acknowledged and carry some weight, and while it is recognised that existing infrastructure issues have been reported within the village, the evidence before the Local Planning Authority does not demonstrate that the proposed development would give rise to unacceptable impacts in relation to foul sewerage or water supply infrastructure, nor that satisfactory connections could not be provided through the relevant statutory regimes.

Conclusion

- 6.3.18 Overall, the drainage-related representations have been taken into account. The LLFA initially objected and required further information before it was prepared to accept the proposed approach. Following submission and assessment of that additional information, it concluded that a viable surface water drainage strategy had been demonstrated in principle and withdrew its objection subject to a comprehensive condition controlling the detailed design.
- 6.3.19 Having regard to the site's location within Flood Zone 1, the submitted Flood Risk Assessment and subsequent drainage information, the consultation history, the LLFA's final advice and the safeguards contained within the recommended condition, officers are satisfied that flood risk and surface water drainage have been addressed to an appropriate level for an outline application.
- 6.3.20 Concerns regarding foul sewerage and water supply infrastructure are acknowledged. However, whilst representations refer to existing infrastructure issues within the village, insufficient technical evidence is before the Local Planning Authority to demonstrate that the proposed development could not be served by the existing foul sewerage and water supply networks or that any necessary infrastructure improvements could not be delivered through the relevant statutory regimes.
- 6.3.21 The proposal is therefore considered acceptable in drainage, flood risk, foul

drainage and water supply terms.

6.4 Ecology, Biodiversity Net Gain and Habitat Regulations

- 6.4.1 Concerns have been raised by the Parish Council, Clive Matters and local residents regarding the impact of the development on wildlife, biodiversity, ecological networks, protected species, hedgerows, dark skies and the overall ecological value of the site. Particular concerns relate to the potential effects on bats, birds, hedgehogs, newts and other species, the loss of greenfield land, the adequacy of the Biodiversity Net Gain proposals and the reliance on off-site measures to address any habitat deficit. These matters have been carefully considered together with the submitted ecological information and the advice of the Council's Ecology Officer.

Protected species and site ecology

- 6.4.2 The application is supported by an Ecological Impact Assessment and Bat Activity Survey Report. The Council's Ecology Officer has reviewed the submitted information and confirms that the scope and quality of the ecological surveys are sufficient for the purposes of determining the application. No objection is raised in respect of protected species, subject to the imposition of conditions and informatives relating to matters including badger surveys, biodiversity enhancements, external lighting controls and ecological protection measures.
- 6.4.3 A number of representations raise concerns regarding the potential impact of the development on bats, birds, hedgehogs, newts and other wildlife species, together with concerns regarding habitat loss, ecological connectivity and the impact of artificial lighting on nocturnal species. These concerns are acknowledged. The submitted ecological surveys and supporting reports have assessed the ecological value of the site and the likely effects of the proposal. The Ecology Officer is satisfied that the ecological baseline has been adequately established and that impacts on protected species and ecological networks can be appropriately mitigated through retention and management of ecological features, ecological enhancement measures and a detailed lighting strategy secured by condition.
- 6.4.4 The submitted ecological evidence identifies the site as being largely comprised of improved grassland of relatively limited ecological value, with the principal ecological features comprising the existing boundary hedgerows and associated habitats. The development would inevitably result in the loss of a proportion of existing habitat. However, subject to the recommended mitigation and enhancement measures, the Ecology Officer is satisfied that protected species and ecological interests can be appropriately safeguarded. The Ecology Officer has not identified any requirement for further ecological survey work prior to determination of the application.

Biodiversity Net Gain

- 6.4.5 The proposal is required to achieve a minimum 10% Biodiversity Net Gain in accordance with statutory requirements.
- 6.4.6 The submitted Biodiversity Net Gain assessment identifies a loss of 0.70 habitat units (-15.96%) and a gain of 0.31 hedgerow units (+54.97%). At the time of the Ecology Officer's consultation response, it had not been demonstrated how the required habitat unit gain would be achieved and the applicant indicated that off-site provision may be required, subject to the availability of suitable land. No further information has been submitted by the applicant to demonstrate how the remaining habitat unit deficit would be addressed.
- 6.4.7 The Ecology Officer advised that there would be merit in resolving the Biodiversity Net Gain position at application stage in order to avoid delay and potential redesign at a later stage. However, the Ecology Officer also confirmed that the outstanding habitat unit deficit could be addressed through the Reserved Matters process, provided that the biodiversity gain hierarchy is followed and appropriate mechanisms are secured through planning conditions and a Section 106 Agreement. The Section 106 Agreement will secure the delivery, management and monitoring of Biodiversity Net Gain for a minimum period of 30 years together with the associated monitoring contribution.
- 6.4.8 Whilst the precise mechanism for achieving the remaining habitat unit gain has not yet been finalised, the statutory Biodiversity Gain regime requires a Biodiversity Gain Plan to be approved before development can lawfully commence. In these circumstances, the Ecology Officer is satisfied that the outstanding Biodiversity Net Gain requirements can be appropriately secured through the statutory Biodiversity Gain process, Reserved Matters submissions and associated planning obligations.

Habitats Regulations Assessment

- 6.4.9 The application has been assessed under the Conservation of Habitats and Species Regulations 2017 (as amended). Recreational pressure on the Cole Mere Ramsar site, part of the Midlands Meres and Mosses Phase 2 Ramsar designation, has been identified as a potential pathway for likely significant effects. An Appropriate Assessment has therefore been undertaken by the Local Planning Authority and is attached to this report below.
- 6.4.10 The applicant has agreed to make a financial contribution towards visitor management and mitigation measures at Cole Mere, secured through a Section 106 Agreement. The Appropriate Assessment concludes that, with this mitigation in place, the proposal would not adversely affect the integrity of the designated site either alone or in combination with other plans or projects.

Conclusion

- 6.4.11 The development would result in the loss of a proportion of existing habitat and biodiversity considerations therefore form an important part of the assessment.

The concerns raised regarding protected species, habitat loss, ecological connectivity, lighting impacts and Biodiversity Net Gain have been carefully considered. However, the Council's Ecology Officer raises no objection to the proposal subject to conditions and planning obligations.

- 6.4.12 The submitted ecological information is considered sufficient to assess the likely impacts of the proposal, protected species interests can be appropriately safeguarded, and the Habitats Regulations requirements can be satisfied through the proposed mitigation measures. Whilst the detailed mechanism for achieving the required Biodiversity Net Gain has not yet been finalised, the Ecology Officer is satisfied that this can be secured through the statutory Biodiversity Gain process, planning conditions and legal agreement, and development could not lawfully commence unless the statutory biodiversity gain requirements are met.
- 6.4.13 On that basis, the proposal is not considered to give rise to unacceptable ecological impacts and is considered acceptable in ecological terms, subject to the recommended mitigation, conditions and planning obligations.

6.5 Landscape and visual impact and Green Infrastructure

- 6.5.1 A significant number of representations, including those from the Parish Council, Clive Matters, local residents and the local Ward Member, raise concerns regarding the effect of the proposed development on the character and appearance of the area. Particular concerns relate to the loss of open countryside, the perceived estate-style form of development, harm to the rural setting of Clive, visual effects on the approach to the village from Broughton Bank, impacts on local landscape character, the loss of dark skies, and concerns that the proposed development would be out of keeping with the existing pattern of village growth. These matters have been carefully considered together with the submitted Landscape and Visual Appraisal (LVA) and the comments of the Council's Green Infrastructure Officer.
- 6.5.2 The application is supported by a LVA prepared by Arthian. The appraisal identifies the site as lying within the Principal Settled Farmlands Landscape Character Area and concludes that the proposal would result in moderate adverse effects on the landscape character of the site itself during the early years following development. Effects on the wider Principal Settled Farmlands Landscape Character Area are assessed as minor adverse. The appraisal further concludes that visual effects would be experienced primarily from a limited number of nearby viewpoints, public rights of way and neighbouring residential properties, with effects reducing over time as landscape mitigation planting establishes and matures. The appraisal concludes that the landscape has capacity to accommodate development of the scale proposed without giving rise to overriding landscape or visual harm.
- 6.5.3 The Council's Green Infrastructure Officer has not raised an objection to the

development in principle. In doing so, the Officer reviewed the submitted LVA , illustrative layout and landscape proposals and identified a number of matters that should be addressed through future Reserved Matters submissions. In particular, concern is raised regarding the extent to which some landscape mitigation and structural planting relies upon planting within private residential plots. The Green Infrastructure Officer advises that, where appropriate, important structural planting, boundary treatment and landscape mitigation should instead be incorporated within publicly managed open space to ensure long-term retention and management. The Officer also identifies opportunities to strengthen green infrastructure connectivity, public open space provision, formal play provision, street tree planting and links to the wider Public Rights of Way network. These matters are capable of being addressed through Reserved Matters submissions and appropriate planning conditions. The illustrative layout identifies a potential pedestrian connection to Public Right of Way 0206/12/1 and, having regard to the applicant's wider land ownership, officers are satisfied that the provision of such a connection can be secured through an appropriately worded planning condition and considered in detail through the Reserved Matters process.

- 6.5.4 The concerns raised by objectors regarding the impact of the development on the rural character of Clive, and in particular the perception that the proposal would introduce an estate-style form of development at odds with the existing pattern of growth within the village, are acknowledged. It is accepted that the proposal would extend built development onto a currently undeveloped parcel of agricultural land and that this would alter the character and appearance of the site. The application is in outline form and the submitted layout is illustrative only. Nevertheless, the development of up to 25 dwellings would introduce built form where none currently exists, and some adverse effects on landscape character and visual amenity would arise. These effects weigh against the proposal.
- 6.5.5 Particular concern has been raised regarding views approaching the village from the vicinity of Broughton Bank and the potential effect of the development on the rural setting of Clive. Officers accept that development of the site would alter the experience of these views, replacing part of the existing agricultural foreground with residential development. However, the submitted LVA assesses effects on the wider landscape character area as minor adverse and concludes that the most significant visual effects would remain relatively localised. Whilst residents and visitors may reasonably attribute greater value to certain views than that identified within the appraisal, the site is not subject to any national or local landscape designation and the evidence before the Local Planning Authority does not demonstrate that the impacts would be of such significance as to justify refusal of the application.
- 6.5.6 The application site directly adjoins and is physically related to the existing settlement edge. Existing hedgerows, trees and surrounding built development provide a degree of visual containment and the proposed development would be seen in the context of the existing village rather than as an isolated feature within

the wider landscape. The LVA identifies the greatest visual effects from sections of Public Right of Way 0206/12/1 immediately to the south of the site and from a limited number of nearby residential properties. Whilst these effects are assessed as moderate adverse, or moderate to major adverse in specific locations during the early years following development, they are also assessed as reducing over time as proposed planting matures and the development becomes more integrated within its surroundings.

6.5.7 Concerns regarding impacts upon dark skies are also acknowledged. Residential development of the site would inevitably introduce additional sources of light, including lighting associated with dwellings, vehicle movements and potentially external lighting infrastructure, and would therefore alter the existing night-time character of the site and its immediate surroundings to some degree. However, the site directly adjoins existing residential development and forms part of the settlement edge of Clive, where domestic lighting is already present. The extent, form and necessity of any external lighting is not known at this stage and would be subject to future consideration through Reserved Matters submissions, highway design requirements and ecological lighting controls where appropriate. Whilst some increase in night-time illumination is an inevitable consequence of development, the evidence before the Local Planning Authority does not indicate that the resulting effects would be so significant as to justify refusal of the application.

6.5.8 Overall, officers conclude that the proposal would result in some harm to landscape character and visual amenity. This harm attracts weight against the proposal. However, having regard to the findings of the submitted Landscape and Visual Appraisal, the absence of any landscape objection in principle from the Council's Green Infrastructure Officer, the location of the site adjacent to the existing settlement edge, and the opportunities to secure enhanced landscape mitigation, green infrastructure measures and public open space through the Reserved Matters process, the identified landscape and visual effects are not considered to be of such magnitude as to justify refusal of the application. The proposal is therefore considered acceptable in landscape and Green Infrastructure terms, subject to appropriate planning conditions and the future approval of Reserved Matters.

6.6 Trees and arboriculture

6.6.1 A number of representations raise concerns regarding the potential loss of trees, hedgerows and green infrastructure associated with the proposed development. These matters have been considered together with the submitted arboricultural information and the advice of the Council's Tree Officer.

6.6.2 The application is supported by an Arboricultural Survey and Impact Assessment together with an associated Tree Protection Plan prepared by Arthian Ltd. The submitted information identifies the existing tree resource on and adjacent to the

site and considers the likely implications of the proposed development. The Council's Tree Officer has reviewed the submitted information and raises no objection to the application on arboricultural grounds.

6.6.3 Given that the application is in outline form, the final layout of the development has not yet been fixed and the detailed relationship between proposed development, retained trees and future planting will be considered at Reserved Matters stage. The Tree Officer has advised that any planning permission should be subject to conditions requiring:

- the submission of a detailed Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan based on the final site layout, prepared in accordance with BS5837:2012; and
- the submission of a comprehensive landscaping scheme, including appropriate tree and hedgerow planting, prepared in accordance with BS8545:2014, together with details of planting specifications, protection, maintenance and replacement.

These requirements reflect the outline nature of the application, where the final layout, landscaping and relationship between development and retained trees have not yet been determined.

6.6.4 The concerns raised by objectors regarding the retention of trees and hedgerows are acknowledged. However, having regard to the submitted arboricultural information and the advice of the Council's Tree Officer, there is no evidence before the Local Planning Authority that the proposal would result in unacceptable arboricultural impacts. Subject to the recommended conditions securing tree protection measures, detailed arboricultural assessment and landscape planting, the proposal is considered acceptable in tree and arboricultural terms.

6.7 **Heritage and archaeology**

6.7.1 A number of representations raise concerns regarding the effect of the proposal on the historic character of Clive and its rural setting. These matters have been considered together with the submitted Heritage Impact Assessment and the advice of the Council's Archaeology Officer. Whilst the concerns raised by objectors are acknowledged, these primarily relate to the perceived effect of the development on village character and landscape setting and are considered separately within the Landscape and Visual Impact section of this report.

6.7.2 The application is supported by a Heritage Impact Assessment (HIA) prepared by Berrys which considers both the archaeological potential of the site and the potential impact of the proposal on designated heritage assets within the surrounding area. The assessment identifies a number of listed buildings within the wider study area, including the Grade II* listed Church of All Saints. Whilst some intervisibility exists between the site and the church, the assessment concludes that the proposed development would be experienced in the context of

the existing settlement edge of Clive and would not result in harm to the significance or setting of the church or any other designated heritage asset. No designated heritage assets would be directly affected by the proposal. Officers have reviewed the HIA and agree with its conclusion that the proposal would not result in harm to the significance or setting of any designated heritage asset.

6.7.3 As regards archaeology, the Council's Archaeologist has provided comments on the application following earlier pre-application advice. The site lies between Clive and Yorton, the latter being a settlement of early medieval origin recorded in the Domesday Survey. Whilst no designated or non-designated heritage assets are recorded within the application site itself on the Historic Environment Record, there is evidence of historic mining and extraction activity within the wider area, including the former Clive Copper Mine, together with records of earlier archaeological finds.

6.7.4 The submitted HIA concludes that the archaeological potential of the site is low to very low. Although the assessment was not informed by intrusive archaeological evaluation despite earlier pre-application advice, the Archaeology Officer is satisfied that the submitted information is sufficient for the purposes of determining the application at outline stage and has confirmed that any remaining uncertainty regarding archaeological interests can be appropriately addressed through a phased programme of archaeological investigation secured by condition.

6.7.5 The Archaeology Officer raises no objection to the proposal but recommends that any planning permission should be subject to a condition requiring a phased programme of archaeological investigation. This would comprise an initial geophysical survey and targeted trial trenching, with any further mitigation undertaken where necessary, to ensure that any archaeological remains are appropriately investigated, recorded and safeguarded in accordance with Policy MD13 of the SAMDev Plan and the National Planning Policy Framework.

6.7.6 Having regard to the submitted HIA, the advice of the Council's Archaeology Officer and the absence of any identified harm to the significance or setting of designated heritage assets, the proposal is not considered to give rise to unacceptable heritage or archaeological impacts. Subject to the recommended archaeological condition, the development is considered acceptable in heritage and archaeological terms.

6.8 Residential amenity (outline considerations)

6.8.1 A number of representations raise concerns regarding the effect of the proposed development on neighbouring living conditions. These concerns include perceived overlooking, loss of privacy, noise and disturbance, the relationship between proposed and existing dwellings, impacts arising from the elevated position of parts of the site, and disturbance associated with the construction

phase. These matters have been considered together with the submitted outline proposals and the advice of the Council's Environmental Protection Officer.

- 6.8.2 The application seeks outline planning permission with only access submitted for approval. Matters relating to layout, scale, appearance and landscaping remain reserved for future consideration. The precise position, orientation, design and scale of individual dwellings has therefore not yet been determined. As a consequence, a detailed assessment of matters such as separation distances, overlooking relationships, garden sizes, levels, outlook and residential amenity can only be undertaken at Reserved Matters stage.
- 6.8.3 Given that layout, scale, appearance and landscaping are reserved matters, matters such as separation distances, overlooking, outlook, levels, privacy and garden provision will require careful consideration as part of any future Reserved Matters application. The Local Planning Authority would need to be satisfied at that stage that the detailed design secures an acceptable standard of amenity for both existing and future occupiers.
- 6.8.4 Shropshire Council Regulatory Services were consulted on the application and raise no objection in principle to the proposed development on residential amenity grounds. However, the Environmental Protection Officer recommends that construction-related impacts, including noise, dust and general disturbance, should be appropriately controlled through the submission and implementation of a Construction Environmental Management Plan (CEMP).
- 6.8.5 Whilst the concerns raised by neighbouring residents are acknowledged, the precise position, scale and relationship of any future dwellings have not been established at this stage. Subject to the future approval of an acceptable Reserved Matters scheme and the implementation of appropriate construction controls, there is no evidence before the Local Planning Authority that the site could not be developed in a manner that protects the living conditions of existing and future occupiers. The proposal is therefore considered acceptable in residential amenity terms at this stage.

6.9 **Infrastructure and developer contributions**

- 6.9.1 A substantial number of representations raise concerns regarding the capacity of local infrastructure to accommodate the proposed development. Particular concerns relate to healthcare provision, school capacity, water supply infrastructure, sewerage infrastructure and the cumulative impact of residential growth within Clive. These matters have been considered together with the consultation responses received from relevant consultees.
- 6.9.2 The proposal gives rise to a number of planning obligations and infrastructure requirements which are necessary to make the development acceptable in planning terms. These obligations are considered capable of satisfying the tests

set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Affordable housing

- 6.9.3 The Council's Affordable Housing Team advises that the proposal should provide affordable housing in accordance with Policy CS11 of the Core Strategy and the adopted Type and Affordability of Housing SPD. The prevailing affordable housing requirement for this part of the County is 10%, with the precise tenure mix, dwelling types and distribution to be secured through a Section 106 Agreement and agreed as part of any subsequent Reserved Matters application.

Biodiversity Net Gain and Habitats Regulations mitigation

- 6.9.4 The Council's Ecology Officer advises that a Section 106 Agreement is required to secure the delivery, monitoring and management of Biodiversity Net Gain for a minimum period of 30 years together with the associated monitoring contribution. The agreement will also secure the financial contribution required to mitigate recreational impacts on Cole Mere Ramsar Site identified through the Habitats Regulations Assessment process.

Public open space, green infrastructure and sustainable drainage

- 6.9.5 The proposal will incorporate public open space, landscaping, green infrastructure and sustainable drainage features intended to serve future residents. Both the Green Infrastructure Officer and Ecology Officer identify the need for appropriate long-term management and maintenance arrangements. Where such infrastructure is not proposed for adoption by a statutory authority, appropriate arrangements will be required to secure its future provision, management and maintenance. The Section 106 Agreement will therefore secure the management and maintenance of public open space, children's play provision, structural landscaping, green infrastructure and sustainable drainage infrastructure together with any necessary management company arrangements.

Healthcare

- 6.9.6 A number of representations state that Clive Medical Practice is operating at or close to capacity and that further development would place additional pressure on healthcare services. These concerns are acknowledged.
- 6.9.7 The Integrated Care Board has assessed the likely impact of the development and requested a financial contribution towards healthcare infrastructure.
- 6.9.8 However, Shropshire Council is a Community Infrastructure Levy (CIL) charging authority and healthcare infrastructure is capable of being funded through the Council's CIL programme. In this regard, healthcare infrastructure requirements can be considered alongside other strategic infrastructure priorities when determining future CIL expenditure. The requested healthcare contribution is therefore not proposed to be secured through the Section 106 Agreement, as

healthcare infrastructure is capable of being funded through the Council's CIL programme.

Education

6.9.9 Concerns have also been raised regarding the ability of local schools to accommodate additional pupils arising from the development.

6.9.10 Shropshire Council Learning and Skills advises that additional school place capacity may be required at both primary and secondary level and confirms that education infrastructure requirements arising from the development should be addressed through the CIL process rather than by site-specific planning obligation. CIL receipts generated by the development will therefore contribute towards strategic infrastructure provision, including education and other infrastructure priorities identified by the Council.

Utility infrastructure

6.9.11 Concerns regarding water supply, foul drainage and sewerage infrastructure have been carefully considered elsewhere within this report. Whilst these matters feature prominently within public representations, the information before the Local Planning Authority does not demonstrate that the development could not be served by the existing utility networks or that any necessary infrastructure improvements could not be delivered through the relevant statutory regimes. Utility infrastructure provision remains subject to the separate statutory responsibilities of the relevant undertakers.

Conclusion

6.9.12 Having regard to the consultation responses received and the planning obligations proposed, the infrastructure impacts arising from the development are considered capable of being appropriately addressed.

Subject to the completion of a Section 106 Agreement securing:

- 6.9.13
- 10% affordable housing;
 - Biodiversity Net Gain, including habitat management, monitoring and maintenance for a minimum period of 30 years;
 - a financial contribution, currently calculated at £50 per bedroom, towards recreational mitigation measures at Cole Mere Ramsar Site;
 - the provision and long-term management and maintenance of public open space, children's play provision, structural landscaping, green infrastructure and sustainable drainage infrastructure; and
 - appropriate management company arrangements where such infrastructure is not proposed for adoption by a statutory authority.
- together with payment of any applicable Community Infrastructure Levy, the impacts of the development are considered capable of appropriate mitigation.

The proposal is therefore considered acceptable in infrastructure and developer contribution terms.

6.9.14

7.0 Conclusion and overall planning balance

- 7.1 The application seeks outline planning permission for residential development of up to 25 dwellings on land south of Station Road, Clive, with all matters reserved except for access.
- 7.2 The site lies outside any defined settlement boundary and is therefore treated as countryside for the purposes of the adopted development plan. The proposal conflicts with the spatial strategy set out within the adopted development plan, particularly Policies CS5 and MD7a, which seek to strictly control new open market residential development in the countryside. This conflict forms a central component of the objections raised by the Parish Council, local Ward Member and local residents and weighs against the proposal.
- 7.3 However, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, significant material considerations arise from the current national planning policy context. The Council is currently unable to demonstrate a five-year supply of deliverable housing land and has identified a housing land supply of 4.61 years. Consequently, the decision-making policies of the National Planning Policy Framework relating to housing delivery are directly engaged and the presumption in favour of sustainable development applies. Policies S5 and HO7 of the August 2026 NPPF place significant emphasis on meeting housing needs and require substantial weight to be afforded to the delivery of new homes, including affordable housing.
- 7.4 The proposal would deliver up to 25 dwellings, including policy-compliant affordable housing provision, at a time when the Council cannot demonstrate a five-year supply of deliverable housing land. In accordance with Policies S5 and HO7 of the National Planning Policy Framework, this attracts significant weight in favour of the proposal. The proposal would also provide temporary economic benefits during the construction phase.
- 7.5 The site directly adjoins and is physically related to the existing built form of Clive and is not considered to represent an isolated location. Clive contains a number of community facilities including a primary school, medical practice, village hall and church, together with access to bus services and rail services at nearby Yorton. Whilst opportunities for travel by means other than the private car exist, it is recognised that the settlement is rural in nature and that such opportunities are more limited than would typically be the case in larger towns and urban areas. The facilities available locally, the role and function of the settlement and the degree of reliance upon private car travel have been taken into account as part of the overall planning balance.
- 7.6 The concerns raised by local residents, Clive Matters, the Parish Council and the local Ward Member have been carefully considered throughout the assessment

of the application. The proposal has been assessed in detail against all material planning considerations. The Local Highway Authority and Lead Local Flood Authority initially raised concerns but subsequently withdrew their objections following the submission of additional information and revised technical assessments. Similarly, no objections are maintained by the Council's Ecology Officer, Green Infrastructure Officer, Tree Officer, Archaeology Officer or Environmental Protection Officer, subject to the recommended planning conditions, planning obligations and, where appropriate, further consideration through the Reserved Matters process. Concerns relating to healthcare capacity, education provision and other local infrastructure requirements have also been considered and are capable of being addressed through the Community Infrastructure Levy framework, planning obligations where appropriate and the wider statutory responsibilities of infrastructure providers. The information before the Local Planning Authority does not demonstrate that the proposal would result in unacceptable impacts in relation to highway safety, flood risk, foul drainage, water supply, biodiversity, heritage assets, arboriculture, residential amenity or infrastructure provision.

- 7.7 The proposal would nevertheless give rise to a number of adverse impacts. Most notably, it conflicts with the adopted settlement strategy and would result in the loss of approximately 1.99 hectares of agricultural land together with some localised landscape and visual harm arising from the extension of development onto a currently undeveloped site. These matters attract weight against the proposal.
- 7.8 However, the agricultural land affected is not identified as Best and Most Versatile agricultural land and the proposal is therefore not considered to conflict with the specific provisions of Policy N2 of the National Planning Policy Framework relating to the protection of BMV land. The landscape and visual impacts, whilst adverse, are assessed as localised and capable of mitigation through detailed design, structural planting and green infrastructure measures secured through planning conditions and the Reserved Matters process.
- 7.9 Officers acknowledge the genuine concerns raised by local residents regarding the scale of development, its countryside location and its effects on the character of the area. Those concerns have informed the assessment and are reflected in the weight attributed to the conflict with the adopted development plan and the identified landscape harm. However, for the reasons set out above, the adverse effects of the proposal are not considered to substantially outweigh its benefits.
- 7.10 When assessed against the development plan and the national decision-making policies of the National Planning Policy Framework as a whole, officers consider that the benefits of the proposal would not be substantially outweighed by its adverse effects. Taking account of the Council's current housing land supply position, the support provided by Policies S5 and HO7 of the National Planning Policy Framework, the delivery of market and affordable housing, and the detailed assessment of all other material considerations, the proposal is

considered acceptable, subject to the mitigation measures, planning obligations and planning conditions identified within this report.

7.11 Accordingly, subject to the completion of a Section 106 Agreement and the imposition of appropriate planning conditions, the application is recommended for approval.

7.12 In considering the application due regard has been given to the relevant planning policies of the Shropshire Core Strategy, the SAMDev Plan and the National Planning Policy Framework (August 2026) and the Type and Affordability of Housing SPD and the Design of New Dwellings SPD. The Local Planning Authority has also had special regard to the desirability of preserving the setting of listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons set out within Section 6.7 of this report, it is concluded that the proposal would not result in harm to the significance or setting of any listed building.

8.0 Artificial Intelligence (AI)

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

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

HABITATS REGULATIONS ASSESSMENT (HRA)

1.0 INTRODUCTION

As required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended), before Shropshire Council (the competent authority) can grant planning permission for a project that has the potential to affect an internationally designated site, the council has to undertake a Habitat Regulations Assessment.

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Shropshire Council relating to the following planning application.

NAME OF PLAN OR PROJECT AND DESCRIPTION:	25/03814/OUT Residential Development Land To The South Of, Station Road, Clive, Shrewsbury, Shropshire. Outline Planning Application (with access for approval) for a residential development of up to 25 dwellings
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2.0 HRA STAGE 1 – SCREENING

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures which are not an integral part of the project but which are put in place to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

NAME AND DESCRIPTION OF SITE(S) SITE SCREENED IN FOR CONSIDERATION:	Cole Mere is part of the Midland Meres and Mosses Phase 2 Ramsar site. As a whole, the Ramsar is designated for the following: Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog. Criterion 2a. Supports a number of rare plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i>, elongated sedge <i>Carex elongate</i> and bog rosemary <i>Andromeda polifolia</i>. Also present are the nationally scarce bryophytes <i>Dicranum undulatum</i>, <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>. Criterion 2a. Containing an assemblage of invertebrates, including several rare wetland species. There are 16 species of Red Data Book insect listed for the site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>. Cole Mere exhibits open water, swamp, wet pasture and
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	carr habitats.
POTENTIAL EFFECT PATHWAYS:	Recreational pressure
IS THE PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO THE MANAGEMENT OF THE SITE (PROVIDE DETAILS)?	No
ARE THERE ANY OTHER PROJECTS OR PLANS THAT TOGETHER WITH THE PROJECT BEING ASSESSED COULD AFFECT THE SITE (PROVIDE DETAILS)?	Yes. The SAMDev Plan and Local Plan Review both identify site allocations which lie within the Zone of Influence of Cole Mere (estimated to be 11.7km from the site derived from on-site visitor surveys). These allocations and any windfall sites would act in combination with the proposed project.

2.1 ARE SIGNIFICANT EFFECTS LIKELY?

The proposed development consists of 25 dwellings approximately 11.3km from Cole Mere, therefore within the 11.7km catchment where additional housing is likely to give rise to significant adverse effects upon the structure, function and integrity of the site, through increased recreation.

Cole Mere is owned by Shropshire Council, is a Countryside Heritage Site, Common Land and has been declared Open Access Land. Hence there is full public access to the site.

The Shropshire Council Cole Mere Management Plan 2020 - 25 states that the site is popular for dog walking and bird watching, especially with the link to the Shropshire Union Canal and Ellesmere. The amenity grass area is well used for picnicking and informal games. Formal recreation includes sailing and angling.

The site is sensitive to increased visitor pressure through a number of means:

- direct disturbance (swimming of dogs, trampling by people);
- eutrophication of surrounding habitats, particularly species-rich meadows, by increased dog fouling;
- increased risk of non-native and/or invasive plant introductions; and
- visitors preventing appropriate management of the site designed to restore the designated features (e.g. grazing).

Face to face visitor questionnaire surveys using a standard methodology were carried out at Cole Mere in August and September 2017. The results suggest that baseline recreational pressure is around 8.75 people per hour (averaged over the year) and 37,000 people per year.

The majority of visitors complete the circular walk around the lake. Dog walking was the most commonly cited reason for visiting (47.1%), although walking and exercise were also popular. The majority of dog walkers said their dog(s) were let off the lead (86.2%), and almost half of dog owners said their dog(s) entered the water (48.3%).

The study proposes an indicative catchment area of 11.7km (75% of visits) from Cole Mere, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

The report concluded that in light of the high baseline visitation levels at Cole Mere, any increase in recreational pressure arising from new housing within the 11.7km catchment is likely to give rise to significant adverse effects upon the structure, function and integrity of site and impact avoidance measures are required.

2.2 SCREENING CONCLUSION

Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to have a significant effect on the Midland Meres and Mosses Phase 2 Ramsar (constituent site Cole Mere). An Appropriate Assessment is therefore required.

3.0 HRA STAGE 2 – APPROPRIATE ASSESSMENT

3.1 PREDICTED IMPACTS

Both the Cole Mere Visitor Survey Report (EPR, May 2018) and the Cole Mere Management Plan 2020-2025 (Shropshire Council) identify that recreational pressure is influencing the integrity of Cole Mere and impacting upon the aim to bring it into favourable condition.

The site has a relatively high visitation rate and dog walking and walking are popular, leading to impacts as follows:

- Increased nutrients derived from dog faeces and urine damaging nutrient poor habitats;
- Increased physical damage to habitats through walkers and dogs;
- Increased risk of introducing invasive species, via footwear, equipment and dogs; and
- Interference with habitat management.

The average household size in the UK was 2.36 residents per household in 2023¹.

It can be assumed that of the 25 households proposed, around 36% of those are likely to own a dog² with an average of 1.3 dogs per dog owning household, which equates to an additional 12 dogs and 59 additional people in the visitor catchment of Cole Mere.

¹ ONS website:

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2023> (Accessed 11th April 2025.)

² Statista Website: <https://www.statista.com/statistics/308218/leading-ten-pets-ranked-by-household-ownership-in-the-united-kingdom-uk/> (Accessed 11th April 2025.)

3.2 COUNTERACTING (MITIGATION) MEASURES

In order to protect Cole Mere, Shropshire Council identified a suite of visitor improvement measures that could be implemented at the site to mitigate recreational impacts, which the proposed development could contribute to. The measures include improved visitor signage, visitor infrastructure maintenance, car park improvements, visitor monitoring etc.

A contribution of £4800 (£50/bedroom) will be made to Shropshire Council to implement ongoing visitor management mitigation measures which will be secured in a section 106 agreement.

3.3 ASSESSMENT OF ADVERSE EFFECTS ALONE

There will be no adverse effect on site integrity, alone.

3.4 ASSESSMENT OF ADVERSE EFFECTS IN COMBINATION

There will be no adverse effect on site integrity in-combination with any other proposals, as residual effects will be absent.

3.5 SECURING OF MITIGATION MEASURES

A section 106 agreement is proposed to secure the contribution to the visitor management measures.

4.0 FINAL CONCLUSION

Following Stage 1 screening, Shropshire Council concluded that the proposed development is likely to cause significant effects on the Midlands Meres and Mosses Phase 2 Ramsar (constituent site Cole Mere) through the pathways detailed in this HRA.

The Appropriate Assessment concludes that, with the imposition of mitigation measures as detailed in this HRA, the proposed works under planning application reference 25/03814/OUT will not adversely affect the integrity of the Midlands Meres and Mosses Phase 2 Ramsar (constituent site Cole Mere). A planning decision can be made on this basis.

DATE OF COMPLETION FOR THE HRA SCREENING MATRIX:

27/03/2026

HRA COMPLETED BY:

Sophie Milburn
Planning Ecologist

APPENDIX 1

Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 63, part 1:

63. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 63, part 5:

63. (5) In light of the conclusions of the assessment, and subject to regulation 64 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site", or "it may happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – *Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009)*.

63. (6) In considering whether a project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

Habitats Regulations Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 64 of the Conservation of Habitats and Species Regulations 2017. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

10. Background

Relevant Planning Policies

Core Strategy and SAMDev Plan Policies:

- CS1 - Strategic Approach
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS8 - Facilities, Services and Infrastructure Provision
- CS9 - Infrastructure Contributions
- CS11 - Type and Affordability of housing
- CS18 - Sustainable Water Management
- MD1 - Scale and Distribution of Development

MD2 - Sustainable Design
MD3 - Managing Housing Development
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S17 - Wem
SPD Type and Affordability of Housing
SPD Design of New Dwellings

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

SS/26/00065 SSPPA00001 - Site 16 SSA 7th April 2025

PREAPM/25/00083 Proposed residential development of up to 25 dwellings PREAMD 13th May 2025

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T3XGUYTDLC300>

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 Alison Williams
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. Construction works, site clearance, deliveries and the operation of plant and machinery shall not take place outside 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenities of occupiers of nearby properties from noise and disturbance.

5. The plans and particulars submitted in support of a reserved matters application shall include a landscaping scheme, incorporating suitable tree and hedge planting as appropriate, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape ' Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:

a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting,

means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;

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

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

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

6. The first Reserved Matters application relating to layout and landscaping shall include details of a pedestrian connection from the development to Public Right of Way 0206/12/1 across land within the applicant's control. The details shall include the alignment of the route, surfacing, accessibility arrangements, relationship to the proposed public open space and Green Infrastructure corridors, and arrangements for its future maintenance and management.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To secure appropriate Green Infrastructure connectivity, recreational accessibility and integration with the wider Public Rights of Way network in accordance with adopted development plan policies CS17 and MD2.

7. The first Reserved Matters application shall include:

a) details of existing and proposed site levels across the development;

b) existing and proposed finished floor levels of all buildings;

c) site cross-sections through the development demonstrating the relationship between the proposed development, surrounding land levels, adjacent residential properties and the adjoining highway; and

d) details of any proposed earthworks, retaining structures or changes to ground levels.

Development shall thereafter be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to properly assess the effect of the development on visual amenity, landscape character, neighbouring residential amenity and the wider character of the area, having regard to the sloping nature of the site.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing.

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

Reason: The site is known to hold archaeological interest.

9. Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted Flood Risk Assessment Addendum / Technical Note (Berrys, May 2026) and Outline Drainage Strategy Concept Sheets 1 of 2 and 2 of 2 (Drawing Nos. SA54111-BRY-ST-PL-C-0001 Rev B and SA54111-BRY-ST-PL-C-0002 Rev A), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be constructed and implemented prior to the first occupation of the development. The scheme shall address the following matters:

- Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP).
- Provision of interception for the first 5mm of rainfall for the majority of rainfall events.
- Provision of multiple surface water attenuation storage features, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP and 1% AEP rainfall events (both including allowances for climate change).
- A continuous positive gravity fall throughout the proposed drainage network and outfall route.
- Detailed designs, modelling calculations and drawings of the drainage storage and conveyance network in the:
 - I. 3.33% AEP critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - II. 1% AEP critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- Urban Creep of 10% shall be added to impermeable areas of residential properties.

- Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015 or any update), including appropriate biodiversity, amenity and treatment stages for water quality prior to discharge.
- Drawings showing exceedance flow routing and the management of exceedance flows during rainfall events in excess of the 1% AEP event plus climate change allowance, ensuring risks to people and property are minimised.
- Finished ground floor levels of residential properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

Reason: To prevent flooding in accordance with the National Planning Policy Framework and the National SuDS Standards by ensuring the satisfactory management of local sources of flooding, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

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

Reason: To ensure the satisfactory provision of foul drainage infrastructure.

11. Prior to the commencement of development hereby permitted full engineering details of the proposed site access junction and associated footway works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the 1st dwelling.

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

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

- I. A construction programme including phasing of works;
- II. A 24-hour emergency contact number;
- III. expected number and type of vehicles accessing the site:
 - Deliveries, waste, cranes, equipment, plant, works, visitors;
 - Size of construction vehicles;
 - The use of a consolidation operation or scheme for the delivery of materials and goods;

- Phasing of works;
- IV. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;
 - Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling
- V. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- VI. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- VII. Locations for storage of plant/waste/construction materials;
- VIII. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- IX. Arrangements to receive abnormal loads or unusually large vehicles;
- X. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- XI. Any necessary temporary traffic management measures;
- XII. Measures to protect vulnerable road users (cyclists and pedestrians);
- XIII. Arrangements for temporary facilities for any bus stops or routes;
- XIV. Method of preventing mud being carried onto the highway;
- XV. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan shall be adhered to throughout the construction period.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the site clearance and construction phase of the development.

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

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

14. No part of the development hereby approved shall commence until a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan, based upon the final approved site layout and prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction ' Recommendations, or its current version, have been submitted to and approved in writing by the LPA. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

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

15. No development or site clearance works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures for the control of construction noise, vibration, dust and dirt, together with arrangements for investigating and responding to complaints arising from construction activities. The approved CEMP shall be implemented and adhered to throughout the construction period.

Reason: To safeguard the amenities of neighbouring occupiers during the construction phase in accordance with adopted development plan policies CS6 and MD2.

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

16. The construction of any new estate street shall not be commenced until full engineering, drainage, and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

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

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

A minimum of 6 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks) and house martins (house martin nesting cups).

A minimum of 6 invertebrate boxes or bricks.

A minimum of 2 hedgehog boxes.

The boxes shall be sited in suitable locations, at an appropriate height above the ground and with a clear flight path where relevant, and where they will be unaffected by artificial lighting. Bat boxes should be erected on southerly aspects (south-west, south or south-east) and bird boxes should be erected on northerly or shaded east/west aspects. Swift bricks should be positioned: 1) Out of direct sunlight; 2) At the highest possible position in the building's wall; 3) In clusters of at least three; 4) 50 to 100cm apart; 5) Not directly above windows; 6) With a clear flightpath to the entrance; and 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf>.) The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with local development plan policies MD12 and CS17 and the National Planning Policy Framework.

18. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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National Scheme of Delegation

Cabinet Member:	Councillor David Walker – Portfolio Holder for Planning
Lead Director:	Kassandra Polyzoides – Service Director - Place Shaping
Service Area:	Planning and Development Services
Report Author	Emma Green – Development Manager
Officer contact details	Emma.green@shropshire.gov.uk
Electoral Divisions Affected	All
Key Decision?	Not Key

1. Recommendations

- 1.1 Note the contents of this report, including the mandatory requirements of the National Scheme of Delegation for planning functions and the consequent need to amend the Council's Constitution and associated planning arrangements by 31 October 2026
- 1.2 Delegate authority to the Monitoring Officer, in consultation with the Head of Planning and Building Control, to make all necessary amendments to the Council's Constitution, including Part 3, the Planning Committee Terms of Reference and the Planning Scheme of Delegation, to give lawful effect to the National Scheme of Delegation and the implementation arrangements set out in this report.

2. Executive Summary

- 2.1 The mandatory National Scheme of Delegation replaces incompatible local committee referral arrangements with a statutory framework under which officer determination is the default. Shropshire Council must amend its Constitution and associated planning delegations by 31 October 2026; there is no lawful option to reject, postpone or selectively apply the national requirements.

3. Statutory and Governance Background

- 3.1 The Planning and Infrastructure Act 2025 inserted sections 319ZZC to 319ZZF into the Town and Country Planning Act 1990. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and associated statutory guidance establish the National Scheme from 31 October 2026. The statutory provisions prevail over inconsistent local constitutional policies.
- 3.2 The scheme distinguishes between Schedule 1 functions, Schedule 2 functions, own-interest applications and functions outside the Schedules. Planning Committees are limited to 13 members; both Shropshire Committees already comply with this requirement.

4. Statutory basis and scope of the local gateway

- 4.1 Schedule 2 functions are delegated to authorised officers by default. Categories 1 and 3 are statutorily capable of referral through Regulation 5 but remain delegated unless the gateway requirements are met. The Council has exercised its local administrative discretion to limit routine gateway consideration to categories 1 and 3 and to own-interest applications for which legislation permits committee referral. This is to reflect our current practices and not have a retrograde approach to our committee processes.
- 4.2 Categories 2, 4, 5 and 6 retain their Schedule 2 classification but are excluded from the routine local gateway and remain delegated unless a separate statutory provision permits or requires committee determination. For an eligible application, referral requires the Nominated Officer and Nominated Member to agree that:
 - 1. The application raises one or more of the statutory issues of significance specified in Regulation 5(3), namely: **A.** a significant planning matter, having regard to the development plan and any other material considerations; or **B.** an economic, social or environmental issue of significance to the local area; and
 - 2. committee determination is justified, having regard to the statutory guidance and the intention that referral should be confined to exceptional cases of significant local importance.
- 4.3 Member, council or public representations may prompt consideration of an eligible application but do not create a right to committee determination. If neither criterion is satisfied, or agreement is not reached, Regulation 5(2) requires officer determination.

4. National Scheme Requirements

A. Applications that must be delegated to officers: Schedule 1 functions

Schedule 1 functions must be delegated to authorised officers and cannot be referred to Planning Committee. Existing local referral triggers, including Ward Member requests, Town or Parish Council objections, objection numbers or other local call-in arrangements, do not apply to Schedule 1 functions.

No.	Application type	Explanation
1	Householder applications	Alterations or extensions to an existing dwelling and development within the curtilage of a dwelling.
2	Minor commercial applications	Small-scale non-residential development below the thresholds for major development.
3	Minor residential applications	Residential proposals of up to 9 dwellings on a site of less than 0.5 hectares, and other small-scale residential development as defined in the Regulations.
4	Permission in principle	Applications under section 58A of the Town and Country Planning Act 1990.
5	Section 73 variations linked to Schedule 1 permissions	Applications to vary or remove conditions where the original permission was a Schedule 1 application.
6	Non-material amendments	Applications under section 96A of the Town and Country Planning Act 1990.
7	Certificates, condition discharge and biodiversity matters	Certificates of lawfulness, discharge of conditions, biodiversity gain plans, certificates relating to listed building works and certificates of appropriate alternative development where treated as Schedule 1.
8	Reserved matters not linked to a large outline permission	Reserved matters applications following outline permissions other than large outline permissions.

B. Schedule 1 applications subject to reclassification

An application that would otherwise fall within Schedule 1 must be treated as a Schedule 2 application where it is retrospective, where it is connected to a Schedule 2 listed building consent or listed building condition matter, or where it is an own-interest application made by or on behalf of the Council, a Member, an officer, or an entity owned or controlled by them.

C. Schedule 2 functions: officer delegation and limited gateway eligibility

Schedule 2 functions are delegated by default. Only category 1, category 3 and eligible own-interest applications enter the routine local gateway. Categories 2, 4, 5 and 6 remain delegated unless a separate statutory provision applies.

An eligible application may proceed to committee only where the Nominated Officer and Nominated Member agree that criterion A or B is satisfied and that referral is justified as an exceptional case of significant local importance. Otherwise it remains delegated under Regulation 5(2).

No.	Application type	Explanation
1	Planning applications not in Schedule 1	Major, larger-scale or more complex applications and all other planning applications not classified as Schedule 1. Schedule 2 category 1 applications are eligible for the local gateway but remain delegated unless the gateway requirements are fully satisfied.
2	Retrospective planning applications	Applications for development already carried out under section 73A of the Town and Country Planning Act 1990. These remain delegated to officers by default and will not be routinely routed through the local gateway process unless an exceptional own-interest or other statutory requirement applies.
3	Reserved matters following large outline permissions	Reserved matters applications following outline permissions for 500 or more dwellings or at least 50,000 square metres of commercial floorspace. Schedule 2 category 3 applications are eligible for the local gateway but remain delegated unless the gateway requirements are fully satisfied.
4	Section 73 and Section 106A matters linked to Schedule 2 permissions	Applications or requests to vary conditions, or modify or discharge planning obligations, where connected to a Schedule 2 permission or approval. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.
5	Listed building consent and listed building condition matters	Applications for listed building consent and applications to vary or discharge listed building consent conditions. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.
6	Advertisement consent and Tree Preservation Order applications	Applications for advertisement consent and consent for works to trees protected by a Tree Preservation Order. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.

D. Referral of eligible Schedule 2 and own-interest applications to Planning Committee

For an eligible application, the Nominated Officer and Nominated Member must both agree that: **A.** it raises a significant planning matter having regard to the development plan and other material considerations; or **B.** it raises an economic, social or environmental issue of significance to the local area. They must also agree that committee determination is justified. Satisfaction of a criterion alone does not secure referral, and neither participant has an overriding or casting decision.

Representations or public interest may prompt gateway consideration of an eligible application but do not create an automatic committee route. Consideration will take place through the pre-agenda arrangements for the relevant Planning Committee.

Gateway consideration should occur once sufficient information is available and before publication of the committee agenda.

1. Gateway test

Stage	Gateway question	Outcome
1. Eligibility test	Is the application a Schedule 2 category 1 or 3 function, or an own-interest application capable of gateway consideration?	Schedule 1 functions remain delegated and cannot be referred. Category 1, category 3 and eligible own-interest applications proceed to the significance test. Categories 2, 4, 5 and 6 remain delegated unless a separate statutory provision applies.
2. Significance test	Does the application: A. raise a significant planning matter having regard to the development plan and any other material considerations; or B. raise an economic, social or environmental issue of significance to the local area?	If neither statutory criterion is met, the application remains delegated to officers. If one or both criteria may be met, proceed to the referral indicators and control test.
3. Referral indicators	Are there indicators that gateway consideration is justified, such as significant unresolved development plan conflict, substantial local impacts, significant unresolved statutory consultee concerns, major public interest, particular sensitivity, or an own-interest issue requiring transparency?	Indicators may justify gateway consideration but do not create an automatic committee route. The Nominated Officer and Nominated Member must still apply the statutory test.
4. Control test	Can the issues reasonably be addressed through negotiation, amended plans, planning conditions, planning obligations, or normal officer assessment?	If the issues can reasonably be managed through normal planning processes, the Nominated Officer and Nominated Member should not normally conclude that committee referral is justified.

5. Decision test	Have the Nominated Officer and Nominated Member both concluded that one or both statutory committee referral criteria are met and that committee determination is justified?	Referral should proceed only where the Nominated Officer and Nominated Member agree that one or both statutory committee referral criteria are met and that committee determination is justified. Where they do not agree, the application must remain delegated to officers in accordance with Regulation 5(2). Neither participant has an overriding or casting decision.
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5. Local Implementation Arrangements

- 5.1 The gateway process will apply only to category 1, category 3 and eligible own-interest applications. Officers will:
1. classify the function and confirm its decision route;
 2. confirm whether a Schedule 2 application is category 1 or 3 and therefore eligible for the local gateway;
 3. record the reason for gateway consideration and assess criteria A and B;
 4. consider the statutory guidance and whether referral is justified as an exceptional case;
 5. record the separate conclusions of the Nominated Officer and Nominated Member; and
 6. refer only where both agree; otherwise determine the application under officer delegation.
- 5.2 The Nominated Officer will be the Head of Planning and Building Control, or an authorised senior substitute. The Nominated Member will be the Chair of the relevant Planning Committee, with an authorised member substitute where necessary. A written record must identify the classification, assessment, views of both participants and agreed decision route. There is no appeal process.

6. Required Constitutional Amendments

- require all Schedule 1 functions to be determined by authorised officers;
- delegate Schedule 2 functions by default, limiting the local gateway to categories 1 and 3 and eligible own-interest applications;
- remove automatic referral triggers based on call-in, contrary views, objection numbers, ownership or involvement this is set out by national legislation rather than being a local policy choice;
- define the Nominated Officer, Nominated Member, substitutes and written gateway process;
- align Committee Terms of Reference and officer delegations; and
- provide for recording, reporting and oversight.

7. Implications, Implementation and Monitoring

- 7.1 The changes affect the route to decision, not the opportunity to comment. Members, local councils, residents, applicants and consultees may continue to make representations, but a request or contrary view will not itself require committee determination.

- 7.2 Non-compliance would create uncertainty over decision-making authority and increase the risk of challenge, delay, cost and reputational harm. These risks will be managed through compliant constitutional wording, an auditable gateway record, training and stakeholder communications, within existing Planning, Legal and Democratic Services resources.

8. Implementation and Monitoring

- 8.1 The amended Constitution, Terms of Reference and Planning Scheme of Delegation must take effect by 31 October 2026. Actions will include briefings, updated forms and web information, review of live applications and agenda controls.
Each gateway record will confirm eligibility, the assessment, each participant's conclusion and the agreed route. If agreement is not reached, the application remains delegated under Regulation 5(2).

9. Transitional Arrangements

- 9.1 The revised scheme applies to decisions made on or after 31 October 2026. Live applications must be reviewed before that date. Earlier call-in requests, referral expectations or agenda decisions cannot override the statutory scheme. Schedule 1 functions must remain delegated. For an eligible Schedule 2 or own-interest application, committee referral requires a completed gateway record confirming that both participants agree the statutory tests are met.

10. Conclusion

- 10.1 The National Scheme of Delegation is binding and must be implemented from 31 October 2026. The proposed constitutional amendments provide a lawful, proportionate and transparent framework, preserve local discretion only where the national scheme permits it, and ensure that the Northern and Southern Planning Committees consider only applications for which a lawful committee route exists.

11. Background Papers

- Planning and Infrastructure Act 2025.
- Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.([The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#))
- Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for Local Planning Authorities in England, 1 June 2026. ([Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#))

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SCHEDULE OF APPEALS AS AT COMMITTEE 20.10.2026

LPA reference	26/00948/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Harmesh Jassel
Proposal	Erection of 4No dwellings
Location	Saracens Car Park Shrewsbury Road Hadnall
Date of appeal	
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/00458/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Richard Marson
Proposal	Proposed access driveway to support two dwellings
Location	Land West Of Tern Hill Hall Tern Hill
Date of appeal	23.09.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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