

AGENDA ITEM



Committee and date

Northern Planning Committee

17th June 2025

Development Management Report

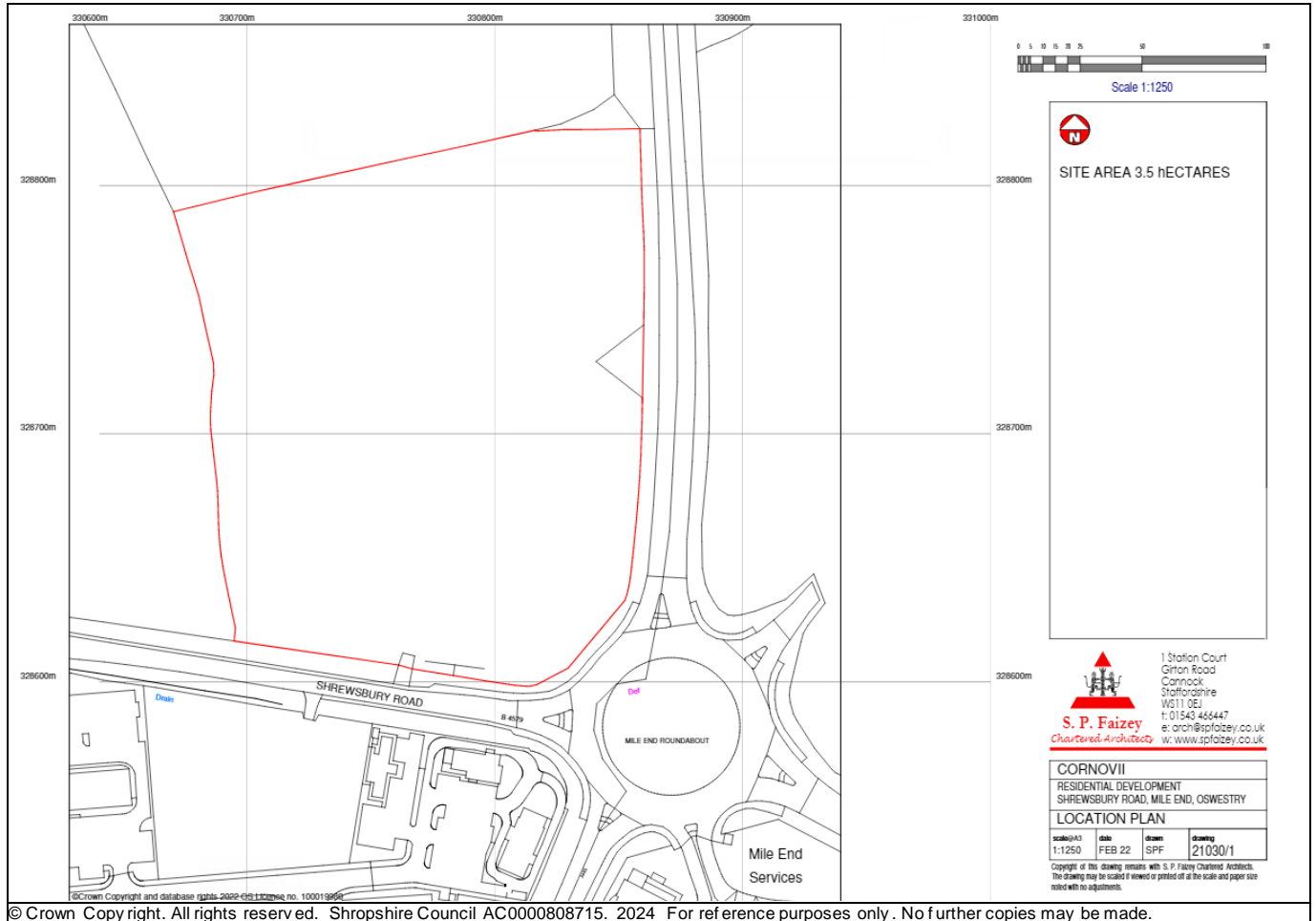
Responsible Officer: Tim Collard, Service Director Legal and Governance

Summary of Application

<u>Application Number:</u> 24/00719/OUT	<u>Parish:</u>	Oswestry Town
<u>Proposal:</u> Outline application for residential development on land off Shrewsbury Road, adjacent to Mile End Roundabout to include means of access and remediation.		
<u>Site Address:</u> Proposed Residential Development Land NW Of Mile End Roundabout Shrewsbury Road Oswestry Shropshire		
<u>Applicant:</u> Cornovii Development Ltd		
<u>Case Officer:</u> Ollie Thomas	<u>email:</u> ollie.thomas@shropshire.gov.uk	
<u>Grid Ref:</u> 330774 - 328710		

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Proposed Residential Development Land NW Of Mile End Roundabout



Recommendation:- GRANT planning permission with delegated authority to the (Interim) Planning and Development Services Manager to impose planning conditions and in consultation with the Head of Legal and Democratic Services, to negotiate the terms of a Section 106 Agreement to completion and to secure an affordable housing contribution and Biodiversity Net Gains.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is seeking outline planning permission, to include matters of access only, for residential development on land at the above address. All other matters (layout, scale, design and landscaping) are reserved for later approval, instead this application seeks to establish the principle of development and to confirm that the proposed access points are satisfactory in-line with the proposed use of the site.

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- 1.2 The application site forms part of the larger Eastern Gateway Sustainable Urban Extension - an allocated mixed-use development to deliver a comprehensive and integrated urban extension, to include a mix of new housing (around 900 new dwellings), community facilities and public open space. Within the SAMDev Plan is a land use plan to indicate the broad arrangement of uses proposed, with the application site indicated in blue and shown as housing land:

Figure S14.1.1: Oswestry SUE Land Use Plan



- 1.3 Whilst the application proposal (above) does not specify a number of new dwellings being proposed, an indicative Site Plan has been submitted to show the site capable for 89 dwellings provided through a mix of house types (detached, semi-detached, terraces and apartments). Officers have concern with the proposed layout and the granting of this outline consent will not purport to approve either the indicative layout or the suggested number of dwellings. The layout and scale of the development, along with total numbers of new dwellings will be dealt with at reserved matters stage. Nonetheless, this application has adequately demonstrated that the site is capable of delivering residential development, along with associated open space and other on-site provisions and access

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arrangements, in-line with the site allocation requirements.

- 1.4 The proposed development has been subject to a pre-application enquiry, made by the applicant, which concluded that with the site forming part of the site allocation for the Eastern Gateway, the principle of residential development was acceptable. However, within the response concerns were raised in that as the name suggests, this site holds a gateway location into Oswestry town and as such should be designed to such a quality befitting of its prominent location. Nonetheless, these are matters of detailed design which are not up for consideration as part of this Outline application, instead will be dealt with at reserved matters stage, whereby it would be expected that the applicant would engage with the LPA through a further pre-application enquiry.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site lies to the south-west of Oswestry and is on the eastern approach into the town centre, leading from Mile End roundabout along Shrewsbury Road. The application site is currently undeveloped agricultural land, however the surrounding land parcels have begun construction for residential development, as part of the wider Eastern Gateway development. The Oswestry Innovation Park lies on the opposing side of the A5 to the east, with a recently constructed footbridge installed adjacent to the sites eastern boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted Scheme of Delegation, given the application has been submitted by Shropshire Council (Cornovii Developments) to itself which also acts as the Local Planning Authority. The application is therefore presented to Planning Committee for determination.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 SC Highways – No objection subject to conditions

The access drawings demonstrate a suitable ghost right hand turn arrangement for vehicle movements. However, the drawings do not demonstrate an acceptable arrangement for walking and cycling.

The internal layout is a reserved matter, although wider connectivity by all modes must be addressed by any reserved matters application.

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4.1.2 National Highways – No objection subject to conditions

The site shares a boundary with the Strategic Road Network (SRN), whereby concerns are made in relation to the site boundaries. However, aware that this can be dealt with through reserved matters.

Having reviewed the submitted documentation NH takes the view that a ghost right turn is the appropriate junction option for this access.

4.1.3 SC Archaeology – No objection subject to conditions

The submitted Archaeological Assessment concludes that archaeological remains of the Prisoner of War camp are likely to survive extensively throughout the site, and Officers concur with this finding. It is therefore required that a phased programme of archaeological work is made a condition of any planning permission, to comprise a metal detector survey of the entire site and strip, map and sample exercise of the areas that will be disturbed by the proposed development.

4.1.4 SC Public Protection – Request for additional information

Noise

An effective acoustic design may have an impact on the site layout and therefore it is recommended that the acoustic design is considered at the outline stage. The indicative layout does not clearly show that it would be possible to ensure that habitable rooms are not on facades exposed to excessive noise.

However, if the case officer is minded to accept the proposal without a detailed mitigation scheme then it is recommended that a scheme be provided with the reserved matters stage.

Contaminated land

The site and surrounding areas have been identified as potentially contaminated land – the site formed part of a Prisoner of War camp during the Second World War and was in use until 1948 after which it was subsequently demolished and returned to agricultural use by the 1980s.

4.1.5 SC Ecology – No objections subject to conditions

The submitted Ecology survey determined the site to have no bat roosting potential, but the hedgerows do provide potential foraging and commuting habitats. These habitats also provide potential nesting habitats for breeding birds.

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The impact to great crested newts is anticipated to be negligible. No further survey works required.

The Biodiversity Net Gain Assessment illustrates a net gain of 20.33% in habitat units and 33.56% in hedgerow units. These will be secured with a habitat monitoring and management plan and via a S106 agreement.

4.1.6 **SC Rights of Way – No objections**

The proposed development does not affect Public Rights of Way as shown on the Definitive Map. It is noted and welcomed that the proposal will provide connectivity through the development to the new bridge which in time will link into the existing Rights of Way network.

4.1.7 **SC Trees – No objection subject to conditions**

There are a number of trees on this site and an Arboricultural Impact Assessment (AIA) has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 41 individual trees and 5 hedgerows.

This outline application and indicative site layout indicates that the site can be accessed and developed in a meaningful way to provide residential housing without significant impact to trees that are important in the amenity of the area.

The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees and significant new planting within the site design.

4.1.8 **SC Drainage and SuDS – No objection subject to conditions**

The Flood Risk Assessment and Drainage Strategy are acceptable in principle, however, a number of items require addressing at reserved matters stage, to be secured by condition.

4.1.9 **SC Affordable Housing – No objections subject to legal agreement**

The scheme is required to contribute towards affordable housing in accordance with local policy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of any reserved matters application.

4.1.10 **SC Learning and Skills – No objections**

The development along with future housing in the areas is highly likely to create a requirement for additional school places to support the educational needs of children in the area. It is projected that 85 houses will result in:

- 7 new early years places
- 23 new primary places
- 11 new secondary places
- 4 new post-16 places
- 1 child who will require an Educational Health Care Plan.

4.2 Public Comments

4.2.1 Oswestry Town Council – Neutral, neither objecting or supporting

The Town Council welcome the progress being made on the development, recognising its importance in meeting housing needs. Members however had two significant concerns which would need to be addressed prior to a full planning application [reserved matters application]:

1. Highways/Access – concerns regarding access to and from the site given the proximity to the roundabout and volume of traffic along Shrewsbury Road, whereby it is highlighted the fact that it is very difficult to exit the industrial estate on Shrewsbury Road, similarly from the Leisure Centre.
2. Noise pollution – the comments from SC Public Protection highlight their concerns about the impact of noise on residents and members noted the levels of and asked that a comprehensive sound mitigation plan be presented. Councillors also commented that the location of the affordable homes needed to be carefully considered.

4.2.2 The application was publicised by way of site notice, posted on the 9th April 2024. At the time of writing this report, no representations from members of the public have been received.

5.0 THE MAIN ISSUES

Whether the proposed residential development constitutes sustainable development and is acceptable in principle, and that the proposed access points will not result in any adverse highway safety conditions.

6.0 OFFICER APPRAISAL

6.1 Adopted Local Plan

6.1.1 As mentioned, the parcel of land to which this application relates is part of a wider urban extension to the east of Oswestry and is allocated within the adopted SAMDev Plan under allocation reference OSW024 for the provision of 900 dwellings and supporting infrastructure. This parcel of land is that last to come forward within the allocation, with the following permissions consenting the wider allocation:

- 16/02594/OUT – 600 dwellings to the west and north of the site.
- 17/06025/OUT – 150 dwellings to the far north of the allocation.

A total of 750 dwellings have already been consented on the site. The proposed development is of a scale and size commensurate to the wider site allocation, albeit housing numbers are not being proposed as part of this application.

6.2 Other Material Considerations

6.2.1 The Council have recently publicised their intention to withdraw its Draft Local Plan from examination following the examination Inspectors raising significant concerns in regard to not meeting the development of needs of Shropshire or addressing the unmet needs of neighbouring authorities. The Inspectorate recommended that the Plan be withdrawn as a result of the amount of work required to remedy their concerns. At the meeting of Cabinet on the 12th February 2025, it was agreed that the evidence base supporting the draft Local Plan is a material consideration in decision-making on relevant planning applications.

6.2.2 As a result of the draft Local Plan being soon-to-be withdrawn, the primary policy documents remain the adopted Core Strategy and the SAMDev Plan, to which the application site remains an allocated site.

6.2.3 Furthermore, following the publication of the revised NPPF in December 2024 the new standard method for calculating housing need was released, with the intention of significantly boosting housing delivery across England. The new standard method for Shropshire has resulted in an increased requirement of 1,994 dwellings per annum, whereas the adopted Local Plan sets out a requirement for 1,375 dwellings per annum (above the former standard method of 1,070 dwellings).

6.2.4 The Councils latest 'Five Year Housing Land Supply Statement' (published March 2024) assessed deliverable housing sites against the adopted housing land supply requirement, this concluded in a demonstration of sufficient deliverable dwellings for 5.91 years supply. However, in light of the recent changes to the standard methodology and the uplift in local housing need for Shropshire, the Council considers that on balance, it is unable to demonstrate a five years supply of deliverable dwellings and the adopted Local Plan policies concerning the delivery of housing development are currently out-of-date. The effect of this is that the tilted balance, as set out in paragraph 11 d) of the NPPF, is engaged which directs development to sustainable locations and making effective use of land.

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6.3 Principle of Development

6.3.1 As the site is allocated, albeit part of a much larger strategic sustainable extension, the allocation policy provides clarity in regard to the nature and scale of the development – i.e. 900 houses and supporting infrastructure. The principle of development has therefore been somewhat established by virtue of the plan-making stage, this site has undergone previous site assessment to confirm that the proposed development of the allocation is viable and deliverable in achieving sustainable development.

6.2 Highway and Access matters

6.2.1 With the application in outline, seeking access, this permission is to determine the suitability of the access points onto the adjacent highway network to determine whether these are acceptable and will not result in any adverse highway safety conditions.

6.2.2 With the site lying just off the Mile End roundabout junction, which connects the A5 and A483, the proposed developments impact on the strategic road network is a major consideration. The wider allocation and its vehicular movements also need to be considered, as when combined with the proposed development this has potential to impact on the safety and usability of the highway network.

6.2.3 National Highways, in their latest response, have maintained concerns about the location of the access, close to the roundabout junction and with inadequate forward visibility for both side road and mainline traffic for the current 60mph speed limit. The result of this has the potential for traffic to queue back from Mile End, worsening the visibility conditions and having a detrimental effect on the flow of traffic.

6.2.4 In response to this, the applicants are proposing a ghost-right turn junction to be installed on Shrewsbury Road and serving vehicles entering right into the site from Mile End. National Highways consider this to be an acceptable arrangement.

6.2.5 In regard to the adjacent planning permission for 600 dwellings on the wider site allocation, its access arrangements are achieved through installing a new roundabout further up Shrewsbury Road, at the junction with Maes-y-Clawdd. The indicative Masterplan to this application (16/02594/OUT) then shows an internal road network which serves the current application, via one of the arms off the roundabout. Shropshire Council Highways are of the view that this access arrangement is the preferred option, as it limits the amount of new access junctions on the highway and will assist in easing traffic and creating the safest highway network.

6.2.6 Whilst the roundabout access might be the preferred arrangement, at this moment in time, there is no certainty over internal connections due to third party developers. Nonetheless, it is advised that the applicant engage with the developers of adjoining parcels during the detailed design stage.

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- 6.2.7 Pedestrian access into the site will be gained via the proposed highway access, whilst also providing additional connectivity to the wider SUE and nearby Oswestry Innovation Park through a connection on the eastern boundary to the recently constructed footbridge over the A5.

6.3 Other matters

- 6.3.1 The application is in outline only, matters of design, scale, layout and landscaping are reserved for subsequent approval. There is a requirement to determine the sites suitability for the proposed development by virtue of other environmental conditions as outlined below

6.3.2 Drainage and Flood Risk

With the site measuring over 1 hectare and for residential development, the application is supported by a Flood Risk Assessment (FRA). The FRA confirms that the site is entirely within Flood Zone 1, with a low risk from fluvial flooding, and whilst there are other watercourses nearby the site is at very low risk from surface water and overland flow. As a result of this, the proposed development is considered compatible in regard to the flood risk whereby any surface water risk can be adequately mitigated through the installation of sustainable drainage features, dealt with at reserved matter stage.

Foul water will be drained by a separate gravity network into existing mains sewers.

6.3.3 Ecology and Biodiversity

The application is accompanied by an Ecological Impact Assessment (EclA) and supporting species surveys for great crested newts, which confirmed that whilst protected species were present, the proposed development is anticipated to have negligible impact. A precautionary method statement will be required through planning condition.

The application site has no roosting potential for bats, but the hedgerows do provide potential foraging and commuting habitats. The hedgerows also provide potential nesting habitat for breeding birds – an informative will be included on the decision notice advising of the protection afforded to nesting birds.

The Biodiversity Net Gain Assessment illustrated a net gain of 20.33% in habitat units and 33.56% in hedgerow units. This gain will be secured via legal agreement, mentioned below.

6.3.4 Ground Contamination

The site formed part of a former Prisoner of War camp during the Second World War and was in use until 1948, after which it was subsequently demolished and returned to

agricultural use by the 1980's. The application is accompanied by a GeoEnvironmental Assessment and management and remediation method statement, which following extensive ground investigations have returned results which amount to unacceptable risks to human health, primarily from asbestos containing materials in the ground.

In order to protect human health from any residual contamination, the applicant has proposed that a 100mm minimum stone, no dig, layer is placed as the base in all rear, front and soft landscaped areas, over which 600mm of clean soil/subsoil will be placed in rear gardens and 300mm of clean soil/subsoil in front gardens and soft landscape areas.

This remediation work is considered acceptable and will be secured via planning condition.

6.3.5 Noise

The application is accompanied by a Noise Impact Assessment which indicates that a majority of the properties will exceed the recommended external noise levels for residential standards during the day and night.

As a result, mitigation is required to ensure acceptable noise levels are achieved whilst maintaining the quality of life of future occupants. The Assessment proposes inadequate mitigation measures that would not be supported, however as this application is in outline, with detailed design reserved, noise can be suitably mitigated through an effective design and strategy. A condition is therefore imposed to require effective acoustic mitigation is designed into the scheme at the earliest opportunity.

6.4 **Developer Contributions and Obligations**

- 6.4.1 Affordable Housing – the housing mix will require 10% of the total housing numbers to be provided as affordable housing. Although the exact number of units is not being secured through this application, the applicant is required to enter into a legal agreement to secure the provision of affordable housing at reserved matters stage, based on the prevailing rate in force at the time.

Biodiversity Net Gain – the BNG Assessment illustrates a net gain of 20.33% in habitat units and 33.56% in hedgerow units. This gain and the habitats concerned is considered significant such that it requires securing through a legal agreement.

7.0 **The Planning Balance**

- 7.1 As a result of the Council being unable to demonstrate a housing supply of at least 5-years, the tilted balance at paragraph 11 of the NPPF is engaged, whereby the starting point in the determination of this application is one of a presumption in favour, as opposed to the ordinary neutral position. Therefore, planning permission should only be refused where any adverse impacts would significantly and demonstrably outweigh the

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benefits. Paragraph 11 d)ii) provides that particular regard must be had to:

- *Sustainable location* – the site lies on the eastern edge of Oswestry and is part of a wider sustainable urban extension, that has been allocated been subjected to previous site assessments, the conclusion of which were that the site is sustainable.
- *Making effective use of land* – the site is allocated for residential development, which is considered the most sustainable form of development of this site. Whilst the exact number of units is not being provided, the indicative masterplan demonstrates that the site can be fully developed to make most effective use of land at reserved matters stage.
- *Securing well-designed places* – matters that constitute well-designed places are reserved for subsequent approval.
- *Providing affordable homes* – the application, as made, is contributing to affordable housing at the prevailing rate for Oswestry. Whilst this is policy compliant and therefore not attributed significant weight, it is nonetheless still a material benefit to the scheme.

7.2 With the proposal constituting a policy-compliant scheme and in accordance with the site allocation requirements as set out in the SAMDev Plan. The balancing exercise is weighted heavily in favour of approval, and there are no other material considerations which, when weighed in the planning balance, outweigh the presumption in favour of sustainable development on an allocated site.

8.0 CONCLUSION

8.1 The application is made in outline with sufficient detail, and an appropriate level of surveys/reporting to allow an assessment as to the suitability of the application site for residential development and associated works. The proposal will see the remaining parcel of the wider sustainable urban extension be developed, and is supported in principle by the adopted Development Plan. The application has exposed certain environmental conditions (contamination, protected species and noise) which will require mitigating through the detailed design stage, whereby the use of planning conditions is considered appropriate in dealing with these matters and can mitigate any harm caused.

8.2 The proposed access point on to the serving highway is considered acceptable, such that it will not result in any adverse highway safety concerns or result in any severe residual cumulative impacts on the road network.

8.3 It is therefore recommended that permission be GRANTED, subject to the applicant signing a Section 106 Agreement to secure the above-mentioned developer contributions.

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.

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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.

11. Background

Relevant Planning Policies

National Planning Policy Framework

Core Strategy and SAMDev Policies:

CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS11 - Type and Affordability of housing
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD12 - Natural Environment
Settlement: S14 - Oswestry

RELEVANT PLANNING HISTORY:

PREAPP/22/00099 A residential development of 89 residential dwellings: comprising a mix of one and two bedroom apartments; one and two bedroom bungalows; two, three and four bedroom houses; and including a 10% provision of affordable homes, vehicular access from Shrewsbury Road, internal roads, footpaths/cycleways, public open space, landscaping and associated infrastructure. AMENDMENTS REQUIRED 5th April 2022

23/00838/OUT Outline application for residential development on land off Shrewsbury Road, adjacent to Mile End Roundabout to include means of access and remediation WITHDRAWN 14th March 2023

PREAPP/23/00396 Residential development on land off Shrewsbury Road, adjacent to Mile End Roundabout to include means of access and remediation AMENDMENTS REQUIRED 21st August 2023

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12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S96581TDFVD00>

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 Mark Owen
Appendices - APPENDIX 1 - Conditions

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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. This outline planning permission does not purport to grant consent for the number, scale or layout of dwellings and/or buildings on the submitted illustrative plan, as these details are reserved for later approval.

Reason: To enable the Local Planning Authority to consider the reserved matters having regard to the additional information that is required to be submitted alongside the details of layout, scale, appearance and landscaping at the reserved matters stage.

5. With each reserved matters an updated Arboricultural Impact Assessment shall be submitted and make provision to accommodate all retained trees and significant new planting within the site design. The updated AIA must assess any impacts that arise and demonstrate that any retained trees can be protected to the minimum standards recommended in BS5837: 2012.

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Reason: To protect existing trees and ensure sufficient new tree planting for the benefit of the environment and health and wellbeing.

6. With each reserved matters for residential development a detailed noise mitigation scheme shall be submitted. The mitigation scheme shall include detailed specification for the acoustic glazing and ventilation required and include a plan which highlights the facade noise level (at the relevant receptor height) and specification of insulation and ventilation required for each facade. The scheme should comply with the following:

a) all habitable rooms which exceed the desirable internal noise standards with windows open (30db in bedrooms at night, 35db in bedrooms/living rooms in the day) as defined in BS8233:2014, shall be fitted with suitable acoustic glazing and ventilation system.

b) no habitable rooms shall be located on facades which exceed 53dBLAeq,t averaged over 8 hours (between 11pm and 7am) and/or 68dv LAFmax more than 10 times a night (between 11pm and 7am).

c) External areas linked to dwellings shall be no more than 50db LA(eq).

The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

Reason: To protect residential amenity, health and wellbeing.

7. With the first reserved matters application a walking and cycling strategy, to include mitigations to enhance wider connectivity including access onto the B4579, shall be submitted. The approved strategy shall be implemented in full prior to first occupation of the dwellings.

Reason: To promote sustainable and active travel.

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

The following boxes shall be erected on the site:

- A minimum of 30 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 30 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design),

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house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

- A minimum of 30 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 10 invertebrate bricks/houses (integrated or external design) suitable for pollinators.
- A minimum of 5 hedgehog domes (standard design) to provide refuge for hedgehogs.
- A minimum of 1 hibernaculum, designed to provide suitable refuge for herptiles.

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

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the building's wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

13. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing. The submitted details shall include post-fieldwork reporting and appropriate publication.

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

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assessments and analyses that have been completed in accordance with the approved written scheme of investigation. This shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

Reason: The site is known to hold archaeological interest.

14. Prior to the commencement of above ground works the details of the standards to which the roads serving the development are to be constructed shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the roads have been constructed to a condition that is to be agreed by the Local Planning Authority.

Reason: In the interest of highway safety and accessibility.

15. Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A5 and A483 trunk road). The plan shall include as a minimum:

- a) Construction phasing
- b) An HGV routing plan 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)
- c) Details of any special or abnormal deliveries or vehicular movements.
- d) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- e) 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.
- f) 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.
- g) Waste management.
- h) Wheel washing measures.
- i) 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: To mitigate any adverse impact from the development on the A5 and A483 trunk road and to satisfy the reasonable requirements of road safety

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16. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include as a minimum:

- Access arrangements for construction vehicles and personnel
- The parking of vehicles of site operatives and visitors
- Loading and unloading areas 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
- Delivery, demolition and construction working hours.

The approved CMS shall be adhered to throughout the construction period for the development.

Reason: In the interests of amenity and highway safety

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

11. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Great Crested Newts Reasonable Avoidance Measures Method Statement (RAMMS), on the outbuilding present at the site as set out in Sections 2 and 3 of the Great Crested Newt Survey report.

Reason: To demonstrate compliance with the great crested newt RAMMS to ensure the protection of bats, which are which are European Protected Species.

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

9. Prior to the erection of any external lighting on the site that has the potential to impact on wildlife, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

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The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

10. a) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the accepted Remediation Strategy within the georisk Management; Remediation Method Statement and Validation Plan, Shrewsbury Road, Oswestry; for Cornovii Developments Ltd; Report No. 21075/2, dated March 2022.

b) 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. An investigation and risk assessment must be undertaken in accordance with current Environment Agency guidance 'Land Contamination: Risk Management (LCRM)' and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation proposal is subject to the approval in writing by the Local Planning Authority.

c) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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

Informatives

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in

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before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

2. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for an Overall Biodiversity Gain Plan, along with Phase BGP's for each phase of development

3. Nesting birds

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

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

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advice-against-netting-on-hedges-and-trees/>.

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