



Committee and date

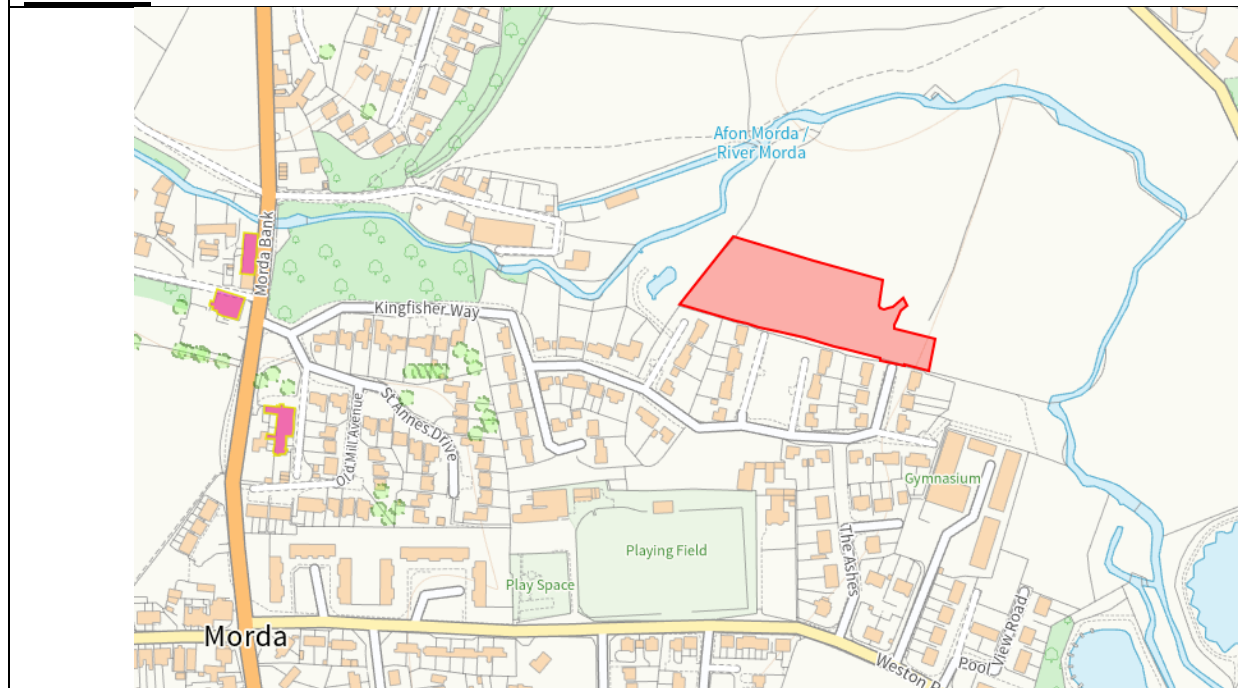
Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

<u>Application Number:</u> 26/00772/FUL	<u>Parish:</u>	Oswestry Rural
<u>Proposal:</u> Rural exception site of 20 houses and bungalows with associated gardens and road		
<u>Site Address:</u> Proposed Residential Development NW Of Kingfisher Way Morda Shropshire		
<u>Applicant:</u> Shrewsbury Scott Drummond		
<u>Case Officer:</u> Mark Perry	<u>email:</u> mark.perry@shropshire.gov.uk	

Grid Ref: 329185 - 327994



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 9 bungalows and 11 two-storey dwellings as a 100% affordable housing scheme which would be managed and rented out by a housing association as an approved registered social landlord (RSL). The application also includes the associated access, internal roads, public open space, landscaping, and drainage infrastructure.
- 1.2 The scheme proposes a mix of dwelling sizes and tenures, comprising the following:
- 4 x 1-bed bungalow
 - 4 x 2-bed bungalow
 - 1 x 4-bed bungalow (wheelchair user property)
 - 6 x 2-bed dwelling
 - 3 x 3-bed dwelling
 - 2 x 4-bed dwelling
- 1.3 Vehicular access to the site is proposed via an extension to the through road of the most recently constructed part of the existing Kingfisher Way estate.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is the southern third of an existing field which is enclosed by existing trees and hedgerows. The River Morda runs along the northern edge of the wider field. The proposed development site lies to the north of the most recently constructed part of the Kingfisher Way estate. The final phase of that estate was granted outline planning permission in 2014, with reserved matters approval following in 2015. The original developer entered receivership part way through construction which then paused for a number of years before a new contractor subsequently took over the development, which is now nearing completion. All dwellings have been constructed, although some remain unoccupied. Outstanding works include completion of parts of the open space and the final surfacing of the estate road, both of which are currently progressing.
- 2.2 The proposed affordable dwellings would be located to the north of the existing housing estate, served by a 5.5m-wide estate road extending into the site and terminating in a turning head. The site would adjoin the side boundaries of four existing dwellings and an area of public open space. This shared boundary is currently defined by a timber close-boarded fence erected as part of the recent development, with a mix of small trees and hedgerow on the application site side of the fence.

- 2.3 The site sits immediately adjacent to existing development and, given the layout and positioning of the proposed dwellings, would largely be read as part of the settlement edge rather than an incongruous extension or protrusion into the wider countryside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons. Officers in consultation with the Committee Chair/ Vice Chair agree that the Parish Council's comments] warrants consideration by the committee.

4.0 Community Representations

The section below 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 Comment

Parish Council- The Parish Council objects to this planning application due to the following:

- The current drainage needs addressing.
- Issues with earlier construction and issues arising on the current estate which will be exacerbated by any future development.

Highways- No objection following submission of revised plans. Conditions recommended.

Affordable Housing- We welcome the provision of bungalows as we have a need for level access properties. The addition of a 4-bed wheelchair accessible bungalow is supported as there is unmet demand for this type of property which does not get built very often.

Ecology- No objection subject to conditions and informatives. The submitted Preliminary Ecological Appraisal determined the site to consist of modified grassland and mixed scrub bound by native hedgerow with trees and line of trees. No evidence of protected or notable species was recorded on site, however the habitats on site do have the potential to support commuting bats, breeding birds, amphibians, reptiles and badgers.

The biodiversity net gain assessment predicts a loss on site of -0.05 (-2.90%) habitat units. This is due to the loss of mixed scrub. The proposed habitats on site will result in the trading rules not being satisfied. A net gain

of 0.08 (13.02%) hedgerow units on site is proposed. Due the loss on site, 0.23 habitat unit deficit will have to be purchased from a suitable habitat bank to achieve the mandatory 10% net gain.

Trees- Require the submission of an Arboricultural Impact Assessment

Regulatory Services- phase 1 geo-environmental report and mine gas risk assessment submitted which concludes that risks to the proposed residential development from land contamination, ground gas, and mine gas are very low and that the site is in a radon-affected area, requiring protection measures for the new dwellings. Conditions suggested.

Mining Remediation Authority- standing advice should be followed by the applicant.

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

Drainage- Object. In accordance Shropshire Council's Local Standard L of the SUDS Handbook, a maintenance schedule to include activities and timings of the routine maintenance of the SuDs features and details of who will be responsible for the on-going maintenance must be submitted for approval. Where a shared system is being proposed, details of who will take overall responsibility must be provided.

Details of the S185 Diversion & S104 adoption / S106 connection agreement with the local water authority should be submitted for approval.

4.2 Public Comments

4.2.1 A total of 16 objections have been received, summarised as follows:

Highway safety, access and traffic

- Kingfisher Way and nearby roads are considered narrow and unsuitable for additional traffic.
- Concerns include construction traffic, HGVs, congestion, pedestrian safety and children playing in the estate.
- Additional vehicle movements are considered likely to worsen highway safety, including emergency access.

Private road, access and public open space

- Objections relate to links and access over private or unadopted roads, cul-de-sacs and maintained open space.
- Concerns include access rights, trespass, maintenance liabilities and fairness to residents paying management charges.

- Opening existing boundaries is said to alter the estate's quiet, private character.

Residential amenity

- Concerns include privacy, overlooking, outlook, light and proximity to existing homes and gardens.
- Residents cite noise, disturbance, dust and vibration during construction and occupation.
- Several comments refer to loss of the existing quiet cul-de-sac character.

Design, layout and character

- The density, layout, house types and materials are considered out of keeping with Kingfisher Way.
- Residents consider the scheme overdevelopment and harmful to Morda's semi-rural character.
- Greater separation or a buffer between existing and proposed dwellings is suggested.

Drainage and flood risk

- Submitted drainage information is considered inadequate for a full application.
- Concerns cover surface water, groundwater, soil conditions, the River Morda, attenuation and climate change allowances.
- Residents also raise foul drainage, SuDS maintenance and flood risk concerns.

Ecology, trees and hedgerows

- Residents refer to wildlife including owls, kingfishers, bats, hedgehogs and foxes.
- Concerns include habitat loss, lighting, construction disturbance and ecological survey adequacy.
- Comments also concern tree and hedgerow protection and arboricultural assessment.

Infrastructure and services

- Objections cite pressure on schools, healthcare, emergency services and drainage infrastructure.
- Residents consider that mitigation, capacity and contributions have not been demonstrated.

Construction impacts and cumulative disturbance

- Residents refer to several years of disruption from the existing Kingfisher Way development.
- Further prolonged construction, traffic, noise, dust, vibration and disturbance are opposed.

Other matters

- Other comments refer to archaeology, utilities and possible future expansion.
- Some residents cite loss of countryside views and prefer brownfield development.

5.0 THE MAIN ISSUES

- 5.1 Principle of Development
Housing Land supply
Scale, design and layout
Highways Safety
Need to 100% affordable housing scheme
Ecology
Drainage/ flooding
Planning balance

6.0 OFFICER APPRAISAL

6.1 Adopted Development Plan

- 6.1.1 The application site lies to the northern side of the edge of Morda. Under the current adopted Plan, Morda is not defined as either a hub or cluster settlement. It is therefore a countryside settlement where development is controlled in accordance with CS4 and CS5 of the Core Strategy. Policies CS5 and MD7a set out strict controls over new housing in the countryside, limiting it only to specific exceptions, including affordable housing where this contributes to the sustainability of rural communities through local economic and community benefits.
- 6.1.2 CS5 sets out how affordable housing that meets a local need will be supported, especially where this development is located in recognisable named settlements. The Council's Affordable Housing Officer has confirmed that there is a need for affordable housing in the Parish. Currently in the Oswestry Rural Parish there is an identified need for 7 x 1-bed, 8 x 2-bed, 6 x 3-bed and 1 x 4-bed dwellings and that 6 of these households require level access accommodation. The Affordable Housing Officer specifically welcomes the provision of a 4-bedroom wheelchair accessible bungalow as there is currently an unmet demand for this type of property as they do not often get built. As such the need element of policy CS5 has been met.
- 6.1.3 Although Morda is a countryside settlement, it is a recognised settlement with a limited range of services and facilities and lies in close proximity to Oswestry, from which it is separated by the River Morda. Recent development within the village has largely taken place to the east of the crossroads and has delivered a mix of dwelling types and tenures. The

proposed scheme would extend into a well-contained field to the north of existing development. Its long southern boundary would adjoin the established settlement edge and, by reason of its siting and form, the development would be read as being part of Morda.

- 6.1.4 It is considered by Officers that the siting of the development would be a logical expansion of the existing settlement and would not result in an unacceptable or unsympathetic protrusion into the surrounding landscape.

6.2 Withdrawn Draft Local Plan

- 6.2.1 Like the current adopted plan, the village of Morda was proposed to remain as a countryside settlement without a defined development boundary or any allocated housing sites. However, with the withdrawal of the draft Plan from examination, the emerging policies and allocations carry no weight in the determination of the planning application. However, the evidence base that supported the draft allocation does hold some limited weight as a material consideration.

6.3 The Tilted Balance

- 6.3.1 The Council is unable to demonstrate a five-year supply of deliverable housing land, paragraph 11(d) of the NPPF requires decision-makers to apply the presumption in favour of sustainable development, unless policies in the NPPF that protect areas of particular importance provide a clear reason for refusal. In such circumstances, the conflict with the adopted Development Plan must be considered in the overall planning balance and the weight given to that conflict relevant to the extent of housing land supply shortfall.
- 6.3.2 Paragraph 11(d) of the NPPF sets out that where the policies most important for determining an application are out-of-date, planning permission should be granted unless either:
- The application of NPPF policies that protect areas or assets of particular importance provides a clear reason for refusal or
 - Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as whole.
- 6.3.3 With regard to the first criterion:
- The site does not lie within a protected landscape, a heritage designation or an area where development is restricted for ecological reasons.
 - Technical assessments submitted confirm that the proposal would

not result in unacceptable impacts on designated heritage assets, protected species or designated ecological sites.

- The site lies within Flood Zone 1.

On this basis, there is no clear reason for refusal to protect areas or assets of importance, and the tilted balance is not dis-engaged.

- 6.3.4 Consequently, paragraph 11(d)(ii) applies and requires a balancing exercise between the adverse impacts and benefits of the development with the key test being whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

6.4 Access and Highway Safety

- 6.4.1 Access to the site would be taken solely from the existing Kingfisher Way estate road. Kingfisher Way can be accessed from St Annes Drive to the west and The Ashes to the south. Both roads have been constructed to an adoptable standard, as would the proposed new estate road serving the development.
- 6.4.2 The new estate road has been designed to an appropriate geometry, including adequate carriageway width and radii, to ensure safe operation for all users and all of the proposed dwellings would each have two off-street parking spaces.
- 6.4.3 Following the submission of amended plans, the proposed layout, in respect of highway matters has been considered as being acceptable by the Council's Highways Officer who raises no objection subject to appropriate planning conditions being imposed accordingly.

6.5 Scale and Design

- 6.5.1 The proposed development comprises a mix of detached and semi-detached properties of both single storey bungalows and 2-storey dwellings. The 8 proposed properties (plots 1-6 and 19 and 20) which are situated closest to the existing neighbours to the south are all bungalows. The plots along the northern boundary which back onto the surrounding countryside are a mix of detached and semi-detached 2-storey dwellings plus the single 4-bed bungalow.
- 6.5.2 It is acknowledged that the scale and form of the proposed dwellings differ from the development to the south, which is characterised mainly by larger detached properties. However, the layout and orientation of the proposed dwellings would respond appropriately to the adjoining development, with those closest to existing neighbours presenting side elevations to the side elevations of those properties. The existing and proposed areas of public open space would also sit alongside one another. Officers consider that

the proposal would respect the prevailing layout of the surrounding estate and would appear as a logical and compatible extension to it.

- 6.5.3 During the application, the applicant revised the external wall and roof materials so that the proposed dwellings more closely reflect those on the adjoining development. Black fascia boards and stone heads and cills have also been incorporated to match neighbouring properties. These changes would help the scheme read as a coherent continuation of the existing estate, rather than as a separate or visually disconnected addition.
- 6.5.4 The plots are arranged in a straightforward layout, with all but two dwellings served directly from the proposed adopted highway. The scheme includes six house types, providing sufficient variation and visual interest within the street scene. Each dwelling would have defined front and rear gardens, while the central public open space would be overlooked by surrounding properties, providing natural surveillance.
- 6.5.5 Overall, the development is considered appropriate in scale and design, responding positively to its context and contributing to a well-designed residential environment in accordance with CS6 and MD2 of the Local Plan.

6.6 Visual impact and landscaping

- 6.6.1 The proposed development would result in the partial loss of a green agricultural field. At present this field is well enclosed by existing hedgerows and trees and it is also substantially screened by a 1.8m tall close boarded fence which is part of the existing development and defines the shared boundary between existing and proposed developments.
- 6.6.2 As a result, the field makes only a limited visual contribution, as it is well screened from public viewpoints. No public rights of way cross the site or lie nearby in locations that would provide clear views of it. The nearest right of way is on the opposite side of the River Morda, approximately 110 metres from the application site, where views are substantially filtered by existing trees and hedgerows.
- 6.6.3 The existing Kingfisher Way development already defines the northern edge of Morda with a 1.8 metre high close-boarded fence. The proposed development would retain a defined boundary to the settlement, but there is an opportunity for a softer and more sympathetic edge treatment, the details of which can be secured by planning condition.
- 6.6.4 Officers are satisfied that the proposed scheme would not give rise to unacceptable landscape or visual impacts.
- 6.6.5 The scheme includes on-site open space with trees, hedge planting,

amenity grassland and a surfaced path. The landscaping proposals provide for 32 native trees and species-rich hedgerow planting. Subject to conditions securing implementation, the proposals are considered appropriate in scale and design and acceptable in landscape and visual terms.

6.7 Residential Amenities

- 6.7.1 Policy CS6 of the Core Strategy requires development to safeguard residential and local amenity, while SAMDev Policy MD2 requires development to contribute to and respect locally distinctive or valued character and existing amenity value.
- 6.7.2 The proposal would inevitably result in some increase in activity, including additional vehicle movements, domestic comings and goings and general use of the new dwellings and public open space. However, this level of activity would be consistent with a residential development of this scale and would not be unusual within the context of the adjoining Kingfisher Way estate. Having regard to the layout of the development, the relationship with existing dwellings, the separation distances and the positioning of bungalows closest to neighbouring properties, it is considered that the development would not result in unacceptable overlooking, loss of privacy, overbearing impact, noise or disturbance. Officers are therefore satisfied that the proposal would safeguard the residential amenities of neighbouring occupiers and accords with Core Strategy Policies CS6 and MD2.

6.8 Ecology and Biodiversity

- 6.8.1 A Preliminary Ecological Appraisal has been submitted in support of the application. The site is not located within or adjacent to any statutory or non-statutory ecological designations, and the submitted surveys confirm that the land is modified grassland that has been managed for silage with areas of mixed scrub, a native hedgerow, trees and a line of young trees. These habitats are common and widespread, apart from the hedgerow which qualifies as a Habitat of Principal Importance. No evidence of protected species was recorded on site.
- 6.8.2 All boundary hedgerows and trees would be retained, with further tree and hedge planting provided as part of the scheme. Mitigation and enhancement measures, including bat and bird boxes, a habitat management plan and appropriate lighting, can be secured by planning condition.
- 6.8.3 The submitted BNG assessment confirms that the development would result in a net loss of 2.9% habitat units on the site due to the loss of the mixed scrub but a net gain of 13.02% hedgerow units. To mitigate the loss of the habitat units the applicant will need to purchase from a suitable

habitat bank in order to achieve the mandatory 10% biodiversity net gain. This will be secured as part of discharging the mandatory biodiversity gain condition in accordance with the Environment Act 2021.

- 6.8.4 Overall, the proposal is considered acceptable in ecological and biodiversity terms and compliant with national and local planning policy.

6.9 Drainage and Flood Risk

- 6.9.1 Foul water generated by the development will discharge to the existing foul sewer network. At present the location of the sewer is along some of the rear gardens of the proposed scheme. This sewer would be diverted so that it runs within the new estate road.
- 6.9.2 The site is located wholly within Flood Zone 1, where there is a low probability of flooding, and is therefore suitable for residential development. The EA flood maps indicate that the site has a very low risk of flooding from fluvial and surface water sources.
- 6.9.3 Surface water drainage incorporates a Sustainable Drainage Systems (SuDS) involving attenuation. The use of Infiltration systems has been discounted due to the trial pits that were dug on site filling with groundwater. As soakaways need to be a minimum of 1m above ground water levels, soakaways are not a feasible option.
- 6.9.4 Instead, the scheme will use attenuation crates situated beneath the area of public open space and the use of permeable surfacing for the private driveways. Surface water would discharge to the existing watercourse via a flow control chamber at a rate that is comparable to the greenfield runoff rates.
- 6.9.5 The Parish Council and several residents have raised concerns about the adequacy of the existing drainage system, particularly the drainage pool adjacent to the site, and have referred to poor drainage locally. However, the proposed dwellings would not rely on the existing drainage pool. Surface water from the development would be attenuated on site and discharged at a controlled rate, ensuring no greater impact on local flood risk or drainage conditions.
- 6.9.6 As noted above, the Council's Drainage team has objected pending submission of full drainage details. However, given the scale of the development and its location within Flood Zone 1, officers consider it appropriate for the detailed drainage information to be secured by condition. The details would need to be approved before development commences and would secure the design, phasing, implementation and long-term management of the drainage and SuDS features. This would ensure the provision of a scheme that is acceptable in flood risk and drainage terms, would not increase flood risk on site or elsewhere, and

would accord with Local Plan Policies CS18 and MD2.

6.10 Ground Contamination

- 6.10.1 A Phase I Geoenvironmental Assessment and Mine Gas Risk Assessment have been submitted with the application. The report confirms that the site is not within an area where the Coal Authority expects unrecorded shallow mine workings to be present, a position confirmed in the Coal Authority's consultation response. No special precautions are therefore required in relation to mining legacy matters.
- 6.10.2 The site lies within a radon-affected area and the new dwellings will therefore need to incorporate appropriate basic and full radon protection measures.
- 6.10.3 A condition is recommended requiring a remediation scheme to be submitted for approval if further investigation identifies previously unknown contamination.

6.11 Other Matters

- 6.11.1 The Parish Council has raised concerns about matters arising from construction of the existing estate. The original developer of the adjoining site entered receivership, causing works to stall part-way through construction. A new contractor has since taken over and is completing the outstanding works, including the estate road, which is intended to be offered for adoption by the local highway authority. These matters are separate from the current applicant and the planning application that is currently under consideration.

7.0 Planning Balance

- 7.1 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 any defined settlement boundary and is therefore not in accordance with the spatial strategy of the adopted development plan. However, the proposal is 100% affordable housing which is one of the exceptions listed under Policy CS5 and is intended to meet an identified local housing need.
- 7.2 In addition, the Council is currently unable to demonstrate a five-year supply of deliverable housing land. As such, the policies most important for the determination of the application are out of date and paragraph 11(d) of the National Planning Policy Framework is engaged, requiring the application of the presumption in favour of sustainable development.

7.3 Benefits

- 7.3.1 **Delivery of 100% Affordable Housing:** provision of 20 affordable dwellings, including 9 bungalows of which one is a 4-bedroom wheelchair accessible unit. These assists addressing an evidenced housing need in accordance with Policy CS5. This attracts very **substantial weight**.
- 7.3.2 **Housing Land Supply Benefit:** contribution towards boosting housing delivery in the context of the Council's inability to demonstrate a five-year supply of deliverable housing land. This attracts very **substantial weight**.
- 7.3.3 **Social and Community Benefits:** improved housing choice for local residents, supporting the sustainability and social cohesion of Morda and the surrounding settlements. This attracts **substantial weight**.
- 7.3.4 **Economic Benefits:** short-term economic benefits during construction, including employment and expenditure in the local area. This attracts **moderate weight**.
- 7.4 **Harms**
- 7.4.1 **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 **moderate weight** reflecting a reduced weighting by virtue of the proposal comprising 100% affordable housing, which falls within an explicit exception supported by CS5.
- 7.4.2 **Loss of Existing Habitat:** the development would result in the loss of existing habitat (principally modified grassland and mixed scrub habitat), requiring mitigation through new habitat creation and off-site biodiversity provision. This attracts **moderate weight**, reduced to reflect the findings of the technical reports and Ecology consultee comments, which identify the site as being of limited ecological value.
- 7.4.3 **Landscape and Visual Change:** development of a greenfield site will result in a permanent change to the landscape character at the settlement edge. This attracts **moderate weight** in recognition that the site does not lie within a protected landscape, is visually contained by existing development already defined by fencing and existing trees and hedgerows.
- 7.4.4 **Additional Traffic Movements:** the development will result in some increase of vehicle movements, although this has been assessed as acceptable and not severe in highway terms. This is therefore considered as **neutral**.

8.0 CONCLUSION

- 8.1 Having regard to the Council's current housing land supply position and

the presumption in favour of sustainable development under paragraph 11(d) of the NPPF, the proposal is considered to represent a sustainable form of development.

- 8.2 Significant weight is attached to the scheme's benefits, particularly the delivery of 20 affordable dwellings to meet identified local needs and its contribution to housing supply, both of which attract very substantial weight. Further social and community benefits, and more limited economic benefits, also weigh in favour of the proposal. These benefits must be balanced against the identified harms, comprising the countryside location outside the settlement boundary, the loss of existing habitat and the permanent landscape and visual change, each of which attracts moderate weight.
- 8.3 Overall, in applying the tilted balance, the adverse impacts would not significantly and demonstrably outweigh the benefits. Material considerations therefore indicate that planning permission should be granted, subject to completion of a Section 106 agreement securing the dwellings as affordable housing and the conditions set out in Appendix 1.

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.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS3: Market Towns and Other Key Centres

CS4: Community Hubs and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks
 CS18: Sustainable Water Management

MD2: Sustainable Design
 MD7a: Managing Housing Development in the Countryside
 MD12: Natural Environment

RELEVANT PLANNING HISTORY:

PREAPM/25/00131 Affordable Rural Exception Site for 17 units in including access and landscaping PREAMD 25th June 2025

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=TB13OYTDGOL00>

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 Andy Davis
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. The development hereby permitted shall be carried out using the external materials specified in the submitted Materials Schedule V2 (received 8th April 2026).

Reason: To ensure that the appearance of the development is satisfactory and that it integrates appropriately with its surroundings, in the interests of visual amenity.

4. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds, badgers and great crested newts as provided in the Preliminary Ecological Appraisal (Arbtech, November 2025).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species, badgers, which are protected under the Protection of Badgers Act 1992 and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

5. In the event that contamination is found at any time during geotechnical investigation or 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 and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing by the Local Planning Authority.

Reason: to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

6. The Construction Traffic Management Plan/Method Statement (CTMP/MS) shall be fully implemented in accordance with the approved details and shall remain in force for the duration of the construction period.

Reason: In the interests of highway/pedestrian safety and local amenity

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority; the CEMP shall include, as a minimum, site specific measures to control and monitor the impact arising in relation to:

- ' Construction traffic
- ' Hours of working
- ' Noise and vibration control
- ' Dust control

It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of local amenity and highway safety.

8. No development shall take place (including ground works and vegetation clearance) until a habitat management plan of the on and off site gains has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - i) Possible remedial/contingency measures triggered by monitoring;
 - j) The financial and legal means through which the plan will be implemented.
- The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 193 of the NPPF.

9. No development shall commence until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted

details shall include arrangements for the responsibility and ongoing maintenance of the SuDS features, together with confirmation of agreement to divert and connect to the mains sewer system. The approved scheme shall be fully implemented before the development is first occupied or brought into use, whichever is sooner.

Reason: This pre-commencement condition is required to secure satisfactory drainage of the site and reduce the risk of flooding.

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

10. 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 7 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 7 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 6 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 10 invertebrate bricks/hotels of standard design, suitable for pollinators.
- A minimum of 3 hedgehog domes (standard design) to provide refuge for hedgehogs.

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 193 of the NPPF.

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

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

development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

12. 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.

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.

13. 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.

14. A scheme of hard and soft landscaping for the area of Public Open Space (POS) shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include :

- a) hard surfacing materials, footpaths, seating, street furniture and any boundary treatments;
- b) the location, species, size, density
- c) details of areas to be laid out as grass, wildflower meadow or other landscape treatments;
- d) a programme for implementation; and
- e) details of the future management and maintenance of the Public Open Space.

The approved landscaping scheme shall be implemented in accordance with the approved programme prior to occupation of the 10th dwelling and thereafter maintained as approved.

Any trees, shrubs or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next available planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

The areas identified as Public Open Space on the approved plans shall be laid out and retained in perpetuity as Public Open Space and shall not be used for any other purpose.

Reason: To secure a high-quality landscaped public realm, provide appropriate recreational and amenity space for future residents.

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 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 a Biodiversity Gain Plan.
3. 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, 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.

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