



Committee and date

Northern Planning Committee
Tuesday 20th October 2026

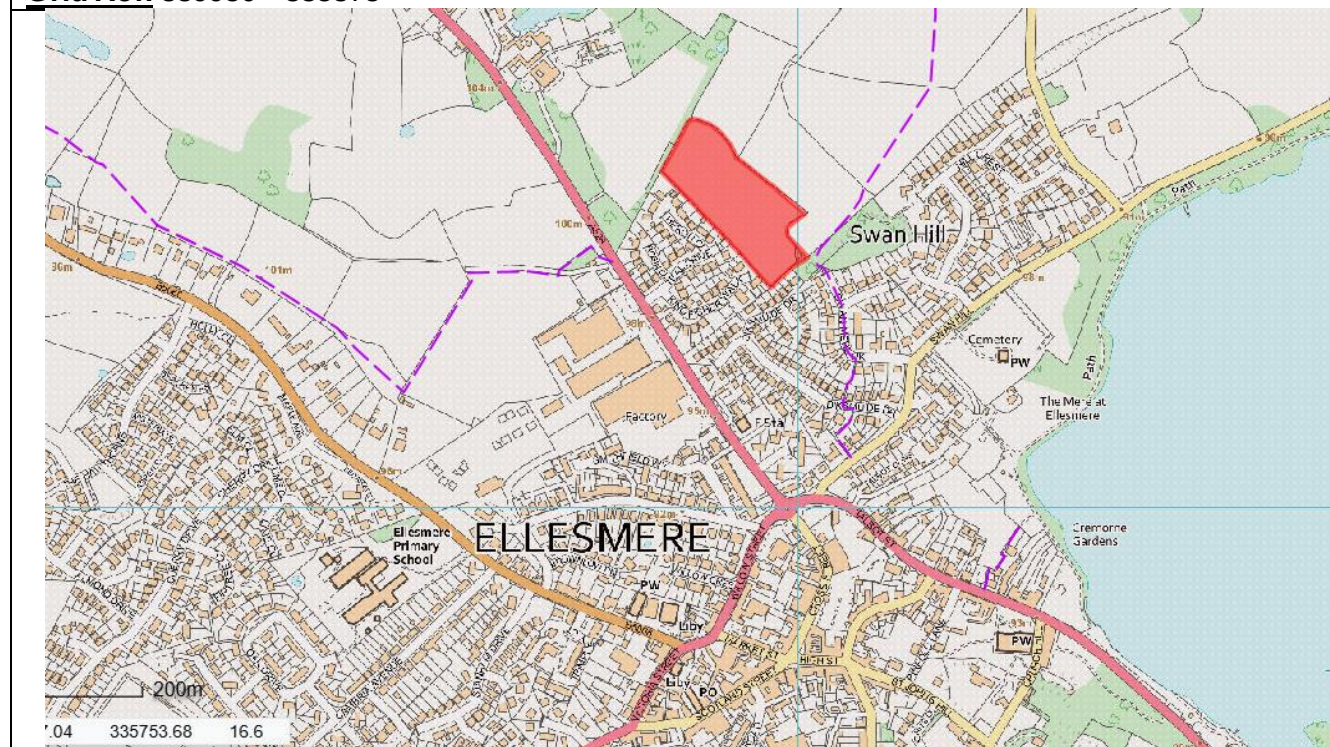
Development Management Report

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 undertaken 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)
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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.