

Boningale Homes
c/o Megan Wilson
DLP Planning Ltd
Office 106
Cumberland House
Nottingham
NG1 6EE

Date: 18th April 2024

Our Ref: PREAPP/24/00151

Your Ref:

Dear Megan Wilson

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING REFERENCE:	PREAPP/24/00151
PROPOSAL:	Erection of up to 50 residential dwellings and 60-70 extra care units
LOCATION:	Land North Tilstock Primary School, Tilstock, Whitchurch, Shropshire, SY13 3JL.

Thank you for your request for advice on the above proposal prior to submitting a planning application. I have considered your proposal and consulted with the relevant Planning Consultees and can provide the following guidance in relation to a follow-on application:-

PLANNING POLICY

Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date development plan should be approved and proposed development that conflicts with policies of the development plan referenced below in this section should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

Core Strategy policy CS1 sets out the Council's aim to make rural areas more sustainable through a "rural rebalance" approach. Development will be located predominantly in Community Hubs and Clusters while outside these areas, development will be primarily for economic diversification and to meet the needs for local communities for affordable housing. Policy MD1 of this document states that sustainable development will be supported in Market Towns and Key Centres having regard to various development plan policies, including Core Strategy policy CS4 and SAMDev policies S18 and MD3.

Policy CS4 of the Core Strategy notes that in the rural areas communities will become more sustainable by allowing development in community hubs and clusters that helps rebalance rural communities by providing housing that is of a scale appropriate to the settlement concerned and

ensuring that market housing developments make sufficient contributions to improving local sustainability through a suitable mix of appropriate housing that is sympathetic to the character of the community concerned. Policy CS4 does not allow development outside of community hubs and clusters unless it meets Policy CS5. This policy strictly controls new development within the countryside; development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. CS5 goes on to set out a number of circumstances in which development in the countryside may be permitted.

Tilstock forms part of the Whitchurch Rural & Ightfield and Calverhall Community Cluster designated under S18.2 (ii) with a total housing guideline of around 100 additional dwellings over the period to 2026. Tilstock is expected to contribute 50 dwellings toward this total via three allocated site TIL001, TIL002 and TIL 008 together with infilling, groups of houses and conversions which may be acceptable on suitable sites within the development boundary identified on the Policies Map.

The proposed development would be for new build dwellings outside of the cluster's settlement boundary and would not represent infill development or the development of an allocated site. It is therefore considered that the application site would be deemed to fall within open countryside where new open market residential development would not normally be supported other than in a limited number of circumstances identified by policy CS5, none of which would apply in this case.

Though the exception list of CS5 is not exhaustive, nevertheless, this policy is supported by Policy MD7a of the SAMDev which does strictly control new market housing outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters, unless it is suitably designed and located and meets an evidenced local housing need and other relevant policy requirements.

Policy MD3 states that, in addition to settlement allocations, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan (the Core Strategy and the SAMDev taken together), and that the settlement housing guideline is a significant policy consideration. The policy states that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the several factors. In this way, sites outside the development boundary will only be considered where the housing guideline for the settlement would be unlikely to be met.

5 year housing supply, housing delivery in the Community Cluster and the draft Local Plan

To reiterate, the application site lies outside the settlement boundary, therefore, for planning policy purposes, the application site constitutes an open countryside location. Policies CS5 and MD7a provide a list of 'exceptions' identifying development types which can be constructed within the open countryside. The proposal however is for open market dwellings and does not meet any of the listed exceptions.

The council currently has 5.91 years supply of deliverable housing land against the housing requirement identified within the adopted Core Strategy (2011) and 7.63 years supply of deliverable housing land against the local housing need, calculated using the Government's standard methodology. As such, there is no undersupply of homes across Shropshire and the national housing delivery test has been met. Therefore, all relevant policies are up to date.

As stated in your Planning Statement, it is furthermore the case that the "*Council is now allowed the opportunity to demonstrate a four-year supply figure, under the provisions of paragraph 226 laid out in the December 2023 version of the NPPF until such time as the Local Plan examination concludes, or two years from date of the NPPF publication has passed*".

The housing guideline for the Whitchurch Rural & Ightfield and Calverhall Community Cluster and which includes Tilstock is 100 over the plan period up to 2026. The latest housing supply figures for the cluster states that there were 108 housing completions up to 2022/23 with an additional 60 sites benefiting from approval by 31st March 20223; a further 5 dwellings could be delivered on allocated sites where permission has yet to be granted. It is therefore considered that the housing guideline which extends up to 2026 has the potential to be significantly surpassed and regarding MD3, there is no expectation that there would be a need to allow new housing development outside of the development boundary to meet the housing guidelines.

It should be noted that no further additional site allocations are proposed for this community cluster as part as part of the draft Local Plan which is currently at the examination stage. No representations were received during the Regulation 19: Pre-Submission Consultation on the Draft Shropshire Local Plan which requested that the application site be included as part of the new Local Plan when adopted. There is no guideline figure for the cluster, instead draft policy S18.3 states *“Within these Community Clusters, new residential development will be delivered through any saved SAMDev allocations; and appropriate small-scale windfall development, where it is consistent with Community Cluster Policy SP9 and other relevant policies of this Local Plan”*. Paragraph 2 of SP9 states that residential development in community clusters will be delivered as follows:

- a. On saved SAMDev allocations;*
- b. Through the conversion of existing buildings within or immediately adjoining the built form of the settlement; and*
- c. On suitable small-scale infill sites of 0.1ha or less, which are clearly within and well related to the built form of the settlement, have permanent and substantial buildings on at least two sides and are for up to a maximum of 3 dwellings; and*
- d. By affordable exception sites, cross-subsidy exception sites and entry level exception sites meeting evidenced need and the other requirements of Local Plan Policies.*

The proposed development would not accord with any of these criteria. Though the existing local plan remains the starting point for decision making and the emerging plan would only be given limited weight, the fact that the proposal would not accord with SP9 weighs against the current proposal.

Overall, it is established that the erection of up to 50 residential dwellings and 60-70 extra care units in this location would not be compliant with the settlement strategy of the Local Plan. The development would be in open countryside and no exceptions including an evidenced housing need has been identified that would overcome this non-compliance.

Sustainable Development

There would be economic benefits from the allowing the development with job creation during the construction phase and social benefits of the provision of care facilities. It is acknowledged that there are limited local services that could be accessible on foot from the development site including a primary school, village hall, an hourly bus service and public house.

Of most importance however is that the number of houses built, permitted to be built is and allocated to be built is significantly more the guideline for the community cluster. The guideline reflects detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. The guideline is not a maximum figure but as stated in the supporting text of MD3, development going beyond it by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill towards breaking point. It is considered that allowing a scheme of this scale adjacent to Tilstock would push the total number of homes allowed within the current plan period in the cluster far beyond an acceptable level. This level of increase would bring about further undue pressure on the limited local infrastructure and be contrary to the settlement strategy of Local Plan which is up to date and contrary to the social dimension of sustainable development.

SITING, SCALE AND VISUAL/LANDSCAPE IMPACTS

Core Strategy policy CS6 seeks to ensure that development respects and enhances local distinctiveness and amongst other factors, is appropriate in scale, density, pattern, and design, taking into account local context and character and those features which contribute to local character. This policy also seeks to maintain and improve the health and wellbeing of communities including safeguarding residential and local amenity.

Policy MD2 'Sustainable Design' of the SAMDev additionally seeks to achieve local aspirations for design both in terms of visual appearance and how a place functions. Policy CS17 recognises Shropshire's environmental assets, and that new development should contribute towards local distinctiveness including landscape and biodiversity. Policy CS17 recognises Shropshire's environmental assets, and that new development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

Policy MD12 'The Natural Environment' also discourages proposals which are likely to have a significant adverse effect, directly, indirectly, or cumulatively on the environment including upon visual amenity and landscape character and local distinctiveness unless:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset.

Section 12 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Section 15 makes clear that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

It is noted that the primary purpose of this pre-application has been to establish the likely acceptability of the principle of development in this location and to seek the opinions of technical consultees. As such and considering the absence of detailed supporting plans, the LPA is unable to offer a detailed assessment of the potential visual and landscape impacts of the development. However, it can be stated that a scheme of this scale in this location would radically alter the way in which the entrance to the north of Tilstock is experienced. The open field represents a distinct character change from the built form of the core Tilstock to the south and this large-scale development would present an obvious and visually dominant protrusion into the countryside. As highlighted during our meeting, a recent appeal (APP/L3245/W/23/3320163) for just three homes adjacent to your site was dismissed with the Inspector agreeing with the LPA that the appeal site to the north of Crabmill Meadow formed a well-defined 'edge' to the settlement. The erection of up to 50 homes and a 60/70 bed care home along with associated infrastructure further north to the appeal site would entirely undermine this defined edge. The appeal site with its verdant character along with the open fields intersected by hedgerows to the north allow medium to distant views of Tilstock from the B5476 and so contribute positively to visual amenity and the character of the settlement. The development would also urbanise and dominate views from PROW 28 as receptors look west. Overall, it is considered likely that the proposed scheme would not represent a proportionate addition to the village or serve as a form of infill development which responds to its grain of development but rather would be an incongruous and overwhelming addition that would not secure and enhance local distinctiveness. The single point of pedestrian connection as indicated on the Masterplan would further exacerbate the development's physical separation from the historic growth and development of Tilstock.

If you were to submit a follow-up planning application, then a Landscape Visual Impact Assessment should be submitted.

Regarding the proposed open space, both the current (MD2 of the SAMDEV) and emerging plan policies (Policy DP15) expect a total of 30sqm of open space per bedroom. The open space should form one parcel at the centre of the site, maximising accessibility and overlooking. It is unclear whether the amount of open space indicated on the Masterplan would meet the 30sqm figure, however the division of the space into three areas between the internal highway and built form would not be considered an optimal design approach. The supporting text of MD2 (para 3.13) is informative when considering the design of open space *“For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision. On very large sites, it may be appropriate to divide the recreational open space into more than one area in order to provide accessible provision across the development. In such instances it is important that each recreational area is of a sufficient size to be functional”*.

Consultee responses

The primary purpose of the pre-application has been primarily to establish whether the principle of residential development at the site would be acceptable and as such I hope the above is useful in helping to inform your client regarding potential next steps. As part of the pre-application, technical consultees were contacted, and their comments can be found below:

HIGHWAYS

It is noted that the site is not currently considered as a preferred housing allocated site in the emerging Local Plan. The proposal indicates some 50 residential units and 68 bed extra care facility, which represents a substantive increase in housing stock within the village of Tilstock.

From a highway and transportation perspective, the application has been supported by Pre-application Highways Technical Note (TN), which essentially outlines the principles and information that would be submitted as part of a Transport Assessment/Statement. The TN focuses mainly on traffic generation and impact upon the surrounding highway network. Traffic generation is unlikely to be a substantive issue but there is no mention within the TN on sustainable travel and active travel. No mention regarding public transport and how that can be accessed and/or improved? What are the facilities within the village and how could residents gain access to them? It is noted however that measured speed reading would be undertaken to establish required visibility splays at the access, although whilst the TN acknowledges the 'Y' distance visibility requirements based upon SSD MfS criteria, forward visibility needs also to be looked at. A waiting right turning vehicle driver being able to see and be seen by vehicles approaching the vehicle from both directions. On the face of it, this may be more critical from the south to north direction of vehicle travel.

The TN recognises that there is no pedestrian provision from the site towards and along Tilstock Road into the village. There is no real prospect of a footway connection being created within the highway margin. The TN also suggests that this is mitigated by the potential to provide pedestrian connection towards the rear of Tilstock Primary School. This is considered questionable and difficult to reconcile that a pedestrian desire line would not be attractive into the village from the site along Tilstock Road, irrespective that there is not a safe off-road footway provision. This would need further thought to demonstrate adequate connectivity between the site and into the village and access to the village services and amenities. Essentially these issues are captured within paragraphs 114 and 115 in the NPPF.

At this stage no layout is proposed, and further comments will be provided should the scheme proposals progress.

The following informative notes may also provide information useful to the developer in progressing their proposals.

Informative notes:

Any future planning application should provide all details necessary to assist with the appropriate determination from a Highways and Transport perspective. As well as demonstrate that the proposed new vehicular access, associated visibility splays, parking, and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'.

Protection of Visibility Splays on Private Land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

AFFORDABLE HOUSING

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 15% this would mean a provision of 7 Affordable houses on site along with a financial sum for the remaining percentage. (if 50 homes are built) The assumed tenure split of the affordable homes would be 5 for affordable rent and 2 for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted, however a mix of house sizes would be expected. As part of any planning application, the applicant must confirm if the extra care will be C2 or C3. If the extra care units are independent homes with their own front doors, then a further 10 affordable homes will be required (plus a financial contribution).

ECOLOGY

HABITATS REGULATIONS ASSESSMENT - RECREATIONAL IMPACTS ON COLE MERE

This application must be considered under the Habitats Regulations Assessment process to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Cole Mere (part of the Midlands Meres and Mosses Phase 2 Ramsar) has been identified as having an adverse impact on this designated site.

The site of this application lies approximately 11.3km from Cole Mere.

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.

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 study proposed 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 main reasons for visitors choosing Cole Mere included the natural look and feel of the site, proximity to home, and being able to let the dog off the lead. Most visitors completed the circular walk around the lake, a walk of 2.5 km and several commented that it was a well-maintained path and an easy walk. The majority of visitors had dogs with them (56.9%) and the majority of dogs were allowed off leads (82.2%), while almost half (48.3%) entered the water.

The report concluded that, considering 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 the site, and that impact avoidance measures are required.

To mitigate such impacts, a suite of visitor improvement measures have been identified that could be implemented at the site, to mitigate recreational impacts, and which the proposed development could contribute to, including improved visitor signage, car park improvements and protection of the rare least water lily.

A financial contribution of £50/bedroom to the management of Cole Mere will therefore be required, to mitigate for impacts to this designated site, to support the aims and objectives for the reserve set out in the Cole Mere Management Plan 2020-2025 and is commensurate with contributions secured for other housing schemes within the catchment of Cole Mere.

The contribution would assist in implementing visitor management measures to mitigate increased recreational pressure arising from the development over the long term.

Submission of the planning application will need to include confirmation of the number of bedrooms and agreement of the financial contribution. This will allow SC Ecology to complete an Appropriate Assessment for Cole Mere.

The financial contribution to ongoing visitor management mitigation measures would need to be secured in a section 106 agreement.

HABITATS REGULATIONS ASSESSMENT - RECREATIONAL IMPACTS ON BROWN MOSS

This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Brown Moss (part of the Midlands Meres and Mosses Phase 1 Ramsar) has been identified as having an adverse impact on this designated site.

The site of this application lies approximately 2km from Brown Moss.

Brown Moss lies within the catchment where any increase in houses would likely give rise to effects on Brown Moss because of increased recreation if not mitigated. Face to face visitor questionnaire surveys using a standard methodology were carried out at Brown Moss in August and September 2017. The results suggest that baseline recreational pressure is around 3 people per hour (averaged over the year) and 16,060 people per year. The study proposed an indicative catchment area of 3.4km (75% of visits) from Brown Moss, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

The report concluded that considering the sensitivity of the site, any increase in visitor pressure (even if small) is likely to act in combination with other pressures upon the site's structure and function causing a significant effect on the site's integrity.

A contribution of £50 per bedroom towards these mitigation measures is therefore considered appropriate to assist in the delivery of the identified mitigation measures and is commensurate with contributions secured for other housing schemes within the catchment of a similarly affected international site (Cole Mere Ramsar). The contribution would assist in implementing visitor management measures to mitigate increased recreational pressure arising from the development over the long term.

NB: Please note that on-site public open space is not considered to mitigate for impacts upon Brown Moss, as the reserve provides opportunities for walks varying in length up to 4.4km in a semi-natural setting with views of water, which is not provided by the proposed public open space on the development site.

Submission of the planning application will need to include confirmation of the number of bedrooms and agreement of the financial contribution. This will allow SC Ecology to complete an Appropriate Assessment for Brown Moss.

The financial contribution to ongoing visitor management mitigation measures would need to be secured in a section 106 agreement.

BIODIVERSITY NET GAIN

A planning application on this site must be accompanied by information demonstrating biodiversity losses and gains, utilising the statutory metric (or the small sites metric, if appropriate), and with accompanying documentation in line with BS 8683:2021 *Process for*

designing and implementing Biodiversity Net Gain and good practice guidance *Biodiversity Net Gain. Good Practice Principles for development (CIEEM, 2016)*. The development must demonstrate at least a 10% net gain in biodiversity.

ECOLOGICAL IMPACT ASSESSMENT (ECIA)

A planning application on this site must be accompanied by an Ecological Impact Assessment of the land in and surrounding the proposed development and a discussion of any potential impacts resulting from the development.

An Ecological Impact Assessment should consist of:

- A habitat survey, preferably utilising the UK Habitats Classification System, a habitat map and an assessment of the suitability of the site to support protected/priority species.
- A desk study of historical species records and local, regional or national wildlife designated sites.
- Supplementary detailed surveys (phase 2 habitat surveys, protected or priority species or geological features as appropriate to the site).
- Evaluation of the importance of biodiversity or geological features present at a local, regional, national, international level.
- Analysis of the direct and indirect impacts of the development (during construction, working area, additional infrastructure, and post construction).
- Proposed avoidance, mitigation, or compensation measures, including method statements where appropriate.
- Legal implications such as the need for European Protected Species Mitigation Licences or other licences (e.g., badgers).
- Proposed biodiversity or geodiversity enhancement measures to ensure a net gain for biodiversity as a result of the development.

The Ecological Impact Assessment should be carried out by a suitably qualified and experienced ecologist with the relevant protected species licenses. The Ecological Impact Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.

GREAT CRESTED NEWTS

Any ponds within 500m of a major planning application should be assessed in terms of their broad suitability to support great crested newts by carrying out a Habitat Suitability Index (HSI) assessment.

If any pond is calculated as being suitable then it may be necessary to carry out a presence/absence survey for great crested newts. This can consist of:

- 4 survey visits between mid-March and mid-June with at least 2 visits between mid-April and mid-May. Three survey methods (preferably torch survey, bottle trapping and egg searching) should be used on each survey visit. If great crested newts are discovered then it may be necessary to carry out a population size class estimate which involves an additional 2 visits in the specified time period; or
- An eDNA survey following the collection of water samples between 15th April and 30th June. If great crested newt presence is confirmed then a population estimate by conventional survey (6 visits in the correct time period) will still be required. (An early eDNA survey is required if any subsequent population estimate surveys are required in the same year).

The ecologist should make recommendations as to whether a European Protected Species Licence with respect to great crested newts would be necessary and the need for a mitigation scheme and/or precautionary method statement. In some instances, if impacts are sufficiently low, use of a Low Impact Class Licence may be possible. This is implemented through a consultant ecologist who is registered with Natural England.

The great crested newt survey should be carried out by an experienced, licensed ecologist in line with the Great Crested Newt Mitigation Guidelines by Natural England (2001) and should be submitted with any necessary mitigation scheme and method statement to the Local Planning Authority in support of the planning application.

In addition to the traditional survey route outlined above, District Level Licencing is now available in Shropshire in a scheme run by Natural England. For information on joining the scheme, please see <https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes-for-developers>

BADGERS

This site and its surroundings look suitable to support badgers. An inspection of all suitable habitat to a distance of at least 30m from the site boundaries should be carried out. Where badgers are confirmed to be present, a mitigation strategy and precautionary method statement should be provided in support of the planning application.

FINDING AN ECOLOGICAL CONSULTANT

A list of ecological consultants who work in Shropshire is available on request. This list is by no means exhaustive and contains information on other ways of finding a consultant. Shropshire Council cannot recommend any consultant or guarantee their work.

You should always check that the ecologist you select has the relevant protected species survey licences issued by Natural England. Without a valid survey licence, the report provided by an ecologist may not be considered adequate by the Local Planning Authority.

It is always wise to seek several quotes since prices can vary.

I am happy to be contacted by the appointed ecologist to discuss the application prior to survey work being carried out if that is helpful.

Please contact me, or one of the other Ecology team members, if you have any queries on the above:

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

TREES

The site is not located within a Conservation Area and there are no Tree Preservation Orders however there are boundary hedges and trees associated with the ponds on site.

The Planning statement states that an Arboricultural Assessment will be provided in support of a future application, or as necessary as part of the promotion of the site and landscaping will be incorporated within the design.

Therefore, an Arboricultural Impact Assessment undertaken by a professional arborist in accordance with BS5837: 2012. "Trees in relation to Design, Demolition and Construction recommendations for tree protection' will be required along with a Tree Protection Plan and an Arboricultural Method Statement provided (as appropriate) to show how retained and adjacent offsite trees and hedges are to be protected during any approved development

ENVIRONMENTAL PROTECTION

Environmental Protection has identified the site as potentially contaminated land (unknown filled ground) under the Council's Environmental Protection Act 1990 Part 2A responsibilities and therefore having regard to the NPPF, the developer will need to demonstrate:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- d) where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Therefore, as a minimum a Phase 1 Preliminary Risk Assessment (PRA) will need to be submitted in support of a planning application having regard to current Environment Agency guidance 'Land Contamination: Risk Management (LCRM) Land Contamination Risk Management (LCRM). If a Phase 1 PRA is not submitted, then the application should not be validated.

Environmental Protection are likely to recommend pre-commencement conditions requiring site investigation and risk assessment before development commences if planning permission is granted.

ARCHAEOLOGY

At present there are no records of any features with archaeological interest on the Shropshire Historic Environment Record (HER) on the proposed development site itself. However, it is located near known heritage assets to the south, including the Grade II Listed Building of Christ Church (NHLE 1177184) approximately 100m away. Artefacts dating from the early medieval to post medieval periods have been recorded nearby through the Portable Antiquities Scheme, the nearest being less than 50m from the proposed development site.

Historic mapping indicates a pond, footpath and former field boundary were located in the proposed development site in the 19th century. Mapping and aerial photography indicates limited development of the site, suggesting the possibility that currently unrecorded archaeological features and deposits are present on the preapplication site. As a result, and based on current evidence, the proposed development site is therefore considered to have low ' moderate archaeological potential.

RECOMMENDATION:

Regarding the requirements set out in Local Plan Policy MD13 and Paragraph 200 of the NPPF, it is advised that a Heritage Assessment is submitted with any planning application that includes the results of an archaeological desk-based assessment and a field evaluation. The latter should comprise a geophysical survey of the proposed development site and the results of a targeted trial trenching exercise.

Thereafter, subject to the findings of the desk-based assessment and field evaluation and in relation to Local Plan Policy MD13 and Paragraph 211 of the NPPF, it may be necessary to recommend that a programme of archaeological work is made a condition of any planning

permission for the proposed development. The exact requirements will be subject to the identified level of archaeological interest. An appropriate condition would be: -

Suggested Condition:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

DRAINAGE

The proposed development site contains a pluvial flood zone and is shown to be at a low to moderate risk of groundwater flooding. The ground may be suitable for soakaway, although percolation tests in accordance with BRE 365 must be carried out.

To develop the surface and foul water designs to satisfy the LLFA's requirements, reference should be made to Shropshire Council's SuDS Handbook which can be found on the website at:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The Appendix A1 - Surface Water Drainage Proforma for Major Developments must also be completed and submitted with the application.

The following SUDS subject areas should be addresses for the planning application:

1. Flood Risk Assessment:

Development proposals are greater than 1 hectare therefore a Flood Risk Assessment (FRA) must be carried out where the applicant should:

- Complete the FRA using Shropshire Council's Strategic Flood Risk Assessment (SFRA) documents for guidance. The SFRAs are available on the Shropshire Council website. The criteria for a FRA are set out in National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. Reference should also be made to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes.

A FRA should include, as a minimum:

- Assessment of the Fluvial flooding (from watercourses)
- Surface water flooding (from overland flows originating from both inside and outside the development site)
- Groundwater flooding
- Flooding from artificial drainage systems (from a public sewerage system, for example)
- Flooding due to infrastructure failure (from a blocked culvert, for example)
- Carry out and Exception Test to demonstrate that the development is set out to ensure flood risk to people and property will be minimised.
- Consideration of appropriate climate change allowance

The potential impact of flood water from the new site on adjacent properties should be considered, and mitigation proposals described.

2. Risk of Surface Water Flooding:

Parts of the site is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level and must not be lower than the floor level of the existing building.

3. Soakaways:

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1% AEP storm event plus an allowance of 40% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1% AEP rainfall event + 40% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Connection of new surface water drainage systems to existing drains / sewers should only be undertaken if it can be demonstrated that infiltration techniques are not achievable.

4. Urban Creep:

Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare == Change allowance % of impermeable area

Less than 25 ==10

30 ==8

35 ==6

45 ==4

More than 50==2

Flats & apartments ==0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

'Curtilage' means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

A drained area plan clearly showing the addition of urban creep must be submitted for approval.

5. Exceedance Flow:

Shropshire Council's Local Standard D of the SUDS Handbook requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined below) within the development site or contribute to surface water flooding of any area outside of the development site.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Contour and/or exceedance route plans should be submitted for approval demonstrating that the above has been complied with and that there is sufficient provision to remove surface water from the highway to the underground piped system.

6. SuDs Maintenance:

In accordance Shropshire Council's Local Standard L of the SUDS Handbook, a maintenance schedule to include activities and timings of the routine maintenance of the SuDs features and details of who will be responsible for the on-going maintenance must be submitted for approval.

7. Foul Drainage:

Due to the size of the development, a mains foul drainage connection is anticipated. Details of the S104 adoption / S106 connection agreement with the local water authority should be submitted for approval.

COMMUNITY INFRASTRUCTURE LEVY

A Community Infrastructure Levy (CIL) introduced by the Council in 2012 aims for residential development (including conversion schemes, domestic extensions, and outbuildings with floor space of 100m² or more, and permanent buildings used as holiday accommodation) to contribute proportionately to the cost of infrastructure upon which it would depend. Further information about the payment of CIL can be found here: <https://www.shropshire.gov.uk/planning-policy/community-infrastructure-levy-cil/>

CONCLUSION

Overall, it is established that the erection of up to 50 residential dwellings and 60-70 extra care units in this location would not be compliant with the settlement strategy of the Local Plan. The development would be in open countryside and no exceptions including an evidenced housing need has been identified that would overcome this non-compliance. All planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise and therefore at the time of writing, if a planning application was submitted based on the plans provided as part of this pre-app then the LPA would recommend refusal.

In addition, concern is raised about the visual and landscape harm that would occur if this pre-application site was developed as indicated; the development would not represent a proportionate addition to the village or serve as a form of infill development which responds to its grain of development but rather would be an incongruous and overwhelming addition that would not secure and enhance local distinctiveness.

If you do intend to proceed with a planning application, then please note you must provide the information below:

Local List Validation Requirements

Providing that the information referenced in the above report is provided within the following list of documents, it will enable the application to be registered and validated against the Council's local list validation requirements:-

- Planning Statement
- Flood Risk Assessment
- Ecological Impact Assessment
- Appendix A1 - Surface Water Drainage Proforma for Major Developments
- Heritage Assessment
- Draft Heads of Terms
- Phase 1 Preliminary Risk Assessment (PRA)
- Community Infrastructure Levy Forms
- Part 1 Sustainability Checklist
- Arboricultural Impact Assessment
- Affordable Housing Contribution proforma
- Transport Assessment/Statement

- Landscape Visual Impact Assessment
- BNG Information - Information demonstrating biodiversity losses and gains, utilising the statutory metric (or the small sites metric, if appropriate), and with accompanying documentation in line with BS 8683:2021 Process for designing and implementing Biodiversity Net Gain and good practice guidance Biodiversity Net Gain. Good Practice Principles for development (CIEEM, 2016).

National List Validation Requirements

I can also confirm the application will need to comply with National submission requirements to be validated and for this particular proposal you must also submit the following:

✓ **Completed Application Form**

Where possible please submit using the online Planning Portal however if you wish to download and submit a paper application, please submit a total of 2 sets of all documents. Please also ensure that the Ownership Certificate (A, B, C or D as applicable) and the Agricultural Land Declaration sections are completed in all instances

✓ **Location Plan**

Based on an up-to-date map at an identifiable metric scale (1:1250 or 1:2500). The plan should identify sufficient roads, buildings, adjoining land etc. to ensure that location of the site is clear. The site should be edged clearly in red line and include all that is within the proposal; including any access from a highway, landscaping, parking, open areas around building etc. A blue line should be drawn around any other land owned or controlled by the applicant if close to or adjoining the site.

✓ **Site Plan (existing and proposed)**

Applications should normally include existing and proposed plans at a standard metric scale (1:100 or 1:200 for householder applications and 1:500 otherwise). All site plans should be numbered and versioned if the drawing is subsequently amended. All site plans should accurately show:-

- Direction of North and an indication of scale
- The footprint of all existing buildings on site with written dimensions and distances to the site boundaries or a scale bar appropriate to the building scale. If using more than one scale on a drawing please clearly indicate so.
- The paper size that the drawing should be printed at
- Building, roads and footpaths on adjoining land to the site including access
- Any public Rights of Way
- The position of all existing trees on and adjacent to the site
- The extent and type of hard surfacing
- Boundary treatment including type and height of walls or fencing

Types of existing and proposed site plans include:-

- Block plan of site (e.g. at 1:100 or 1:200) showing site boundaries
- Existing and proposed elevations (e.g. at 1:50 or 1:100)
- Existing and proposed floor plans (e.g. at 1:50 or 1:100)
- Existing and proposed site sections and finished floor and site levels (e.g. at 1:50 or 1:100)
- Roof plans (e.g. at 1:50 or 1:100)

As all application are stored electronically and made available via the Shropshire Council website, applicants are asked to ensure that documents and drawings are of a sufficient quality and that their clarity is such that the documents can be viewed accurately after being scanned.

✓ **Design and Access Statement**

✓ **The correct planning fee**

Most applications incur a fee. The on-line Planning Portal includes a fee calculator for applicants, however you can also contact Shropshire Council Planning Validation Team for clarification on the correct fee to submit:-

Email: planning.validation@shropshire.gov.uk

I trust the above is helpful, but please note that it is an informal opinion based on the information you have provided at this stage. Any planning application submitted will be determined taking into account the details contained in the application; the policy of the Development Plan; Government planning policy; the outcome of any consultation with statutory or other consultees; any representations received and any other material consideration. Any expenditure incurred in preparing plans or making the application must be entirely at their own risk.

For further information regarding validation requirements for Planning applications, please visit the Shropshire Council website, Planning pages.

If you decide to submit a follow-on application, please ensure that you clearly state the Pre-Application 'Planning Reference' number that is provided at the top of this letter.

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website <https://www.shropshire.gov.uk/building-control/> for pre-application advice and a competitive fee.

Yours sincerely,
John Shaw
Principal Planning Officer

Northern Team
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