

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

**Application Number:** 15/04373/FUL

**Parish:**

Sutton Upon Tern

**Proposal:** Erection of a workshop and amenity building and associated use of land as a haulage yard with external storage

**Site Address:** Site of Former Railway Station Tern Hill Shropshire

**Applicant:** Tony Hamer and Sons Ltd

**Case Officer:** Richard Denison

**email:** [planningdmne@shropshire.gov.uk](mailto:planningdmne@shropshire.gov.uk)

**Grid Ref:** 363350 - 332090



**Recommendation:- Delegated to the Head of Planning Services for approval subject to conditions set out in Appendix 1 and any amendments considered necessary.**

**Recommended Reason for Approval.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application relates to the erection of a workshop and amenity building and associated use of the land as a haulage yard with external storage. The proposed workshop building will measure 15 metres by 20 metres and will be constructed from a steel portal frame with box profile sheeting. A total of 18 open storage clamps will be provided (two mushroom compost clamps, six 4.3m x 6m clamps and ten 4.3m x 7.6m clamps). The proposed clamps will face a square manoeuvring and loading area adjacent to the workshop building, wash area and gravel hopper. The existing vehicular access will be used and there will be 16 car parking spaces being provided for staff and customers and 9 heavy goods vehicle parking bays. Four lighting columns will be provided, whilst a landscaped gravel display area will be provided directly adjacent to the entrance. Security fencing and gates will be provided to enclose the site. The area of land to the south west corner of the site will be open and allow for any potential future expansion.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The proposed site is 1.14 hectares in size and was formerly used as a railway station with associated rail haulage and railway goods storage. It is bounded by agricultural land to the north, west and south. The A53 road defines its south eastern boundary. To the north east of the site are a number of employment uses. Tern Hill Furniture is situated immediately north of the access. Between the access and the main part of the site is United House, which is occupied by United Milking Systems. The nearest residential property is Station House which is located to the north east corner of the site, whilst The Cottage is located directly adjacent to the Tern hill Furniture warehouse and the Lodge is located directly opposite facing the A53. There are two derelict storage and workshop buildings on the site that will be demolished, that were previously used as a railway goods shed and weighbridge.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

4.1.1 **Shropshire Council, Highways Development Control (07/12/15)** - Whilst the Highway Authority raises no objection to the principle of the proposal in order to more fully assess the application from a highway perspective clarification and information regarding the simultaneous movement of the HGVs at the in/egress of the site onto the adjoining principal road should be forwarded. In addition, a more detailed site/block plan should be forwarded identifying all the assigned parking and turning arrangements for the HGVs, staff and customers. Whilst the traffic movements have been given in the supporting information greater clarification should be given on how these equate to the proposed operation of the site and the number of clamps shown. The operation of the company would appear to be in aggregates from the supporting information but the use of the site would appear to be seeking a general haulage use and as such would other haulage operations than just aggregates operate from the site? Further comments will be forwarded on receipt of the above information and plans.

4.1.2 **Shropshire Council, Highways Development Control (04/11/16)** - The site access geometry is limited by the adjacent furniture store car parking to the north-east and by the property shown as United House to the south-west. The submitted information also does not adequately address the relationship of the access and proposed site use to the existing furniture store car park and vehicle movements to and from the A53.

The submitted swept-path analysis demonstrates that two articulated HGV's can pass within the access at a point 20 metres or more from the A53 junction, however, the drawing also clearly demonstrates that the manoeuvring requirements of a standard articulated HGV requires the full width of the available access for an initial length when entering the site.

Of particular concern is the exit manoeuvre to the north-east which, because of the limitations of the site ownership and control at the corner of the furniture store car park, appears to show an articulated vehicle encroaching into the oncoming southwest bound A53 traffic. Site observations suggest that the southwest bound traffic at the position of the site access would have ample opportunity to achieve speeds at or near to the speed limit and the encroachment may not be anticipated.

Whilst it is considered that visibility for vehicles emerging from the access and forward visibility for traffic on the A53 are acceptable at this location, the geometric limitations of the access could give rise to instances of vehicles associated with both the site and the adjacent furniture store stopping and waiting on the A53 while an articulated vehicle negotiates and clears the access. The submitted information clearly identifies the sale of aggregates to customers and there would be the potential for movements of customers' vehicles to conflict with those of the articulated vehicles.

It is accepted that the submitted vehicle movement schedule shows low levels of articulated vehicle movements based upon the current site location and operations, however, the business operations and associated vehicle movements are unlikely to be able to be controlled under a planning consent and could change. In addition, the increase in capacity afforded by a larger site could give rise to increased articulated and staff/customer vehicle movements in the future, potentially without the need for a further planning consent, should the haulage yard use be established.

It is, however, noted that the site ownership and control appears to be sufficient for the consideration of a new vehicular access, which could be designed to fully accommodate articulated HGV's, to the southwest of the property shown as United House.

- 4.1.3 **Shropshire Council, Highways Development Control (19/01/17)** - Following the previous Highway Advice Note dated 4th November 2016 further information has been submitted in the form of a revised application site boundary to both the south western and north eastern sides of the access road with a revised drawing showing articulated HGV's swept-paths.

Additional width is shown along the length of the access road both adjacent to United House and across the adjacent furniture store car park to the north-east. The supporting swept-path analysis plan now demonstrates that the access can accommodate the swept-path of an articulated HGV exiting the site to the northeast without encroaching onto the opposing lane on the A53. This will, however, require the widening of the existing dropped kerb.

The submitted information still does not adequately address the relationship between the increased use of the access by HGV's and the operation of the existing furniture store car park. In addition, and contrary to the statement provided, it would appear that the passing of two HGV's within the access road has not been demonstrated.

It can be determined from the new swept-path analysis that an articulated HGV should now be able to exit the site access junction with the availability of the additional furniture store land without encroaching onto the opposing lane on the A53. In terms of the access road, whilst the swept-path analysis shows movements for vehicles 6 and 9, these are not combined and when compared, there would still appear to be the potential for conflict within the initial 20 metres of the A53 junction. It would appear, however, that the swept-paths have not taken into account the additional width on the south western side of the access road and should be capable of further revision.

The concerns in relation to the furniture store access arrangements appear not to have been fully considered or addressed. With the increased use of the site access and the current "in/out" arrangements for the furniture store car park, this could give rise to instances of vehicles stopping and waiting on the A53 while an articulated vehicle clears the access.

The revision of the application site boundary suggests that there is some agreement with the neighbouring landowners; however, it is considered that the access width and radius amendments do not fully address the previous concerns. In order to resolve the remaining highway concerns, it is considered that the furniture store car park layout and "in/out" arrangement also needs to be amended.

At present, the full range of measures considered to be required to safely accommodate the proposed development have either not been demonstrated or are outside the ownership/control of the applicant and reliant on further agreement over changes to the neighbouring landowners' site. Notwithstanding the submitted revised information and the above comments, it is still considered that a new vehicular access, located to the southwest of United House and designed to fully accommodate articulated HGV's, would be preferable.

- 4.1.4 **Shropshire Council, Highways Development Control (21/02/17)** - Following the previous Highway Advice Note dated 19th January 2017 revised information has been submitted in the form of a Site Survey (Drawing No. 79-17-01) and articulated Vehicle Swept Paths 10 & 11 (Drawing No. 79-17-72) which now demonstrate that the access road and junction arrangements can accommodate the swept-paths of articulated HGV's subject to the widening of the existing dropped kerb.

Drawing No. 79-17-72 also shows the reversal of the current "in/out" arrangements, angled parking bays and surface markings for the furniture store car park which addresses a further concern, however, the requested signing from the A53 is currently not indicated but is considered appropriate to secure under a planning condition. In considering the reversal of the existing parking bays, it is noted that the bays appear to be below the recommended length and it is likely that vehicles will project into the aisle shown, however, this is assumed to occur under the current layout. The revised layout shows an overall reduction of two parking spaces, however, this appears to have been caused by providing the full clear width of the access from the A53 which is acceptable.

The requested physical kerbing or separation of the revised radius and boundary to the north-eastern side of the access, across the furniture store car park, also does not appear to be indicated on the revised drawings.

The protection of the HGV swept-path from parking or other obstructions is considered essential to ensure safe egress for site HGV's and through traffic on the A53 and, therefore, requires physical separation from the furniture store car parking area to avoid the possibility of future encroachment. It is considered that these details should be submitted for approval under a planning condition and implemented as part of the necessary alterations to the existing dropped-kerbing to the A53.

No objection is raised subject to the development being carried out in accordance with the approved plans and the provision of safeguarding conditions and informative.

- 4.1.5 **Shropshire Council, Planning Ecologist (18/12/16)** - A mature oak tree adjacent to the eastern boundary was assessed for its suitability to support roosting bats but no suitable features were identified. The boundary hedgerows provide foraging and commuting opportunities for bats. The report recommends the inclusion of bat tubes or boxes on the new building to replace existing roosting opportunities and to enhance the site for bats. New lighting on the site should follow the Bat Conservation Trust's guidance Bats and Lighting in the U.K. (2009). In particular, illumination of boundary vegetation and the locations of the bat and bird boxes should be avoided.

There are two ponds located approximately 50 metres to the south of the site, on the opposite side of the A53. Presence/absence surveys were carried out on the two ponds in May and June 2015 and a small number of smooth newts were recorded in both ponds. The mitigation measures proposed for reptiles will also ensure that smooth newts are not harmed by the development. Should any Great Crested Newts be found at any stage, works must cease and a suitably qualified ecologist and Natural England contacted for advice.

The two buildings on site do have features where birds could nest and an old nest

was noted. The buildings, hedgerows, trees and scrub provide potential nesting opportunities for birds. An old nest was observed at the south-western end of Building 1. Demotion of the buildings and removal of vegetation should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check of the buildings and vegetation should be carried out to ensure there are no active nests present. If any active nests are present (or birds begin nesting once works begin) then works must cease until the young birds have fledged. The report recommends that a number of artificial nesting boxes are erected on the new building, suitable for swifts, house martins, starlings and house sparrows.

The grassland provides little suitable habitat for reptiles but the piles of brash, rubble and wood, patches of scrub and areas within and around the derelict buildings all provide suitable habitat for hibernating and foraging. The boundary hedgerows also provide cover suitable for foraging, hibernating and dispersing reptiles and are well-connected to other suitable habitats. To avoid harming reptiles mitigation measures are proposed.

No evidence of badgers was found on the site or within the local area. It has been suggested that trenches and pipework should be covered overnight or contain a ramp so that any badgers, or other wildlife, that become trapped have a means of escape.

- 4.1.6 **Shropshire Council, Planning Ecologist (08/09/16)** - Apart from a mature oak tree adjacent to the eastern boundary, there are no potential roosting opportunities for bats on the site. Because not all suitable features could be fully searched during the preliminary roost assessment, emergence and re-entry activity surveys were carried out. These were carried out in May and June during the bat survey season and in accordance with the Bat Conservation Trust (BCT) survey guidelines. The temperatures during the activity surveys are given in Turnstone's report. There is no requirement for more activity surveys. Bats are known to forage in the area and use the boundaries to commute. Further surveys would not alter the conclusions, which are to strengthen existing boundaries, erect bat boxes and have a bat-sensitive lighting scheme. All of which will enhance the roosting and foraging opportunities available for the local bat populations. Details of proposed lighting will have to be submitted which will be at the minimum level possible, on PIR timers, down-lit, not illuminating boundaries or locations of bat/bird boxes etc.
- 4.1.7 **Shropshire Council, Flood & Water Management Team** - The surface water drainage proposals are acceptable.
- 4.1.8 **Shropshire Council, Public Protection (27/10/15)** - Having considered the proposed land use, past land use and character of the area I am satisfied that there is not likely to be a significant impact on the area in relation to noise due to the fact that the road network in this area is very busy and noise from the road would mask noise created on site. In relation to contamination although there may be some contamination on site it is not considered likely that this would be at a level that would have an impact on the proposed land use. As a result I have no objection to this application.
- 4.1.9 **Shropshire Council, Public Protection (20/09/16)** - The issue of noise from the site and the impact on nearby residential properties has been raised. Noise from general

activities and also from HGVs entering and leaving the site. Having considered potential noise sources on site it is noted that there are some noisy activities which could generate significant noise at source such as loading and unloading of silos and use of the hopper. Impact noises from these activities will be loud at source however will be reduced significantly by the distances between the activity and residential curtilage. There will also be no direct line of sight between these activities and nearest residents to the north due to the presence of existing buildings. As a result it is not anticipated that noise from these activities will have a significant detrimental impact on residents although it is expected that these noises would be heard at the boundary of the residential receptors. As a result a condition to limit any loading, unloading and packaging including bagging of materials is recommended in order to limit the potential impact of these activities to between the hours of 08:00 – 17:00 Monday to Saturday with no activity on Sundays.

One concern that has arisen in relation to vehicle movements on site is that of reversing alarms. Although the distances involved will ensure that absolute volume of any vehicle reversing alarm may be low should be noted that reversing beeping alarms are very intrusive due to their single pitch. I would therefore advise that a condition to ensure that any vehicle to be used solely on site shall be fitted with white noise reversing alarm in order to ensure there is no impact on residents from this noise source.

Noise from vehicles entering and exiting the site has been considered in the past and not warranted any comment. Here is some further detail behind these initial comments. The access road is approximately 50 metres at its nearest point from the façade of the nearest residential dwelling with direct line of sight of the access road. Over this distance noise levels will be reduced from typical noise levels for HGVs of approx. 100dB (conservative as likely to be less due to low speeds entering and exiting the site) to 58dB as a worst case scenario at the façade of the nearest dwelling. Although audible given the fact that background noise in the area will consist of vehicle noises on the A53 and A41 I do not consider that these noise levels will have a significant impact on the residents. In respect to noise in the garden area as each noise event will be relatively short lived I do not consider that the proposed development will have a significant impact on the amenity of the area in respect of noise from this noise source.

Air quality in the area has been raised as a concern. As the air quality specialist for Shropshire Council I can confirm that air quality monitoring takes place 45m from Tern Hill roundabout and has found levels are on average half of the national objective limit for nitrogen dioxide. The properties nearest to the application site are 200m from the roundabout and it is reasonable to expect air quality to be better at these properties. Having considered the number of vehicle movements on any given day from the proposed use it is noted that this is insignificant compared to the amount of traffic on the A53. As a result the air quality at nearby residential properties and garden areas is not expected to get noticeably worse and will certainly not exceed national objective levels set in legislation for short term or long term averages. As a result I have no concerns over air quality and do not expect any noticeable increase in annual, daily or hourly averages of any pollutant should this application be recommended for approval.

In respect of light pollution from the lighting proposed I would recommend that lighting

is angled down and not above horizontal and baffled where necessary to ensure minimal light spill, no sky glow and no glare. This should be easily achieved. Should this not be carried out and a nuisance alleged in future this department can be contacted to investigate and statutory nuisance and ensures a solution is provided where a nuisance is found.

Lights from vehicles have also been raised as a potential issue. Having considered this aspect, topography, existing vegetation and fences I do not consider that lights from vehicles are likely to have a detrimental impact on residents.

In conclusion I would recommend a condition to limit times of operations which involve delivery/removal or packaging of aggregates on site and a condition to ensure that reversing alarms on site are white noise alarms and not beeping alarms when these are required for health and safety reasons. I have no other recommendations having considered the application in full.

- 4.1.10 **Sutton Upon Tern Parish Council (19/11/15)** - Objects to the proposals outlined in this planning application. The proposal is contrary to CS6 which seeks to '*safeguard the residential and local amenity*' of residents. CS6 states that development must '*protect, restore, conserve and enhance the natural, built and historic environments and is appropriate in scale, density, pattern and design taking into account the local context and character*'. Parish Council members expressed concerns over the proposed access/egress onto the A53 which, at that point, has insufficient width to cater for heavy goods vehicle movements turning/crossing the 60mph road. The proposal fails to address safeguarding the health and well being of local residents with no mitigations in place for noise pollution, air quality regulation/monitoring, light pollution, general disturbance and nuisance from HGV movements and unacceptable hours of operation. No screening or acoustic barriers have been proposed. Stringent conditions would need to be imposed to safeguard the amenity and health and wellbeing of neighbours. Councillors noted the reason for relocation is due to unsuitability of current site due to close proximity to residential dwellings but little thought has been put into the proposal to safeguard the amenity/wellbeing of residents adjacent/close to the new site. Rights of way have been overlooked in the proposal. Emergency service access does not seem to be adequate. This site has not been used for haulage in recent years and will result in loss of residential amenity for local residents. Councillors agreed that in its current format this proposal is unsuitable for the site due to contravening CS6 and on Highways concerns. The Parish Council objects to this application.
- 4.1.11 **Sutton Upon Tern Parish Council (21/01/16)** - Following the amended plans Sutton Parish Councillors maintain a strong objection to this application on the grounds of close proximity to neighbouring non-related domestic dwellings due to the loss of residential amenity and the potential harm that operating an aggregate haulage yard in the proposed location will cause. The Councillors expressed disappointment that none of the mitigations which have been suggested have been implemented and that the applicant is continuing with the intention of keeping the access by the houses rather than at the other end of the yard which is being left empty. The positioning of the building is in itself unacceptable. Councillors queried the installation of a public viewing platform adjacent to a residential dwelling - it will result in a significant loss of privacy and will serve no obvious purpose. The Town and Country Planning Act specifies that a B8 business is unsuitable next to residential dwellings. Councillors



agreed that this proposal remains unworkable in its current format and would like to see the plans significantly altered to reflect its location and the impact on residents. The Council strongly OBJECTS to this application.

- 4.1.12 **Sutton Upon Tern Parish Council** - The Parish Council wishes to raise their objection to the application on highway grounds as it is felt that the site cannot accommodate adequately turning areas for articulated HGV's without affecting the traffic on the A53.

## 4.2 **Public Comments**

- 4.2.1 A number of detailed letters of objection have been received from the occupiers of seven households raising the following concerns:-

- Loading and unloading of aggregates will cause dust pollution.
- Noise from plant and machinery used on site, vehicles entering and leaving, running engines
- Unsocial working hours.
- Highway safety concerns for vehicles accessing onto the main A53.
- Proposed site was formally a railway yard and has not been used for this purpose since 1968.
- Existing site will be developed and business transferred so no increase in the supply of employment.
- Concerns over future expansion.
- Impact on wildlife.
- Increase danger to pedestrians using right of access and Council has duty of care towards the health and safety to pedestrians.
- Impact on existing right of access.
- Restrictive covenant issued by the Council in relationship to the use of the land.
- Opening hours of 4am to 10pm is unacceptable.
- Storage of compost may attract vermin and cause unpleasant odours.
- Light pollution from flood lights.
- Increase in air pollution.
- Impact of CCTV cameras.

A full and detailed copy of the objections can be viewed on line in full.

- 4.2.1 A detailed objection report has been received from Coombs Planning Services on behalf of the owners of Station House and raise the following concerns:-

- Increase in intensification from any previous use.
- Noise and disturbance from HGV's entering and leaving, reversing beepers, forklift trucks and machinery in building.
- Proposed operation will be 24/7.
- Increased movement of traffic will result in loss of privacy and CCTV.
- Pollution and fumes from vehicles.
- Odour from stored materials such as fertiliser or compost.
- Increase in dust.

- Proposed lighting will result in annoyance, harmful to wildlife and undermine the enjoyments of the countryside.
- Increase in traffic and suitability of existing access.
- Visual impact on the character of the local area.
- Proposed security gates and fencing will obstruct a legal right of access.

Conditions are proposed to assist to mitigate the impact and limited the extent of activities. A full and detailed copy of the objection can be viewed on line in full.

4.2.1 Five letters of support have been received raising the following comments:-

- The proposed site is close to two main roads.
- The site is further away from residential properties.
- A new residential estate has been built directly opposite the existing haulage yard.
- The long established business is investing in the local economy.
- The site will provide employment and services locally and nationally.
- Re-use of a derelict site.

A full and detailed copy of the support letters can be viewed on line in full.

## 5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Environment Impact Assessment
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage
- Right of Access
- Restrictive Covenant
- Other Matters

## 6.0 OFFICER APPRAISAL

### 6.1 Background

6.1.1 The proposed site has had a long planning history since the former railway use ceased. Historically, the site was used as a loading and unloading area in connection with the former Drayton to Wellington Railway line and the existing redundant sheds on site relate to this former use. The railway closed in the late 1960's and the track was completely removed by 1970. The operational use of the land as railway sidings ceased over 40 years ago.

6.1.2 Planning permission was granted in September 1989 for use of the former railway yard as a haulage contractor's depot which included the provision of storage facilities and security fencing (application reference NS/86/00760/FUL). There is no evidence

to suggest that this permission was implemented and no pre-commencement conditions complied with. A subsequent planning permission was granted in April 1991 for the use of an existing haulage and storage yard to a builder's yard (application reference NS/91/00009/FUL). Whilst planning permission was granted in July 1991 to change the use of an existing haulage and storage land to a builder's merchant's yard (application reference NS/91/00525/FUL).

- 6.1.3 Officers are aware that the proposed site has been in use as a haulage yard with associated external storage, although it is unclear as to when the last known commercial use on the site ceased. The site does currently have a storage trailer sited on it, although there appears to be no current established business operating from the site at this point in time. The site is largely underlain with hard core with a thin layer of self-seeded scrub / grass. Although the land closest to the existing entrance gates is clearly hard surfaced and is used from time to time. Officers are aware that the proposed site has been used over the past 15 years for occasional storage of the odd trailer and some road salt, whilst it has been used by a travelling circus. The agent has also confirmed that Technology Supplies used to operate from the warehouse which is currently used by Tern Hill Furniture. This was a highly successful company and had many members of staff, with company vans and delivery vehicles. Such was the volume of traffic that they rented the northern part of the applicant's site from August 2004 to February 2012 as additional parking space.
- 6.1.4 No Lawful Use Certificate for the site has been issued and officers consider that the proposed site has no lawful use as a haulage yard. The agent for the avoidance of doubt has sought the change of use of the land as a heavy goods vehicle haulage yard with associated external storage, together with the erection of a workshop and amenity building.
- 6.1.5 The existing business specialises in the haulage of all type of products such as decorative aggregates, sand, gravel, topsoil, compost, salt, sawdust, etc. Their existing premises on Newcastle Road in Market Drayton are used to store and maintain their vehicle fleet as well as to store some quantities of the products they deliver. That site covers an area of 0.19 hectares and has reached capacity. It is located in a primarily residential area with private gardens abutting the site boundary to the east and west with properties being directly opposite the road to the south, whilst the A53 bypass runs along the northern boundary. There are 23 dwellings within 100 metres of the site and there have been no formal complaints regarding the operations of the business on the amenity of local residents. There are no restrictions on hours of opening, although the site is in use Monday to Saturday inclusive and lorry movements take place throughout the day (generally 04:00hrs to 22:00hrs) in order to meet customer demands.

## 6.2 Policy & Principle of Development

### National Planning Policy Framework

- 6.2.1 The National Planning Policy Framework (NPPF) sets a “*presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking*”. In paragraph 17 it indicates that one of the core planning principles is to support sustainable economic development to deliver business and industrial units and encourage the effective use of land by reusing land

that has been previously development provided that it is not of high environmental value. The NPPF is focused on 'supporting thriving rural communities' within the countryside. Section 3 of the NPPF seeks to support a prosperous rural economy.

- 6.2.2 The NPPF references 'previously developed land' in Annex 2 as land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that was previously developed, but where the remains of the permanent structure or fixed surface have blended into the landscape in the process of time. The proposed site has two derelict buildings on site (a loading shed and weighbridge building) which are clearly visible, whilst the access drive and hard surfacing towards the northern end of the site is still visible. The land surrounding the central derelict building has been overgrown with short grass, although there is evidence of the former hard surface and there is a concrete pad. Under the NPPF the proposed site constitutes previously development land and although part of the site now has grass growing the land is not considered to be of high environmental value. The ecological aspects of the site are considered further in section 6.7.
- 6.2.3 The NPPF also indicates that planning policies should "*support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development*". It indicates that to promote a strong rural economy development should "*support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings*".

#### Shropshire Core Strategy

- 6.2.4 The Shropshire Core Strategy encourages economic development in the rural area and Strategic Objective 6 seeks to, "*Promote sustainable economic development and growth by providing a flexible and responsive supply of employment land and premises*". Strategic Objective 7 aims to support the development of rural enterprise and diversification of the rural economy, ensuring that development proposals are appropriate in their scale and nature with the character and quality of their location.
- 6.2.5 Policy CS5 'Countryside and Green Belt' indicates that new development will be strictly controlled in accordance with national policies protecting the countryside. However, the policy permits development that brings local economic benefits including, "*small-scale new economic development diversifying the rural economy*", and "*the conversion or replacement of suitably located buildings for small scale economic development / employment generating use*". The proposed development enables a local company currently based in Market Drayton to expand, thereby helping to provide jobs and diversify the rural economy.
- 6.2.6 Policy CS6 'Sustainable Design and Development Principles' requires development to respect and enhance local distinctiveness and to make effective use of land. The use of a previously development land constitutes an effective re-use of a non-agricultural site, while the location of this proposed site makes effective use of Shropshire's main road network, namely the intersection of the A41 and A53 at Tern Hill. The proposed development is in keeping with the existing commercial uses at Tern Hill (which comprise of a storage/haulage yard at Green Bank Farm, a 24hr petrol filling station, furniture warehouse, United Milking Systems which is a supplier

of milking/farming equipment approval for a motel) and consequently is consistent with the area's local character. Policy CS6 also indicates that development should protect, restore, conserve and enhance the natural and historic environment and is appropriate in scale, density and design taking into account the local character and which is considered in paragraph 6.4. Policy CS6 also indicates that it should safeguard residential and local amenity which is considered in paragraph 6.5.

- 6.2.7 Policy CS13 'Economic Development, Enterprise and Employment' plans to positively develop the economy and support enterprise including, *"Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business"*, and in rural areas, *"supporting rural enterprise and diversification of the economy"*.

#### Site Allocations and Management of Development (SAMDev) Plan

- 6.2.8 Policy S11.3(i) in the SAMDev Plan provides the relevant policy for the Tern Hill area, which is in the rural hinterland of Market Drayton. This indicates that suitable small scale employment uses within Market Drayton, the surrounding Community Hubs, Community Clusters or appropriate rural locations will be permitted to deliver around 6 hectares of employment land on windfall opportunities over the plan period. This current application will assist in delivery of the 6 hectares of employment land required by the Market Drayton area by contributing 1.14 hectares.
- 6.2.9 Policy MD4 'Managing Employment Development' indicates that employment land and development will be delivered by permitting proposals that are sustainable and meet the following criteria:
- i. *Are on committed or allocated sites (portfolio sites) identified in policies S1 to S18 and on the Proposals Map; or*
  - ii. *Are other suitable development sites; and*
  - iii. *Comprise Class B or sui generis uses which include industrial or commercial employment opportunities;*
  - iv. *Are operations which are compatible with adjoining uses;*
  - v. *Satisfy the relevant settlement policy and accompanying development guidelines.*
- 6.2.10 The proposed site would be classified as a suitable development site for providing employment land, whilst a haulage contractor's vehicle depot is classified within the Use Classes Order as Sui Generis and would provide commercial employment opportunities. The existing haulage business has operated successfully in its current residential location, whilst the adjacent Class B employment businesses would be acceptable adjoining uses.
- 6.2.11 The proposed development will enable a successful local company to expand, creating more jobs and economic growth. The site has historically been used as a rail haulage goods yard with a number of low key uses of a commercial nature. The proposed development makes better use of the site for modern day haulage uses, bringing it up to modern standards with associated benefits for the Shropshire economy.
- 6.2.12 The site has good access on two main roads the A53 linking Shrewsbury and

Newcastle-under-Lyme and the A41 linking Chester and Wolverhampton. This will provide quick and easy access to the road network to assist both the local and national deliveries.

- 6.2.13 The proposed development will enable the relocation of the business from its current cramped site in a residential area to a previously developed site which will make efficient use of land. The modern building will be larger than the existing derelict buildings, but this constitutes the “regeneration of existing employment sites” which is specifically encouraged by policy S11.3(i) and therefore supported by the Development Plan.

### 6.3 **Environmental Impact Assessment**

- 6.3.1 The development does not fall within Schedule 1 or Schedule 2 development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2015 and therefore this application does not require an Environment Impact Assessment.

### 6.4 **Design, Scale and Character**

- 6.4.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.
- 6.4.2 The proposed workshop building will measures 15 metres by 20 metres and will house a workshop (including inspection pit) for maintaining the vehicle HGV fleet as well as a reception, office, kitchen and toilet facilities. To accommodate articulated heavy goods vehicles the proposed building will be 5.2 metres high to its eaves and 9 metres high to the ridge. The building will be constructed from a steel portal frame with box profile metal cladding painted juniper green with two large roller shutter doors.
- 6.4.3 The proposed building is similar in design, scale and appearance to modern commercial buildings and those found on farming enterprises in the rural area. The proposed building will be positioned 47 metres from the A53 and will be partly obscured by the mature hedgerow along the roadside and the existing buildings associated with United House. The building will be viewed in context with the existing buildings surrounding the site and will not extend into open countryside and is not considered to be particularly prominent in the landscape. The proposed clamps and hopper will be positioned along the rear wall of the United House building and the mature roadside hedgerow. Due to the height of the hedgerow and adjoining building the proposed clamps will be obscured from any public vantage point.
- 6.4.4 Concerns have been raised that the area of land to the south of the site will allow for future expansion. However, this area of the site is not indicated to provide any HGV parking or storage of material and will remain open. The number of HGV’s are controlled by the Operator’s Licence and a condition can be imposed which will control the number of HGV’s and trailers to prevent any increase in the number of

vehicles operating from the site.

- 6.4.4 The proposed layout, design and scale of the building would be acceptable on this rural location and would not impact on the landscape character of the local area.

## 6.5 Impact on Residential Amenity

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The main objections which have been raised from local residents indicate that the development will result in an overbearing impact and result in loss of light; cause overlooking and loss of privacy; create noise disturbance; result in poor air quality; create light pollution; result in odours from the storage of products; and create privacy issues.

### Overbearing Impact & Loss of Light

- 6.5.2 The proposed workshop and amenity building measures 15 metres wide by 20 metre long with an eaves height of 5.2 metres and ridge height of 9.7 metres. The building will be positioned 8 metres from the gable elevation of a single storey long narrow building associated to United House to the south east. Having regard to the orientation the proposed building will not result in any overshadowing or loss of light, whilst the distance will prevent any overbearing impact.

### Overlooking & Loss of Privacy

- 6.5.3 Concerns have been raised regarding overlooking and loss of privacy for local residents arising from the landscaped gravel display, whilst the Parish Council have raised concerns from overlooking from a viewing platform. The proposed landscaped gravel area is located towards the north corner of the site adjacent to the entrance gates and will be separated from the rear garden of Station House by a proposed security fence, an access driveway and wooden fence panels, together with garden landscaping and trees. Although customers will be able to visit the site to view the displays this haulage yard will not generate a significant level of customer visits. A large proportion of customers are aware of the products being sold and will not visit this haulage and distribution yard. This area of the site was originally left open and officers raised concerns that if this was not utilised then it may be used for vehicle parking, manoeuvring and turning which could raise noise concerns. The use of a landscaped gravel display area will enhance the entrance and visual appearance of this part of the site and prevent any encroachment of the business operations close to the occupiers of Station House. The area will not include a raised viewing platform as indicated by the Parish Council. Due to the existing screening the use of this area as a landscaped gravel area will not result in any significant overlooking or loss of privacy.
- 6.5.4 The proposed workshop and amenity building will include a number of windows and doors on the north east, south east and south west elevations overlooking the entrance and yard. However, these will only be at ground floor level and will be 53 metres from the rear boundary of Station House. The proposed building will be 8 metres from the gable elevation of the adjacent United House and screened by a security fence. Having regard to the proposed distances and uses the proposed

openings will not result in any detrimental overlooking or loss of privacy.

### Noise Impact

- 6.5.5 Concerns have been raised from the occupiers of Station House regarding the operation of the business which will result in noisy activities involved in the haulage and storage of aggregates, building and landscaping materials. They has also indicated that it is considered that noise from vehicles entering and leaving the site; reversing beepers from forklift trucks and mini diggers will have a significant impact on the residential amenity of their property. It has also been stated that the use of the site which will potentially be 24 hours 7 days a week and the nature of the outdoor activities will result in a detrimental noise impact. It has been indicated that although it is acknowledged that there may be some existing noise from the A53 the noise levels experienced in the rear garden of Station House are likely to be lower because the property is set back from the road and there are a number of intervening buildings which screen any noise from the main road. Objections have been raised that no noise assessment has been submitted.
- 6.5.6 Officers have consulted Public Protection who has indicated that the proposed use as a haulage yard with external storage may result in some noisy activities which could generate significant noise at the source such as loading and unloading of silos and use of the hopper. The Public Protection Officer has indicated that impact noises from these activities will be loud at source, although they will be reduced significantly by the distances between the activity and residential curtilage of neighbouring properties. The nearest clamp will be over 56 metres away from the rear garden and over 100 metres from the rear elevation of Station House, whilst the gravel hopper will be 71 metres and 115 metres respectively. There will be no direct line of sight between these activities and occupiers of Station House or The Cottage due to the presence of existing buildings associated with United House and the furniture warehouse. As a result it is not anticipated that noise from these activities will have a significant detrimental impact on residents, although it is expected that these noises would be heard at the boundary of the residential receptors. As a result a condition to limit the hours of loading, unloading and packaging including bagging of materials is recommended in order to minimise the potential impact of these activities.
- 6.5.7 Public Protection has indicated restrictive hours of 08:00hrs to 17:00hrs Monday to Saturday with no activity on Sundays. However, these times would not accord with the current business operations and are significantly more restrictive than a previous application on this site which related to the use of the site as a builders merchants yard (application reference NS/91/00525/FUL). This application restricted loading and unloading of materials to take place between 07:00hrs and 19:00hrs Monday to Friday and 08:00hrs to 13:00hrs on Saturdays. However, officers have discussed this with Public Protection Officers who have agreed that the extending loading and unloading times would be acceptable, although the bagging of materials should not commence before 08:00hrs. Should vehicles require leaving the yard prior to 08:00hrs then materials will need to be bagged up the day before being delivered.
- 6.5.8 In relation to concerns regarding the level of traffic movements and potential noise impact the agent has indicated that the business currently has 6 heavy goods vehicles of which one is predominantly parked on site all day and only occasionally used in the yard. A detailed daily vehicle movement schedule has been submitted for all of the



vehicles for a 12 month period. There is a wide range of differing movements for all of the vehicles with some vehicles being out all day and night, out all day (including late returns), returning in the day for second pick up, returning to park up, half day and movements in the yard. In a worst case scenario if all vehicles returned for a second pick up this would equate to 10 movements outward and 10 movements inward. However, this has not happened in the past 12 months with there being on average around 10 movements per day. It has also been confirmed that staff and customer movements typically comprise of approximately 30 movements per day of cars and light vans (15 visits involving an inward and outward movement each). Officers consider that this level of vehicle movement is low, although appreciate that this proposed site is significantly larger and could accommodate additional heavy goods vehicles. The agent has submitted a copy of the Goods Vehicle Operators Licence which indicates that the licence was in force from 9<sup>th</sup> May 2007 and will be reviewed on the 9<sup>th</sup> May 2017. It indicates that the maximum number of motor vehicles which has been authorised is 9 motor vehicles and 6 trailers.

- 6.5.9 In relation to concerns over noise from vehicles leaving and entering, the access road is approximately 50 metres at its nearest point from the rear elevation of Station House with direct line of sight of the access road. Public Protection have indicated that over this distance noise levels will be reduced from typical noise levels for heavy goods vehicles of approximately 100dB (conservative as likely to be less due to low speeds entering and exiting the site) to 58dB as a worst case scenario at the façade of the nearest dwelling. Although audible given the fact that background noise in the area will consist of vehicle noises on the A53 and A41 it is not considered that these noise levels will have a significant impact on the residents. In respect to noise in the garden area as each noise event will be relatively short lived it is not considered that the proposed development will have a significant impact on the amenity of the area in respect of noise from this noise source.
- 6.5.10 Having regard that the application site is significantly larger than the existing site which could allow for future expansion it is proposed to restrict the level of vehicles and trailers by condition to that of the Vehicle Operators Licence. Should the business wish to expand the applicant will be required to vary the condition and allow the Planning Authority to assess any increased impact and consult with local residents.
- 6.5.11 Concerns have also been raised regarding the vehicle movements on site in relation to reversing alarms. The proposed centre of the yard is approximately 100 metres from the rear boundary of Station House and as indicated above is screened by existing buildings. Although the distances involved will ensure that absolute volume of any vehicle reversing alarm may be low it is noted that reversing beeping alarms are very intrusive due to their single pitch. It is advised that a condition be imposed to ensure that any vehicle to be used solely on site shall be fitted with white noise reversing alarm in order to ensure there is no impact on residents from this noise source.
- 6.5.12 The agent has indicated that the security gates will be left open during normal business hours and therefore vehicles entering and leaving will do so without any delay. The Public Protection Officer has acknowledged that the occupiers of Station House will hear vehicles coming and going in the garden due to the proximity of the access driveway. However, this will be against the elevated volume of vehicles passing along the A53 and therefore the noise will not be out of character for this

area. The Public Protection Team have considered that due to the number of vehicles operated by the business, together with the level of traffic movements and distance from neighbouring properties it is not necessary for a detailed Noise Impact Assessment to be carried out.

#### Air Quality

- 6.5.13 Concerns have been raised regarding air quality from the fumes of vehicles entering and leaving the site due to the close proximity to the neighbouring property. Officers have consulted the Council's Air Quality Specialist in Public Protection who has indicated that air quality monitoring takes place 45 metres from the Tern Hill roundabout and has found levels which are on average half of the national objective limit for nitrogen dioxide. It has been indicated that the properties nearest to the application site are approximately 200 metres from the roundabout and it is reasonable to expect air quality to be better at these properties. Having considered the number of vehicle movements on any given day from the proposed use it is noted that this is insignificant compared to the amount of traffic on the A53. As a result the air quality at nearby residential properties and garden areas is not expected to get noticeably worse and will certainly not exceed national objective levels set in legislation for short term or long term averages. As a result no concerns are raised over air quality and it is not expected that there will be any noticeable increase in annual, daily or hourly averages of any pollutant should planning permission be granted.

#### Light Pollution

- 6.5.14 Concerns have been raised regarding light pollution from the head lights of heavy goods vehicles entering and leaving the site which will shine towards Station House, together with light spillage from the proposed flood lighting columns. Amended plans have been received to reposition the access gates away from the rear boundary of Station House which is located approximately 50 metres away and screened by trees and shrubs. The objector has also recently constructed a new wooden fence along the rear garden boundary which will assist further in blocking light from vehicles. The entrance gates will be left open during working hours and therefore vehicles will be entering and leaving the site without having to wait whilst gates open.
- 6.5.15 The proposed site has to be considered in context with the local area. This site is not located in isolated open countryside which experiences complete darkness. Tern Hill roundabout is 192 metres away from the north east elevation of Station House and includes four 9 metre high street lights directly adjacent to the roundabout with four additional lighting columns on each of the four approaches. There are a total of 20 columns which are illuminated all night every day of the year with the nearest lighting column being positioned only 60 metres away from Station House. There is also a petrol filling station adjacent to the roundabout with its own flood lighting, whilst a proposed motel has been approved directly adjacent to the roundabout in February 2014 (application reference 13/03178/OUT). This includes a car park for 50 vehicles which would include flood lighting and is located just over 105 metres away.
- 6.5.16 In respect to concerns regarding light pollution from the proposed flood lighting the nearest lighting column is located over 65 metres away from the rear elevation of Station House which is partly screened by trees and shrubs. However, it is

recommend that lights will be angled down and not above horizontal and baffled where necessary to ensure minimal light spill, no sky glow and no glare. The flood lighting will be conditioned and will need to comply with ecology requirements so not to impact on foraging bats and cause light spillage to the neighbouring properties.

### Odours

- 6.5.17 Concerns have been raised regarding the odour that will be admitted from the mushroom compost storage clamp. Mushroom compost is a by-product of the mushroom farming industry and consists of the bedding material (straw, manures, and other organic matter) that is left over after the mushrooms have been grown and harvested. Mushroom compost is an organic fertiliser for enriching the soil used to grow fruits, vegetables, and even flowers. If mushroom compost is properly made and stored it will not present a bad odour unlike horse or poultry manure. The mushroom clamp has been positioned 115 metres from the rear garden of Station House and 162 metres from the rear elevation, whilst The Cottage is 152 metres away. The mushroom compost will be stored in two clamps measuring 4.3 metres wide by 6 metres deep. The level of compost being stored is small and due to the distance away will not result in any significant odour levels which would be detrimental to residential amenity.

### CCTV Privacy Issues

- 6.5.18 Concerns have been raised regarding the provision of CCTV cameras which may be directed towards neighbouring properties and result in privacy issues. The main laws governing the installation and use of CCTV is covered by the Data Protection Act 1998. Should CCTV cameras be installed then it is likely that these will be directed towards the main entrance gates and access driveway, together with the workshop / amenity building and yard. They will not be angled towards the private garden of Station House or the rear elevation of this dwelling and a condition is proposed to agree the proposed columns and angle of coverage prior to installation.

## **6.6 Highways**

- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.6.2 Objections have been received from both local residents and the Parish Council raising highway safety concerns regarding vehicles accessing onto the main A53 and concerns that the amended plans do not overcome the original highway concerns. Suggestions have also been made that a new access to the south of the United House building could be provided which would take vehicle movements further away from neighbouring properties and would assist in reducing impact. The Highways Authority were originally consulted on the application and raised no objection in principle to the proposed use of the land, but raised a number of concerns regarding the simultaneous movement of the HGVs at the in/egress of the site; parking and turning arrangements for HGV's, staff and customers; and potential impact of traffic

movements.

### Existing Access

- 6.6.3 The existing access is located between the Tern Hill furniture store building and United House and provides a hard surfaced driveway onto the main A53 road between Shrewsbury and Market Drayton. The existing access provides visibility splays in excess of 2.4m by 100m in a north east direction and 2.4m by 232m in a south west direction.
- 6.6.4 The Highways Authority have indicated that the site access geometry is limited by the adjacent furniture store car parking to the north east and by the property shown as United House to the south west. The applicants highway consultant has submitted a swept-path analysis which originally demonstrated that two articulated HGV's can pass within the access at a point 20 metres or more from the A53 junction, although it demonstrated that the manoeuvring for an articulated HGV required the full width of the access. The Highways Officer indicated that of particular concern is the exit manoeuvre to the north-east which, because of the limitations of the site ownership and control at the corner of the furniture store car park, appears to show an articulated vehicle encroaching into the oncoming southwest bound A53 traffic.
- 6.6.5 Whilst it is considered that visibility for vehicles emerging from the access and forward visibility for traffic on the A53 are acceptable at this location, the geometric limitations of the access could give rise to instances of vehicles associated with both the site and the adjacent furniture store stopping and waiting on the A53 while an articulated vehicle negotiates and clears the access. The submitted information clearly identifies the sale of aggregates to customers and there would be the potential for movements of customers' vehicles to conflict with those of the articulated vehicles.
- 6.6.6 Officers have been in discussion with the agent to seek amendments to the highway access which have resulted in a detailed site survey and vehicle swept paths which now demonstrate that the access road and junction arrangements can accommodate the swept-paths of articulated HGV's subject to the widening of the existing dropped kerb.
- 6.6.7 Amended plans show the reversal of the current "in/out" arrangements, angled parking bays and surface markings for the adjacent furniture store car park which addresses the conflict of customers/employees with vehicles using the existing access. Whilst new signage from the A53 is proposed as part of a condition to include these work. In considering the reversal of the existing parking bays, it is noted that the bays appear to be below the recommended length and it is likely that vehicles will project into the aisle shown, however, this is assumed to occur under the current layout. The revised layout shows an overall reduction of two parking spaces, however, this appears to have been caused by providing the full clear width of the access from the A53 which is acceptable. The requested physical kerbing or separation of the revised radius and boundary to the north-eastern side of the access, across the furniture store car park, also does not appear to be indicated on the revised drawings, although this will be conditioned accordingly.
- 6.6.8 The protection of the HGV swept-path from parking or other obstructions is considered essential to ensure safe egress for site HGV's and through traffic on the

A53 and, therefore, requires physical separation from the furniture store car parking area to avoid the possibility of future encroachment. It is considered that these details should be submitted for approval under a planning condition and implemented as part of the necessary alterations to the existing dropped-kerbing to the A53.

- 6.6.9 Having regard to the submitted amended plans, proposed conditions and following professional highway advice officers consider that the proposed access is acceptable.

#### Parking and Turning Arrangements

- 6.6.9 The proposed layout plan indicates the provision of nine HGV parking bays along the north west boundary with a large circulation space towards the centre of the site. The proposed level of parking is in line with the Goods Vehicle Operators Licence for 9 HGV's, although the applicant currently only has 6 HGV's. The site is large and will provide sufficient width and space to enable vehicles to manoeuvre and park up without interfering with any potential loading. Sixteen staff and customer car parking spaces are being provided directly adjacent to the proposed workshop and amenity building and will provide an acceptable level of parking provision for employees and visitors. Although a small number of visitors may come to inspect samples the main proportion of the business is from established clients and builders who pre-order.

#### Traffic Movements

- 6.6.10 The company's operations involve the delivery of aggregates from source (i.e. quarries) to end customers all over the country. Most of these movements are direct from source to end customer, and do not go near the depot. The main purpose of the depot is to park up the HGVs and trailers when not in use, and for vehicle maintenance. The sale of small quantities of aggregate at the site for customers who wish to collect themselves, is very much a secondary activity. Sub-contractors are used during periods of high demand, to transport aggregates from source to end customer. They do not need to use the depot, and in any event are mainly used for locations that are geographically remote from Shropshire.
- 6.6.11 The business currently has 6 heavy goods vehicles of which one is predominantly parked on site all day and only occasionally used in the yard. A detailed daily vehicle movement schedule has been submitted for all of the vehicles for a 12 month period. There is a wide range of differing movements for all of the vehicles with some vehicles being out all day and night, out all day (including late returns), returning in the day for second pick up, returning to park up, half day and movements in the yard. In a worst case scenario if all vehicles returned for a second pick up this would equate to 10 movements outward and 10 movements inward. However, this has not happened in the past 12 months with there being on average around 10 movements per day. It has also been confirmed that staff and customer movements typically comprise of approximately 30 movements per day of cars and light vans (15 visits involving an inward and outward movement each). Highways Officers consider that this level of vehicle movement is low, although appreciate that this proposed site is significantly larger and could accommodate additional heavy goods vehicles.
- 6.6.12 The nature of any business makes it difficult to predict with any accuracy future growth in the short, medium and long term. A site with more space will make operations more efficient and help secure jobs and officer consider that the current site on Newcastle

Road, Market Drayton, is far from ideal as it is cramped and surrounded on all boundaries by residential properties.

- 6.6.13 The agent has submitted a copy of the Goods Vehicle Operators Licence which indicates that the licence was in force from 9<sup>th</sup> May 2007 and will be reviewed on the 9<sup>th</sup> May 2017. It indicates that the maximum number of motor vehicles which has been authorised is 9 motor vehicles and 6 trailers. Concerns have been raised that a large area of ground to the south of the site is not being allocated and would allow additional vehicles to be parked and operated from the site. However, officers are aware that an increase in the number of HGV vehicles would need to be assessed in relation to their impact and therefore the number of HGV vehicles and trailers operating from this site will be restricted under this planning application. It is suggested that this should be in line with the Goods Vehicle Operators Licence at this point in time. Should the applicant wish to increase the number of vehicles in the future then the applicant will need to apply for planning permission to allow consideration and assessment of any increase.

#### Consideration of New Access

- 6.6.14 Officers have discussed the application with the owners of Station House who have raised concerns regarding the proximity of the existing access to the rear of their property and the potential disturbance and noise impact. A suggestion was made that by providing a new access to the south of the United House this would significantly help to reduce the disturbance and noise from HGV movements. This has been suggested to the applicant, although the formation of a new access would provide a significant increase in costs. Having regard to the existing operation of the business which the applicant considers will not cause any detrimental impact on neighbours and that an adequate existing access is provided it is not considered necessary to consider a new access.

### **6.7 Ecology**

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.7.2 A detailed Phase 1 Habitat Survey and Protected Species Survey have been undertaken, together with additional bat and Great Crested Newt surveys. The surveys indicate that there are two ponds located approximately 50 metres to the south of the site on the opposite side of the A53. Presence/absence surveys were carried out on the two ponds in May and June 2015 and a small number of smooth newts were recorded in both ponds. The mitigation measures proposed for reptiles will also ensure that smooth newts are not harmed by the development. Should any

Great Crested Newts be found at any stage, works must cease and a suitably qualified ecologist and Natural England contacted for advice.

- 6.7.3 The Habitat Survey indicates that the two buildings on site do have features where birds could nest and an old nest was noted. The buildings, hedgerows, trees and scrub provide potential nesting opportunities for birds. An old nest was observed at the south-western end of Building 1. Demolition of the buildings and removal of vegetation should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check of the buildings and vegetation should be carried out to ensure there are no active nests present. If any active nests are present (or birds begin nesting once works begin) then works must cease until the young birds have fledged. The report recommends that a number of artificial nesting boxes are erected on the new building, suitable for swifts, house martins, starlings and house sparrows.
- 6.7.4 The grassland provides little suitable habitat for reptiles but the piles of brash, rubble and wood, patches of scrub and areas within and around the derelict buildings all provide suitable habitat for hibernating and foraging. The boundary hedgerows also provide cover suitable for foraging, hibernating and dispersing reptiles and are well-connected to other suitable habitats. To avoid harming reptiles mitigation measures are proposed. No evidence of badgers was found on the site or within the local area. It has been suggested that trenches and pipework should be covered overnight or contain a ramp so that any badgers, or other wildlife, that become trapped have a means of escape.
- 6.7.5 Concerns have been raised regarding the impact of the development on the local bat population and that detailed bat surveys should be carried out to assess the impact. However, the Planning Ecologist has indicated that apart from a mature oak tree adjacent to the eastern boundary, there are no potential roosting opportunities for bats on the site. Because not all suitable features could be fully searched during the preliminary roost assessment, emergence and re-entry activity surveys were carried out. These were carried out in May and June during the bat survey season and in accordance with the Bat Conservation Trust survey guidelines. There is no requirement for more activity surveys. Bats are known to forage in the area and use the boundaries to commute. Further surveys would not alter the conclusions, which are to strengthen existing boundaries, erect bat boxes and have a bat-sensitive lighting scheme. All of which will enhance the roosting and foraging opportunities available for the local bat populations. Details of proposed lighting will have to be submitted which will be at the minimum level possible, on PIR timers, down-lit, not illuminating boundaries or locations of bat/bird boxes etc.
- 6.7.6 The Planning Ecologist has raised no objection to the development of this site subject to safeguarding conditions and informatives.

## 6.8 **Drainage**

- 6.8.1 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. The application indicates that foul drainage will be dealt with via a package treatment plant and no objection

has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore both the foul and surface water drainage is acceptable in accordance with the Surface Water Management Plan, soakaway calculations and proposed drainage layout.

## **6.9 Right of Access & Restrictive Covenant**

- 6.9.1 The occupiers of Station House have indicated that they have a right of access along the existing access driveway serving the application site and along the side boundary of their garden to the rear of their property. Comments have also been raised that the Council have imposed a Restrictive Covenant that should allow a right of access at all times to the rear of Station House. However, the Council Assets and Estates Department have indicated that the Council does not own this land and can therefore not enforce this restrictive covenant. Concerns are also raised that the proposed access gates and security fencing would obstruct this right of access. However, amended plans have been received to reposition the access gates and security fencing away from the rear garden boundary of Station House. The security gates will be positioned 9.1 metres away from the western edge of the rear garden, whilst the security fencing along the landscaped gravel display area will be a minimum of 6 metres away from the north west rear boundary of this garden. This will result in the occupiers of this property retaining the same level of access as they currently experience, whilst the land within the restricted covenant will not be obstructed and will remain free for the occupiers of Station House to use. The applicant has provided Land Registry documents to indicate that they own the strip of land which the neighbour is claiming the right of access along. The access rights along this strip of land are a civil matter between the neighbour and the applicant.

## **6.10 Other Matters**

- 6.10.1 Concerns have been raised regarding the increase danger to pedestrians using the right of access due to the proposed heavy goods vehicles and that the Council has a duty of care towards the health and safety of pedestrians.. In this case those with a right of access have to exercise it taking in to account the use by the owner of the land subject to the right. In effect neither has the right to use the access to the exclusion of each other. So far as health and safety is concerned, the operator of the site has to do so in a safe manner having regard to the other users present and other users have to be aware of the use of the site. The proposed layout plan indicates that the new hard surfaced access from the A53 will be 4.8 metres wide up to the security gates. Although the land along this access does vary from 7.6 metres to 10 metres wide. The layout plan also indicates a 1 metre wide margin along the rear boundary of Station House which will link into the footpath along the A53. This will provide a safe area of pedestrians to walk should any vehicles pass, whilst there is clear visibility along the right of access to view vehicles entering and leaving the site.
- 6.10.2 The Parish Council has raised concerns regarding access for emergency services which they suggest does not seem to be adequate. However, the proposed vehicular access is suitable for heavy goods vehicles and would be more than adequate to



accommodate any emergency vehicles if required.

## **7.0 CONCLUSION**

7.1 The proposed development is acceptable in principle and will allow a long established redundant site to be utilised for employment purposes which will provide sustainable economic development, providing local employment opportunities and assist in providing a prosperous community. The proposed workshop and amenity building will be sympathetic to this rural location and will not result in any detrimental impact on the character of the local area or impact on the landscape character. The proposed operations on site and deliveries will not result in any significant detrimental impact on the amenities of local residents and safeguarding conditions are proposed to limit the intensity of operations. The proposed vehicular access onto the main A53 provides adequate visibility in both directions for emerging vehicles and having regard to the traffic movement levels it is considered that there is adequate capacity within the existing road network to accommodate this slight increase. The redevelopment of this site will not result in any impact on protected species with ecology enhancements being provided, whilst adequate foul and surface water drainage can be provided. The existing legal right of way for the occupiers of Station House is a private civil matter and in any event will be unaffected by the development. It is considered that the proposal complies with the relevant policies CS5, CS6, CS13, CS17, CS18, MD2, MD4 and MD12.

7.2 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - 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 first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-

determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 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.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 FINANCIAL IMPLICATIONS

- 9.1 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.

## 10.0 BACKGROUND

### 10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

#### **National Planning Policy Framework:**

7 : Requiring Good Design

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

#### **Shropshire Council Core Strategy (February 2011):**

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS13 : Economic Development, Enterprise and Employment

CS17 : Environmental Networks

CS18 : Sustainable Water Management

**Site Allocation and Management of Development Plan (December 2015):**

MD2 : Sustainable Design

MD4 : Managing Employment Development

MD12 : The Natural Environment

**10.2 Relevant Planning History**

NS/04/01288/FUL - Construction of a unit for storage and office use and area for parking at site. Refused 26<sup>th</sup> January 2005.

NS/91/00525/FUL - Use of existing haulage and storage land as builder's merchant's yard. Granted 24<sup>th</sup> July 1991.

NS/91/00009/FUL - Use of existing haulage and storage land as builder's yard. Granted 29<sup>th</sup> April 1991.

NS/86/00760/FUL - Use of former railway yard as haulage contractor's depot includes the provision of storage facilities and erection of security fencing. Granted 11<sup>th</sup> September 1989.

NS/79/00963/FUL - Erection of new bakery building (1,452 square feet). Granted 18<sup>th</sup> October 1979.

**11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 15/04373/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Andrew Davies

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 and drawings  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The proposed surface water drainage scheme shall be installed in accordance with the proposed Planning Drainage Layout plan referenced J01443/A1/001 dated the 2nd July 2015 prior to the first occupation of the site hereby approved.  
Reason: To ensure that the surface water drainage systems are adequate and to minimise flood risk.
4. The proposed development shall be undertaken strictly in accordance with section 4.2.6 of the Ecological Assessment (Turnstone Ecology dated August 2015). Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.  
Reason: To ensure the protection of reptiles and amphibians.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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.
6. No development shall commence until the following access works have been completed along with a scheme of signing, which should be visible to traffic on the A53, the details of which shall first be submitted to and approved in writing by, the Local Planning Authority:-
  - (i) The widening of the existing dropped crossing and associated footway works.
  - (ii) The access/egress, car parking bays and surface markings for the adjacent furniture store shown on the submitted Drawing No. 79-17-72.The access/egress, car parking bays, surface markings and approved signing shall thereafter be retained for the lifetime of the development.  
Reason: In the interests of Highway safety.
7. No development shall commence until details of the physical kerbing or separation of the HGV swept-path width/radius and boundary to the furniture store car park, shown on the submitted Drawing No. 79-17-72, have been submitted to, and approved in writing by, the

Local Planning Authority. The approved details shall be fully implemented as part of the access works under Condition 1 above before any site development operations commence and thereafter retained for the lifetime of the development.

Reason: In the interests of Highway safety.

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

8. Prior to the first occupation of the site details of the security fencing and gates shall have been submitted to and approved by the Local Planning Authority. The approved details shall be submitted prior to the use commencing on the site and thereafter retained.

Reason: In the interest of visual amenity.

9. Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details. The following artificial nesting/roosting boxes shall be provided:

1. A total of two woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species.

2. A total of two woodcrete artificial nesting boxes suitable for house sparrows, starlings, house martins or swifts.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with Section 11 of the National Planning Policy Framework.

10. Prior to the erection of any external lighting on the site details of the design of column and lighting unit, together with a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. (2009).

Reason: To minimise disturbance to bats, European Protected Species and residential amenity.

11. The development hereby permitted shall not be brought into use until the access road, between the A53 and the security gates shown on the submitted Block Plan (Drawing No. SA19375/02 Rev D) along with the areas for parking, loading, unloading and turning of vehicles have been provided properly laid out, hard surfaced and drained. The areas shall thereafter be maintained free from any impediment to their designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

12. Prior to the erection of any CCTV cameras on the site details of the design of the column and angle of the cameras, together with the coverage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To prevent overlooking and loss of privacy to neighbouring properties.

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

13. The premises shall only be used as a haulage contractor's vehicle depot in association with the distribution of aggregates, sand, gravel, topsoil, compost, salt and sawdust.  
Reason: In order to restrict the use of the premises in the interest of the amenities of the area.
14. No more than nine heavy goods vehicles and six trailers shall be operated from the site.  
Reason: In order to restrict the use of the premises in the interest of the amenities of the area.
15. The loading and unloading of materials shall take place only between the hours of 07:00hrs and 19:00hrs on Weekdays (with the exception of packaging aggregates from the storage clamps and hopper which shall not take place prior to 08:00hrs) and only between 08:00hrs and 13:00hrs on Saturdays and no activity on Sundays or Bank Holidays.  
Reason: To safeguard the amenities of the locality.
16. All vehicles on site shall be fitted with a white noise reversing alarm only.  
Reason: To safeguard the amenities of the locality.
17. No gates shall be installed or allowed to remain within the access road except as shown on the submitted Block Plan (Drawing No. SA19375/02 Rev D).  
Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.