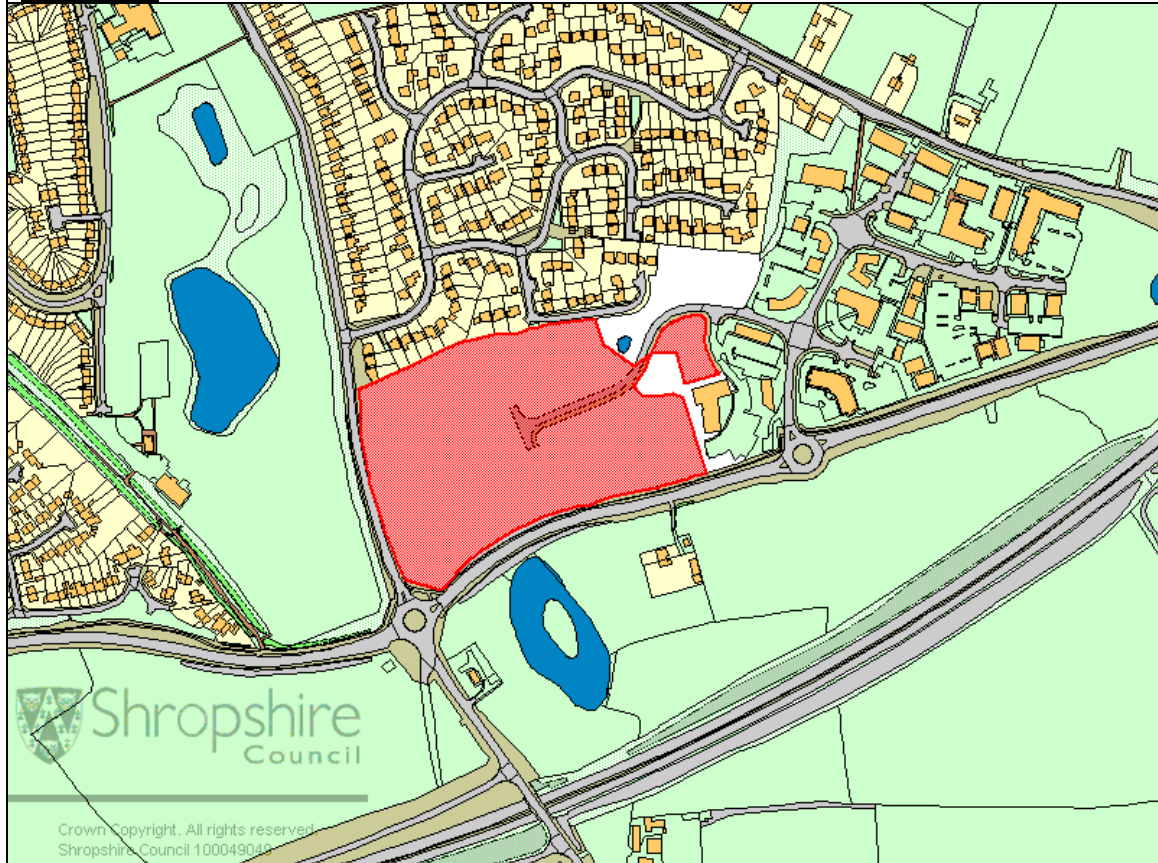


Development Management Report

Responsible Officer: Stuart Thomas
email: stuart.thomas@shropshire.gov.uk Tel: 01743 252665 Fax: 01743 252619

Summary of Application

Application Number: 11/05798/OUT	Parish: Shrewsbury Town Council
Proposal: Outline planning application for development of up to 15,000 sqm office floorspace (Use Class B1a) and 929 sqm of ancillary use floorspace (Use Class A1/A3) and associated development to include access	
Site Address: Phase 2 Emstrey Business Park Sitka Drive Shrewsbury Business Park	
Applicant: Alaska	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk
Grid Ref: 351459 - 310620	



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Recommendation:- that delegated powers be given to the Planning Manager to grant planning permission subject to the conditions sets out in Appendix 1 following negotiations regarding the design principles.

Recommended Reason for Approval

The principle of continuing the development of the business park off Thieves Lane is acceptable and there have been no changes to the focus of national, regional or local policies. The proposed new access onto Wenlock Road will provide a number of functions and benefits and will not result in any unacceptable highway safety problems. Furthermore, the new access will enable the provision of a footpath along Wenlock Road and improvements to the existing cycle routes around the site.

Providing sufficiently detailed principles are set in the Design and Access Statement and that this is subject to a condition on the planning permission it is considered that the layout, scale, design and parking levels can result in a high quality development which is appropriate for the area. The principles and the retention of the site boundary landscaping will also ensure that the amenities of the neighbouring residents are not affected to an unacceptable level. Additional landscaping will also enhance the site, the local environmental network and habitats for protected species and the site is capable of being drained without resulting in any increase in flood risk.

The proposal is therefore considered to accord with the requirements of the current development plan as a whole including the need to support sustainable economic development whilst protecting existing character and amenity. This is with reference to Shropshire Core Strategy policies CS1, CS2, CS6, CS7, CS13 and CS14, saved Shrewsbury and Atcham Borough Local Plan policy EM1, PPS1 and PPS4 (Planning for Sustainable Economic Growth).

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for outline consent for phase 2 of the Shrewsbury Business Park on Thieves Lane. Outline planning permission was originally granted for the whole site, including the land covered by this current application, in 1998 with a 10 year time limit in which to submit the reserved matters. This consent allowed for up to 49,000sqm of office space and provided the new vehicular access and roundabout on Thieves Lane. However, due to market conditions not all of the reserved matters were submitted before the 2008 deadline and as such the original outline consent has now expired and therefore a new application is required.
- 1.2 The proposal is for 15,000sqm of office floorspace within Use Class B1 and 929sqm of ancillary floorspace within Use Classes A1 and A3 and as such would allow for small retail or cafe uses. At this stage only the proposed new access off Wenlock Road is submitted for approval with all other matters reserved for later approval. However, a detailed Design and Access Statement and indicative master plan have been submitted with the application, which set principles for the future development of the buildings on the site and shows how the proposed footprint could be provided. In addition a Planning Statement, Transport Assessment, Ecology Survey and Flood Risk Assessment have been provided.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is the remainder of the land allocated for new Business Park in the Shrewsbury and Atcham Borough Council Local Plan. The site boundaries are made up of well-established hedge and tree planting with Wenlock Road to the west, Thieves Lane to the south, the existing business park to the east and residential properties to the north. Part of the existing estate road leads into the site and there is also a surface water attenuation pond on the southern edge of the site.
- 2.2 Shrewsbury Business Park has developed since the previous outline consent and currently provides just under 20,000sqm of floorspace mainly occupied by offices with the addition of a children's day nursery and a hotel in a variety of building sizes and shapes.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is for development on land owned by the Council which is for development that is not in-line with Council statutory functions.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shrewsbury Town Council** – Raises no objections to this application.
- 4.1.2 **Shropshire Fire and Rescue Service** – Access for emergency vehicles and water supplies for fire fighting will need to be provided. Recommends the installation of sprinkler systems.
- 4.1.3 **Council Highway Officer** – Noted the comments submitted from local residents raising concerns at both the justification and safety of the proposed access onto Wenlock Road. The access onto Wenlock Road has a number of functions / benefits. (1) An emergency access route into and out of the business park. It would be poor planning in terms of emergency access to limit all access via the existing roundabout onto Thieves Lane given the scale of Phases 1 and 2 combined. (2) It provides pedestrian and cycle access into and out of the business park. (3) It is envisaged that buses will route through the site via Thieves lane Roundabout and then travelling through the business park exiting out onto Wenlock Road then along Wenlock Road towards the town centre. (4) The assessment carried out by Mouchel does not exhibit any traffic capacity issues by introducing a new access onto Wenlock Road.

Notwithstanding the above requested that a Stage 1/2 Safety Audit be carried out to assess the proposed access onto Wenlock Road.

- 4.1.4 **Council Conservation and Design Officer** – Any approval should be conditional on a set of improved design parameters being established to govern the future development of the site. A high standard of design is required for this prominent site at the entrance to Shrewsbury. The Phase 1 development lacks coherence and design quality in both buildings and landscaping and should not form the template for future development.

This is a very prominent site fronting onto Thieves Lane on the edge of Shrewsbury and with extensive views across open land to the south. To the east is an existing Business Park, which has been developed over the last 10 years or so, and to which this would be an extension. To the north is an established residential area and to the west the site borders onto Wenlock Road, with playing fields on the opposite side of the road. The site is undulating, but falls generally from North to South. It is mostly rough grass, but there is a band of recent mixed tree planting bordering the residential area to the north of the site. This site offers the opportunity to provide a high quality Business Park which would enhance this entrance into the town and set a standard for future development in the area.

The Design and Access Statement appears to recognise the important position of the site between town and countryside and the importance of responding to this in the design, but then disappointingly indicates that 'the concept of positioning individual buildings and the landscaping of the surrounding areas shall mirror the landscaping principles of the Phase 1 Scheme'. However Phase 1 has not provided the high standard of development that is needed on such a prominent site. It has resulted in an overcrowded, bleak and soulless group of buildings, far removed from the best examples of Business Park. Its deficiencies include:

1. The poor relationship between the buildings on the site and the surrounding roads. The office buildings turn their backs to London Road in particular and no significant landscaping has been provided to help integrate them.
2. The poor layout of buildings, which appear to have been scattered on the site in random fashion, many appearing crowded together.
3. The poor proportions and design of most of the buildings
4. The use of too many varied materials and details, which emphasises the overall lack of cohesion in the design and layout
5. The absence of convincing landscaping ' buildings are marooned in a sea of car parking; open spaces are barren and uninteresting and little has been done to contour the land to mask the cars and provide more interesting and satisfying vistas.

It is important that the proposed extension addresses these deficiencies in order to achieve an acceptable scheme. I suggest that consideration is given to:

1. Reducing the number of buildings and the number of car park spaces on the site to allow for more space for landscaping
2. Grouping buildings in a more convincing and coherent layout
3. Providing a better relationship between the development and its surroundings
4. Providing a strong landscaping theme throughout the development (a public comment on the proposals referred to Chester Business park and Lakeside is certainly an example of how to provide a more convincing landscaping scheme) with car parking segregated and screened from landscaped areas
5. Establishing a strong design palette for all the buildings on the site, using fewer materials and styles than the existing Phase 1.

- 4.1.5 **Council Tree Officer** – There do not appear to be any significant or protected tree issues. The scheme should include a detailed landscape plan including heavy or extra heavy standard ornamental trees to screen, soften and enhance the scheme. Native hedgerows in site should be retained and enhanced where appropriate.

- 4.1.6 **Council Ecologist** – Requested additional information relating to the potential presence of reptiles on the site since it is not possible to conclude that the proposal will not have a damaging effect on biodiversity. On receipt of the additional information, the Reasonable Avoidance Measures for reptiles, which concludes that JW Ecological are now satisfied that the risk of reptiles on the site is reasonably low and that negative impacts can be avoided. There are no buildings or trees with potential for roosting bats within the site according to JW Ecological Ltd (2011) however, there is potential for nesting wild birds to be present on the site. Accordingly recommended conditions and informatives relating to reptiles, bats and nesting birds.

Due to its location the proposed development site has the potential to enhance the Environmental Network in that area of Shrewsbury by providing a link for wildlife which would ideally run along the south side and up the west side of the development site. The enhancement of the Environmental Network could be as simple as a thick hedgerow planted along the south and west of the site but would ideally be a wider multifunctional green space which could include a pedestrian link with native species tree and shrub planting in a wider belt. This multifunctional green space could provide recreation, pedestrian access around and into the site, wildlife benefits and in the longer term would have a screening benefit.

This development site has the potential to enhance the Environmental Network but the site design does not fully take advantage of this potential. When a Reserved Matters application is made would be looking for a significant enhancement to the Environmental Network around the site and would also look to see the developer committing to the long term appropriate management of this resource for biodiversity.

- 4.1.7 **Council Drainage Engineer** – The proposed surface water management strategy on the submitted FRA is acceptable in principle. No details of the proposed surface water drainage have been supplied, however. Full details of the proposed surface water drainage design and calculations should be submitted for approval at the Reserved Matters stage if outline planning permission is to be granted. This should illustrate how the development will comply with PPS25, Environment Agency Standing Advice for the particular flood zone/ site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SUDs, the applicant should consider employing measures to reduce surface water.
- 4.1.8 **Council Archaeologist** – An archaeological desk based assessment was produced for both the Phase 1 and Phase 2 areas of the Emstrey Business Park by the Archaeology Service at Shropshire County Council in 1999. This identified a number of cropmark features towards the western end of the Phase 2 area. These comprised a probable late Neolithic or Early Bronze Age ring ditch (funerary monument) near the western boundary of the site, adjacent to Wenlock Road. In addition, a group of linear cropmark features in the north-western part of the site were tentatively interpreted as enclosure or field boundaries of Iron Age or Roman date.

Shropshire County Council's Archaeology Service subsequently carried out an archaeological evaluation of these features, again in 1999. A number of linear features were identified which, whilst they did not contain any finds, were

interpreted as potentially being associated with the ring ditch. It was therefore recommended that further archaeological investigation of this area should be undertaken in the event of any future development on the site. In relation to the current development proposal, this part of the site is therefore deemed to have high archaeological potential.

Elsewhere, only one of the linear cropmark ditches in the north western part of the site was positively identified during the evaluation. This did not produce any finds and thus remained undated, as a consequence of which the feature was deemed to be of low significance. On this basis it was recommended that no further archaeological work was required in relation to these features.

In view of the above, and in line with PPS5 (Policy HE12.3), I recommend that a programme of archaeological work for the area containing the ring ditch be made a condition of any planning permission for the proposed development.

4.2 Public Comments

4.2.1 Four letters of representation have been received, the main areas of concern relate to:

- Proposed support and ancillary uses are contrary to the original plan
- There are shops on Childrens Way, Springfields and proposals to build Waitrose and more shops on Oteley Road
- Ancillary uses may result in unsociable behaviour especially during evenings and weekends
- Phase 1 is not the prestigious development originally proposed
- Three storey buildings would be an eyesore, not in keeping with the area and unacceptable to the residential properties surrounding the site
- The heights of the buildings need to be restricted
- May affect winter sun to properties
- Windows at first floor would overlook neighbours and distract workers
- The new access off Wenlock Road is not necessary and would lead to safety and traffic issues on Wenlock Road
- Visibility from and to the new access is insufficient
- There are no problems with the current access
- Would result in the road being used as a through road and cause increased noise and pollution to residents and reduce security to the businesses
- Pedestrian/ cycle access only onto Wenlock Road would be more appropriate
- Need to ensure sufficient parking is provided as phase 1 does not have sufficient
- The junction is close to the children's play area and open space

5.0 THE MAIN ISSUES

- Policy & principle of development
- Proposed ancillary uses
- Indicative layout, design and scale
- Impact on residential amenity
- Proposed access and highway issues
- Impact on trees and ecology
- Flood risk and drainage
- Archaeology

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

- 6.1.1 The Shropshire Core Strategy was adopted in February 2011 and now forms the most up to date local plan superseding many of the old District Council policies. CS1 sets the overarching aim of the policy of sustainable development, setting Shrewsbury as the focus for office and employment development. Policy CS2 provides the detail for the development of Shrewsbury and seeks to develop its role as the primary office and commercial centre with continued development of high quality business parks on the edge of the town, including the Shrewsbury Business Park. Policies CS6 and CS7 deal with specific matters relating to sustainable design and development and transport and are considered in greater detail later in this report.
- 6.1.2 Policies CS13, CS14 and CS15 are also relevant and support economic development, enterprise and employment, manage the release of employment land and dealing with proposed retail uses. CS13 continues the general support for Shrewsbury as the focus for major employment development whilst CS14 sets the amount of land to be allocated for employment and seeks to protect existing strategic employment land for employment uses. CS15 seeks to protect the town centre and also sets Shrewsbury as the preferred location for major retail development, however it also supports the provision of neighbourhood passed local shopping where it will serve significant new developments. This matter is considered further in section 6.2.
- 6.1.3 The recently adopted Supplementary Planning Document on Sustainable Design (part 1) should also be taken into account when considering the sustainability of the proposal including the water, energy and waste management. The Design and Access Statement includes details to show how the proposal will comply with the requirements of this policy through the orientation of the buildings, the use of insulated materials, glazing for solar gain, attenuation ponds for surface water and cycle routes and parking. This is considered to be acceptable by officers, although is only one of a number of material considerations.
- 6.1.4 Of the Shrewsbury and Atcham Borough Council Local Plan Policies only EM1 and T14 are relevant saved policies. Policy EM1 details 14 allocated employment sites providing a total of 17.18 hectares. Emstry Business Park, now known as Shrewsbury Business Park, is 14.5ha of this allocation. The policy details that the land has been allocated for employment since 1985 and is intended as a “landscaped office park” and “potential flagship employment site for Shropshire, capable of attracting inward investment into the County.”
- 6.1.5 Policy T14 requires all development outside the river loop to provide adequate parking and service space on site in accordance with the maximum standards set out in appendix 2 of the local plan. This matter is considered in greater detail at 6.5.4 of the report.
- 6.1.6 West Midlands Regional Policy PA11 identifies Shrewsbury as a focus for major development in the local area, including large scale leisure and office development. However as the Localism Bill has now passed through parliament

and includes the Government's intention to revoke the regional this policy should not be given significant weight.

- 6.1.7 National planning policy statement (PPS) 4 is the key national policy when considering any form of development which involves economic growth including employment uses. Offices are considered to be town centre uses and as such policy EC14 of PPS4 sets a "town centre first" approach in considering sites. The application site is out of centre for the purpose of PPS4. In order to deal with this issue the Planning Statement submitted with the application includes a sequential test, as required by EC14 and EC15, which considers 9 town centre sites, including some first floor spaces, and 15 edge of centre sites and whether they are available, suitable or viable and as such sequentially preferable to the proposed site. The report concludes that although some of the sites are larger than some of the units shown on the indicative master plan there are other issues including lack of car parking, building condition, existing use and lack of flexibility or possibilities to extend. Therefore the report suggests that none of the sites considered would be able to provide the spaces proposed on phase 2 of the business park.
- 6.1.8 The agent has also suggested that the business park is in a sustainable location; that the proposal is an expansion of the established business park; that it will enhance choice for businesses and provide different types of office space which are not available within the town centre. This last point is relevant and a material consideration. Although concerns have been raised that the proposal would draw businesses from the town centre, given the size of the units proposed officers consider that this is more likely to occur when the town centre business is expanding and would also result in opening useable space within the town centre. It could also be argued that as Core Strategy Policy CS2 refers to the Business Park that the proposal is in line with an up to date development plan and as such a sequential test is not required. Policy EC14.3 of PPS4 does only require sequential tests for applications for main town centre uses that are not in accordance with an up to date development plan.
- 6.1.9 Furthermore, although only a very little amount weight should be given to it, the National Planning Policy Framework (NPPF) seeks to remove office developments from the "town centre first" approach and sequential test requirements in order to support economic growth. Sites will still need to be sustainably located and easily accessible but there will not be a need to consider the availability of sites in town centre or edge of centre locations first.
- 6.1.10 In addition to PPS4, PPS1 and PPG13 are relevant and seek to provide sustainable development in accessible locations. PPS1 was adopted in 2005 and PPG13 in 2001 (and updated in 2011), as such these documents are national policy under which the Core Strategy has been written. In principle the application is considered to comply with the general presumption in favour of sustainable development set out in these two policies.
- 6.1.11 As stated in section 1 of this report outline consent was originally granted for the whole of the allocated business park in 1998 with a 10 year time limit. Reserved matters applications and full applications were submitted in the following years for the buildings which can be seen on phase 1. Applications were also received to vary some of the conditions imposed on the outline consent to reduce the

restrictions on the size of the units and to allow for subdivision of units. Development has been on-going since the 1998 consent and “phase 1” is nearly completed. Of the originally approved 49,000sqm just under 20,000sqm has been built, the current proposal is for an addition 15,000sqm and therefore will be less than originally proposed.

6.1.12 The principle of continuing the development of the business park off Thieves Lane is considered by officers to be acceptable; there have been no changes to the focus of national, regional or local policies. Policy EM1 of the SABC Local Plan is a saved policy until the adoption of the Site Allocation and Management of Development (SAMDev) document in 2013 and the site is unlikely to be removed from allocation as employment land. A further 10 year outline consent has been requested by the agent in order to ensure that the development can be completed before the outline expires. Given the previous consent time limit and that the allocation is unlikely to be deleted it is considered that 10 years is a reasonable time period. It may be that the business park is completed before this time, however this length of permission will give the market time to recover and will enable more applications to be submitted as reserved matters rather than full applications. The main issues with this current application are whether the principles proposed in the Design and Access Statement and the proposed new vehicular access off Wenlock Road are acceptable and these matters are considered in detail below.

6.2 Proposed ancillary uses

6.2.1 Other than the access the only other change in the proposal, from what is currently on site, is the proposed 929sqm of ancillary floor space to provide for retail and cafe uses. The original outline did not propose any such facilities and concern has been raised by local residents that shops are not required as there are existing shops in Springfields and a proposed new food store adjacent to Percy Throwers Garden Centre on Oteley Road. The adjacent residents are also concerned that the ancillary uses may result in unsociable behaviour during evenings and weekends.

6.2.2 The ancillary uses are proposed as a “local centre” for planning policy purposes and as such no sequential test has been provided for this part of the development. It is accepted that the retail and cafe uses could be provided within the town centre, and there will probably be similar uses within the Riverside redevelopment proposal. However, officers consider that it is also reasonable to provide some on-site facilities for the employees working on the Business Park. At present there are two shops in Springfields, a butchers and a newspaper shop, some 670 metres from the edge of the business park as the crow flies. Delivery services also currently visit the business park. The ancillary uses are proposed to enable top up shopping, provide for lunches and essentials. It is not proposed to build a retail unit of a size big enough to undertake a full weekly shop or to provide hot food takeaway uses.

6.2.3 Officers consider that the scale of the ancillary building proposed will ensure that it is limited to ancillary facilities and that the end uses will be used predominantly by staff of the offices. As such it is considered that this part of the proposed development is for neighbourhood based shopping in connection with the significant development occurring on the business park. Competition between

businesses is not a material consideration and officers consider it unlikely that the proposed ancillary uses would have any impact on the proposed new food store and that the existing local shops will continue to serve their immediate local areas. As such the proposed A1 and A3 uses are considered to be acceptable and in accordance with policy CS15.

6.3 **Indicative layout, design and scale**

- 6.3.1 Policy CS6, Sustainable Design and Development Policies, requires that 'development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness' and that all development 'protects, restores, conserves and enhances the natural, built and historic development and is appropriate in scale, density, pattern and design' and 'is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision'.
- 6.3.2 The indicative master plan submitted with the application shows the proposed new access off Wenlock Road linking to the existing estate road and therefore through the proposed phase 2 and the existing phase 1. Buildings are shown facing over Wenlock Road and the roundabout joining Wenlock Road and Thieves Lane which would provide focal buildings on these key sites and enhance the appearance of the site from the west and south. Within the site the focal building is shown as the proposed ancillary use building which is indicated to be at a junction in the estate road. To the north of the internal estate road the proposed buildings are close to the road with landscaping in between, the car parking for these units is proposed to the rear to provide roadside frontages and also to set the buildings as far from the neighbouring residential properties as possible. To the south of the estate road the proposal is for larger footprint buildings set with their narrow ends facing the road with areas of landscaping and parking between.
- 6.3.3 As shown on the indicative master plan the buildings proposed are a mix of small units to the north of the estate road and larger footprint buildings to the south. However, this is only an indicative plan and the future development of the site will depend on market forces and the requirements of the businesses seeking to set up on site. The submitted Design and Access Statement (D&A) does propose to set some principles for the future development and it is considered to be reasonable to condition a set of design parameters which should be adhered to whether the submission is for reserved matters or full consent. The Conservation and Design Officer has raised concerns about the lack of coherence and design quality in both buildings and landscaping of phase 1 and that this should not form the template for future development. Full details of the comments are provided at 4.1.4 above, the advice is that phase 2 should provide a better relationship to the surrounding area; group the buildings coherently; reduce the pallet of materials and increase landscaping and interest.
- 6.3.4 A meeting is to be held with the applicant, architect and Council Officers to negotiate revisions to the submitted D&A and resolve the above matters. It is hoped that the outcome of the negotiations will be that the buildings on phase 2 will provide frontages to Wenlock Road whilst also relating to each other within the site; the materials pallet is to be limited, and the different way the materials are used is also be to limited. Overall officers consider that phase 1 has a lot of

different buildings and that phase 2, with the exception of the building facing over the roundabout, should pick out the best of phase 1 rather than providing any more designs. This would provide a link to phase 1 and an element of cohesion. The need for this meeting is the reason why delegated powers are being requested to enable this matter to be resolved. Members are being asked to approve the principle of the development at this stage, however it is considered that appropriate details could be set within a D&A to ensure high quality design and provide some certainty that the future development of the buildings on this site will meet the requirements of CS6 and provide a “landscaped office park” and “flagship employment site for Shropshire, capable of attracting inward investment into the County” in accordance with EM1.

6.4 Impact on residential amenity

6.4.1 Local representations have been received from four properties adjoining the site. The concerns are that three storey buildings would be an eyesore, not in keeping with the area and unacceptable to the residential properties surrounding the site; that the heights of the buildings need to be restricted; the buildings may affect winter sun to properties and that windows at first floor would overlook neighbours and distract workers.

6.4.2 Phase 1 was originally restricted by a condition on the outline consent that no building should exceed 2 storeys in height. This condition was later removed on a number of the units through an application to vary the condition and also through applications for full permission to enable office space to be provided within the roof spaces of the buildings. The current application proposes a mix of two and three storey buildings with the two storey north of the estate road, closest to the neighbouring properties, and the three storey south of the estate road where the land falls away. Within the D&A a cross section has been provided which shows the height of the existing houses and proposes a line under which the buildings would have to sit. This would provide greater flexibility for the internal use of the buildings than the condition on phase 1 whilst also ensuring that none of the buildings are substantially out of scale with the existing development. By setting this maximum height it will also ensure that the buildings nearest to the residential properties do not adversely affect the amenities of these properties.

6.4.3 In addition to the height restrictions the indicative layout and the proposed position of the re-location of the water main (discussed below) will ensure that the buildings are a sufficient distance away from the rear elevations of the existing houses. A condition on phase 1 required all buildings to be at least 25 metres from the boundary of the site, the applicant has confirmed that a similar condition would be acceptable and this is considered by officers to be reasonable and ensure that there is no loss of light or direct overlooking from the new buildings.

6.5 Proposed access and highway issues

6.5.1 The proposed new vehicular access off Wenlock Road is one of the main changes from phase 1 under which all of the proposed business park traffic was directed out through one access onto Thieves Lane. A Transport Assessment has been submitted with the application which states that the existing access off Thieves Lane is sufficient to accommodate the increase in traffic likely to result from the proposed phase 2 development.

- 6.5.2 Locally concerns have been raised that the new access off Wenlock Road is not necessary, would lead to safety and traffic issues on Wenlock Road, that visibility from and to the new access is insufficient and that the new access would result in the road being used as a through road and cause increased noise and pollution to residents and reduce security to the businesses. Pedestrian/ cycle access only onto Wenlock Road is considered to be more appropriate by the residents.
- 6.5.3 Alternatives were considered by the applicant, which included a pedestrian/ cycle access only and emergency access only. However the application as submitted is proposing a second vehicular access point to provide an alternative and reduce the pressure on the existing access. The new access will serve traffic coming from the north along Wenlock Road and will also improve pedestrian and cycle access. The Transport Assessment shows that the existing junction, surrounding highway network and the proposed new junction will all operate satisfactorily and the Council Highway Officer has not raised any objections to the proposed access on the grounds of visibility, highway safety or pedestrian safety, he has requested a safety audit be undertaken but has not given any indication that this would show any problems. The safety audit will be undertaken before the application is determined by the committee and as such officers will be able to update members, however in principle the new access is supported by officers and considered to meet the requirements of PPG13.
- 6.5.4 The site is adjacent to the Shrewsbury bypass and as such easily accessible by car, however it is also on local bus routes with a new bus stop on London Road to the west and a dedicated cycle lane on the Thieves Lane and cycle parking provided on site. In addition to the new vehicular access the proposal includes the provision of a new footpath along Wenlock Road and the provision of a cycle route from the existing dedicated cycle lane on Thieves Lane along Wenlock Road and into the site. As with phase 1 covered cycle parking will be provided within the site to encourage staff to cycle to work and the agent is working separately with the Council to investigate diverting one of the local bus routes through the site.
- 6.5.5 The originally submitted Design and Access Statement suggests a provision of 486 car parking spaces and therefore for 15,929sqm provides 1 space for every 33sqm. Policy T14 of the Shrewsbury and Atcham Borough Council Local Plan sets maximum parking standards and for employment uses such as this the maximum required is 1 space per 25sqm of floor space. As such the proposed scheme at this stage is within the policy maximum. However, the level of car parking can also be re-considered at each submission of reserved matters when the actual floor spaces are detailed. It is acknowledged that there are parts of phase 1 where parking is limited and there are parts where sufficient parking is available, it is difficult to predict how businesses will operate or how staff chose to travel. Both national and local policies seek to enhance sustainable development and promote the reduction in the reliance on the car and as such the proposed improvements for cycling and public transport are supported.

6.6 **Impact on trees and ecology**

- 6.6.1 Policy CS17 protects and seeks to enhance, expand and connect Shropshire's environmental assets. This includes natural, building and historic environment and ties in with the requirements of national policy PPS9 in relation to Biodiversity

and Geological Conservation. The only trees and hedges currently at the site are along the site boundaries, within the site the land is covered in mixed grasses. The Planning Statement submitted with the application advises that the only area where it is proposed to remove any of the existing vegetation is to enable the provision of the second vehicular access off Wenlock Road.

- 6.6.2 The Council Tree Officer has advised that there does not appear to be any significant or protected tree issues but that the scheme should include a detailed landscape plan including heavy or extra heavy standard ornamental trees to screen, soften and enhance the scheme and that native hedgerows in site should be retained and enhanced where appropriate. These recommendations can be taken into consideration and dealt with through the imposition of a suitably worded condition. The indicative master plan shows additional planting proposed and it is therefore recommended that the condition set a requirement for additional tree planting to be as per the above recommendation. Officers do not consider it necessary for the applicant to provide full details of every detail of the landscaping scheme providing the principle of additional, high quality, tree planting is set.
- 6.6.3 With regard to protected species the Council Ecologist reviewed the information submitted with the application and requested additional information relating to the potential presence of reptiles on the site. A “Reasonable Avoidance Measures for reptiles” was submitted, which concludes that JW Ecological are now satisfied that the risk of reptiles on the site is reasonably low and that negative impacts can be avoided. There are no buildings or trees with potential for roosting bats within the site according to JW Ecological Ltd however, there is potential for nesting wild birds to be present on the site. Accordingly the Council Ecologist has recommended conditions and informatives relating to reptiles, bats and nesting birds.
- 6.6.4 Due to its location the proposed development site also has the potential to enhance the Environmental Network in that area of Shrewsbury by providing a link for wildlife which would ideally run along the south side and up the west side of the development site. The enhancement of the Environmental Network could be as simple as a thick hedgerow planted along the south and west of the site but would ideally be a wider multifunctional green space which could include a pedestrian link with native species tree and shrub planting in a wider belt. This multifunctional green space could provide recreation, pedestrian access around and into the site, wildlife benefits and in the longer term would have a screening benefit.

This development site has the potential to enhance the Environmental Network but the submitted master plan does not fully take advantage of this potential. The Council Ecologist has advised that this matter can be dealt with under reserved matters application, although officers will also discuss it at the meeting relating to design and scale. It is acknowledged that the new access onto Wenlock Road would create a break in this potential enhancement, however the Ecologist has no objection to this break and the site could still provide a significant enhancement to the Environmental Network around the site to meet the requirements of CS17 to enhance and expand.

6.7 **Flood risk and drainage**

- 6.7.1 Due to the size of the site and development the application has been submitted

with a Flood Risk Assessment (FRA) and details of the drainage proposals. The foul drainage is proposed to be connected to the existing mains system and surface water is dealt with via the existing and approved attenuation ponds. The Council Drainage Engineer has confirmed that the proposed surface water management strategy on the submitted FRA is acceptable in principle. He has requested full details of the proposed surface water drainage design and calculations to be submitted with each of the reserved matters. In principle the surface water system was designed and detailed at the time of the original outline and the majority of the proposed development would connect to this system. However the developer will be encouraged to use sustainable urban drainage and reduce surface water wherever possible to meet the criteria in policy CS18.

6.7.2 A mains water pipe currently cuts through the site which the applicant proposes to divert around the western and northern edges of the site with the required 10 metre easement to allow for access to the pipe. There is also a surface water pipe within Thieves Lane which requires an easement. The locations of these pipes has been taken into account in the master plan and will have to be taken into account in any future applications for reserved matters or full consent. The diversion of the mains pipe will be infrastructure work and will be undertaken along with the construction of the estate road as the first part of the development. The proposed relocated position of the pipe also provides a buffer zone for the adjoining residents which can not be built on.

6.8 Archaeology

6.8.1 An archaeological desk based assessment was produced for both the Phase 1 and Phase 2 areas of the Emstrey Business Park by the Archaeology Service at Shropshire County Council in 1999 which identified a number of cropmark features towards the western end of the Phase 2 area. The Council Archaeologist has advised that these comprised a probable late Neolithic or Early Bronze Age ring ditch (funerary monument) near the western boundary of the site, adjacent to Wenlock Road. In addition, a group of linear cropmark features in the north-western part of the site were tentatively interpreted as enclosure or field boundaries of Iron Age or Roman date.

6.8.2 Shropshire County Council's Archaeology Service subsequently carried out an archaeological evaluation of these features, again in 1999. A number of linear features were identified which, whilst they did not contain any finds, were interpreted as potentially being associated with the ring ditch. It was therefore recommended that further archaeological investigation of this area should be undertaken in the event of any future development on the site.

6.8.3 Elsewhere, only one of the linear cropmark ditches in the north western part of the site was positively identified during the evaluation. This did not produce any finds and thus remained undated, as a consequence of which the feature was deemed to be of low significance. On this basis it was recommended that no further archaeological work was required in relation to these features.

8.6.4 As further investigation was recommended the current application site is considered to have high archaeological potential and a programme of archaeological work for the area containing the ring ditch is recommended as a condition.

7.0 CONCLUSION

- 7.1 The principle of continuing the development of the business park off Thieves Lane is acceptable and there have been no changes to the focus of national, regional or local policies. The proposed new access onto Wenlock Road will provide a number of functions and benefits and will not result in any unacceptable highway safety problems. Furthermore, the new access will enable the provision of a footpath along Wenlock Road and improvements to the existing cycle routes around the site.
- 7.2 Providing sufficiently detailed principles are set in the Design and Access Statement and that this is subject to a condition on the planning permission it is considered that the layout, scale, design and parking levels can result in a high quality development which is appropriate for the area. The principles and the retention of the site boundary landscaping will also ensure that the amenities of the neighbouring residents are not affected to an unacceptable level. Additional landscaping will also enhance the site, the local environmental network and habitats for protected species and the site is capable of being drained without resulting in any increase in flood risk.
- 7.3 The proposal is therefore considered to accord with the requirements of the current development plan as a whole including the need to support sustainable economic development whilst protecting existing character and amenity. This is with reference to Shropshire Core Strategy policies CS1, CS2, CS6, CS7, CS13 and CS14, saved Shrewsbury and Atcham Borough Local Plan policy EM1, PPS1 and PPS4 (Planning for Sustainable Economic Growth).

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 three months after the grounds to make the claim first arose.

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

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 is 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. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

10. BACKGROUND

Relevant Planning Policies

National Policies

PPS1 – Delivering Sustainable Communities

PPS1 – Supplement – Planning and Climate Change

PPS4 – Planning for Sustainable Economic Growth

PPG13 – Transport

National Planning Policy Framework

Regional Policies

PA11 The Network of Town and City Centres

SABC Policies

EM1 – Allocated Employment Sites

T14 – Parking Standards Outside the River Loop

Core Strategy

CS1 – Strategic Approach

CS2 – Shrewsbury Development Strategy

CS6 – Sustainable Design and Development Principles
CS7 – Communication and Transport
CS13 – Economic Development Enterprise and Employment
CS14 – Managed Release of Employment Lane
Sustainable Design SPD

Relevant planning history

10/02535/FUL Change of use of land to overspill car park for temporary period of 3 years GRANT 6th August 2010

SC/MS2006/1358/SY Infilling of existing deep depression within phase 2 of the site with natural drift materials (variation to planning permission reference MS2005/1557/SY) PERMITTED 1st November 2006

SC/MS2005/1557/SY Infilling of existing deep depression within phase 2 of the site with natural drift materials PERMITTED 16th December 2005

SA/05/1779/F Construction of new spine road and attenuation ponds to serve future business park development (Phase 2) GRANTED 8th March 2006

SA/02/1610/VAR Variation of condition 26 of Planning Permission Ref: 98/1237/Out/151/87 to read 'no office unit shall be smaller than 400 sq metres net internal floorspace and no individual person, company, partnership or organisation shall occupy less than 400 sq metres office floorspace within that office unit, within a nine month period after the first occupation of that office unit' (amended description) GRANTED 8th January 2003

SA/02/1085/VAR Variation of condition no 3 of planning permission ref. 98/1237/OUT/151/87 dated 26.07.99 to allow a further 3 years for the submission of application for reserved matters GRANTED 11th September 2002

SA/98/1237 Proposed business park (B1) including means of access via a new roundabout junction onto Thieves Lane, and provision of 2 bus bays on London Road. GRANTED 26th July 1999

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) None
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Jon Tandy Cllr Ted Clarke Cllr Liz Parsons
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

1. Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of ten years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The first submission of reserved matters shall be the layout of the business park estate road, access junction onto Wenlock Road and the estate landscaping in accordance with a scheme to be agreed in writing with the Local Planning Authority. The scheme shall thereafter be completed in accordance with the approved scheme and all planting shall be maintained, and any trees or plants within which a period of five years from the date of planting are removed, die or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of highway safety, amenity and to ensure a satisfactory form of the development.

5. The applications for reserved matters shall accord with the principles of layout, scale, height, appearance, materials and landscaping set out in the revised Design and Access Statement received on (TO BE COMPLETED)

Reason: To ensure the development is of an appropriate standard.

6. The detailed drawings with respect to the matters reserved for subsequent approval shall incorporate sufficient information concerning the levels of the site and proposed development related to the levels of adjoining land and highways. All levels shall be in metric units and related to Ordnance Survey datum.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Except where required for the creation of the new vehicular access, all existing trees, shrubs and hedgerows bordering the site shall be protected, retained and maintained to the satisfaction of the local planning authority for the duration of any development works and for 5 years thereafter.

No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to ensure no damage to any existing trees or hedgerows bordering the site. The submitted scheme shall include the provision of chestnut pale or similar form of protective fencing to BS5837 : 1991 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. The fencing shall be located at least 1.00 metre beyond the line described by the furthest extent of the canopy of each tree/tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works

Reason: To prevent trees or hedgerows on site from being damaged during building works and to safeguard the visual amenities of the area.

8. No development approved by this permission shall commence until the applicant has secured the implementation of a 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 be in an area of archaeological importance.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

9. Prior to the first use of the development hereby approved 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 booklet Bats and Lighting in the UK

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

10. A total of 5 bat boxes including Schwegler 1FQ, 1FF and 2F bat boxes (or direct woodcrete equivalents) shall be erected on the site prior to first occupation of any of the buildings on site, in a location agreed with the local planning authority, and shall be retained for the lifetime of the development. Note: The bat boxes should be 4m or more above the ground and in a non-illuminated area as described in the manufacturer's guidance or advice should be sought from an experienced ecologist.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

11. A total of 10 artificial nests for small birds, such as Schwegler 1FB bird box, 2H robin box, Schwegler bird houses or sparrow terraces (or direct woodcrete equivalents of the above) shall be erected on the site, in locations to be agreed with the local planning authority, prior to first occupation of any of the buildings on site and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

12. With the exception of the 929sqm A1 and A3 ancillary uses building, notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any Order revoking and re-enacting that Order, no use other than B1(a) and (b) of the Town and Country Planning (Use Classes) Order 2010 shall take place on the site. The gross internal floorspace of the B1(a) and B1(b) development, excluding car parking areas, shall not exceed 15,000 sq metres.

Reason: To ensure the development is appropriate to the scale and character of Shrewsbury and to protect the amenities of the site and of neighbouring residents.

13. The footprint of the ancillary use building shall not exceed 929sqm and this shall be the only unit in which A1 retail uses, as defined by the Town and Country Planning (Use Classes) Order 2010, are permitted.

Reason: The retail element of the ancillary building is for neighbourhood based shopping in connection with the business park.

14. No buildings shall be erected within 25 metres of the north boundary of the site.

Reason: In order to protect the amenities of the residential area to the north of the site.

15. Construction works shall not take place outside 07:30 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area.

16. No part of the development shall be occupied until the works for the disposal of foul and surface water drainage have been provided in accordance with the approved plans. All foul drainage should be directed to the existing mains foul sewerage system and all surface water drainage to the surface water attenuation system previously approved.

Reason: To ensure the proper drainage of the site and to minimise the risk of pollution.

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.

Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

19. The works on the site to which this consent applies shall be undertaken in line with the Reasonable Avoidance Measures for Reptiles by JW Ecological (2012)

Reason: To ensure the protection of reptiles

Informatives

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (General Development Procedure) Order 1995 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee to be paid is £85 per request (or £25 where the related permission was for householder development). The fee is payable per request.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. A full written archaeological brief for this work can be provided by Shropshire Council's Historic Environment Team for a charge, which would include costs for up to two monitoring visits during the site evaluation work. Complex sites may require more than two monitoring visit for which an additional charge per visit will be applied. This would provide all the necessary information to allow any appointed archaeological contractor to quickly produce a 'written scheme of investigation' (WSI) at minimal cost. Further details of the costs for this service are available on the Historic Environment Team website.
3. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

4. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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