

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 14 November 2018

Committee:
Central Planning Committee

Date: Thursday, 22 November 2018

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Ed Potter

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

Substitute Members of the Committee

Peter Adams

Roger Evans

Hannah Fraser

Ioan Jones

Jane MacKenzie

Alan Mosley

Harry Taylor

Dan Morris

Lezley Picton

Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 25th October 2018.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on Wednesday, 21st November 2018.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Land SW of Home Farm, Buildwas, Shropshire- 18/00186/OUT (Pages 7 - 38)

Outline application (access for consideration) for the erection of 4No detached houses; formation of vehicular access

6 The Square, Great Ryton, Shrewsbury, Shropshire - 18/03486/FUL (Pages 39 - 50)

Conversion of existing residential facility to form four apartments; erection of two storey extension following demolition of existing; relocation of timber garage and associated works (re-submission)

7 Proposed Commercial Development Land to the South of Thieves Lane, Shrewsbury - 17/06157/FUL (Pages 51 - 96)

Hybrid application (part full, part outline) - Full - erection of a petrol filling station (Sui Generis) and drive through cafe (Use Class A3/A5) together with the creation of a new access, parking, landscaping and various other infrastructure works. Outline - provision of a new office park (Use Class B1) to include access (some matters reserved)

8 Proposed Car Dealership and Premises South of Thieves Lane, Shrewsbury - 17/05812/FUL (Pages 97 - 136)

Erection of new car dealership building comprising car showroom and servicing workshop and valeting facilities, plus standalone vehicle repair and prep building, and drive-through car wash, together with staff, customer and storage parking and external used car display area

9 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 20th December 2018 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

22nd November 2018

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 25 October 2018

2.00 - 4.01 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Nick Hignett, Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Keith Roberts, David Vasmer and Jane MacKenzie (substitute for Kevin Pardy)

54 Apologies for absence

An apology for absence was received from Councillor Kevin Pardy (Substitute: Jane Mackenzie).

55 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 27th September 2018 be approved as a correct record and signed by the Chairman.

56 Public Question Time

There were no public questions or petitions received.

57 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning application 18/02747/OUT - Proposed Residential Development Land to the North of Betley Lane, Bayston Hill, Shrewsbury, Councillor David Vasmer declared that his relatives lived in the vicinity and due to a perception of bias he would leave the table and take no part in the consideration of, or voting on, this item.

58 Caterpillar Defence, Perkins Engines, Lancaster Road, Shrewsbury - 16/04559/OUT

The Area Planning Manager introduced the outline application (access for consideration) for residential development (up to 140 dwellings) including demolition of building 1; formation of access roads and associated highways, engineering and accommodation works (REVISED SCHEME) and explained that at the meeting held on 30th August 2018 the Committee had resolved to defer the application to allow the applicant to provide further information in relation to traffic issues identified by Members. It was confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on the surrounding area on 30th August 2018.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ioan Jones addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- The information provided was a summary of the previous traffic assessment;
- The Grange site of the Shrewsbury Academy was due to close soon and would have a detrimental impact on traffic in the area as children would be transported to the Sundorne site; and
- The infrastructure was unable to cope with any more traffic in the area.

Mark Walton, agent for the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate Members raised concerns about the impact of the development on the highways network and stated that the traffic surveys had not taken new development in the area into consideration. Additionally Members were concerned in relation to the Public Open Space shortfall and considered that this should be in line with the adopted policy.

In response to comments, the Area Planning Manager assured Members that Highways Development Control were satisfied with the traffic assessments undertaken by the developer and considered the surveys to be robust. He added that Highways Development Control were aware of previous approvals in the area and had taken these into account when assessing the proposal. Responding to comments in relation to the proposed open space not being in accordance with the adopted policy, the Area Planning Manager reminded Members that the application was in outline only and could be amended at the reserved matters stage.

Having considered the submitted plans and listened to the comments made by the speakers the majority of Members expressed their objection to the application contrary to the Officer's recommendation.

RESOLVED:

That planning permission be refused contrary to the Officer's recommendation for the following reason:

The proposed development would involve the use of protected employment land for residential development and would therefore be contrary to adopted development plan policies namely CS13 and CS14 (Core Strategy) and MD4 and MD9 (SAMDev). It was acknowledged that the proposal would involve development of a brownfield site and would deliver some benefits in terms of securing the applicants long term aspirations on the adjoining site; some very localised highway improvements; contributing to housing delivery including affordable housing; and providing some short term economic benefits. The Committee considered however that these benefits were insufficient to outweigh the clear conflict with the development plan policies, combined with the identified adverse impact of the proposal in terms of increased congestion on the local highway network, and the fact that the proposed open space was not in accordance with adopted policy MD2 notwithstanding the offer of a financial contribution intended to compensate for the deficiency.

59 Proposed Residential Development Land To The North Of Betley Lane, Bayston Hill, Shrewsbury - 18/02747/OUT

Councillor Ted Clarke as local ward Councillor vacated the Chair and Councillor Nat Green as Vice-Chairman presided as Chairman for this item.

Councillors Tony Parsons and Jane Mackenzie (local ward Councillors) left the table during consideration of this item, took no part in the debate and did not vote on this item.

In line with his declaration at Minute 57 Councillor David Vasmer left the table during consideration of this item, took no part in the debate and did not vote on this item.

The Area Planning Manager introduced the outline application for residential development for up to 2 dwellings with retention of access and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

Members' attention was drawn to the Schedule of Additional Letters which included representations from a third party, the Case Officer, Councillor David Vasmer and the agent for the applicant.

A statement in objection to the proposal from Jill Ashurst, local resident was read out to the Committee by the Solicitor.

Caroline Higgins, on behalf of Bayston Hill Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ted Clarke addressed the

Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- He explained that Betley Lane was un-adopted, undrained, unsurfaced and not suitable for the 22 residents it currently served;
- The maintenance of the lane was funded by the residents of Betley Lane and the proposed development would further impact on existing residents; and
- He noted that access for larger vehicles was difficult and urged the Committee to refuse the application due to the inappropriate access.

During the ensuing debate, Members considered the access to be unsuitable stating that access for emergency vehicles was a particular concern especially in light of the un-adopted status of the lane and therefore the Council's inability to impose parking restrictions to improve the situation.

Having considered the submitted plans and listened to the comments made by the speakers Members unanimously expressed their objection to the application contrary to the Officer's recommendation.

RESOLVED:

That planning permission be refused contrary to the Officer's recommendation for the following reason:

The access to the proposed development via a narrow un-adopted lane was considered to be unsuitable given the restrictions arising from existing properties using it for access and parking. In particular there is concern that adequate access for emergency vehicles cannot be ensured if required and the Council was unable to secure improvements by imposing parking restrictions given the un-adopted status of the lane. Accordingly the proposal was considered to be contrary to the aims and requirements of adopted development plan policy CS6 (Core Strategy).

60 1 Monday Town, Westbury, Shrewsbury - 18/02962/FUL

The Area Planning Manager introduced the application for the erection of replacement dwelling; installation of package treatment plant and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on the surrounding area that morning. Members' attention was drawn to the Schedule of Additional Letters which included representations from the agent for the applicant.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ed Potter addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- The site was in an isolated location and would not have a direct negative impact on the local area;
- The proposal would replace a redundant cottage that had been extended and had not been in use for many years;
- The proposed development was of a high quality modern design; and
- The scale of the proposal was in keeping with other properties in the hamlet of Monday Town.

Steve Hayward, agent for the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members commented on the high quality design of the development and considered that as the accommodation was predominately on one level it would require a larger footprint than the existing property. Additionally Members noted the sloping nature of the site and the ridge line of the proposed dwelling being lower than that of the existing property.

In response to queries, the Area Planning Manager assured Members that the existing garage had been taken into account when calculating the footprint of the replacement dwelling and even allowing for the garage the footprint was materially larger than the existing property.

Having considered the submitted plans for the proposal and noted the comments of all the speakers the majority of Members expressed the view that the application be approved contrary to the Officer's recommendation.

RESOLVED:

That planning permission be granted contrary to the Officer's recommendation for the following reason:

The Committee acknowledged that the size of the replacement dwelling was not in accordance with the Council's adopted policy but considered that in the particular circumstances of this proposal due to the sloping nature of the site and the ridge line of the proposed dwelling being lower than that of the existing property the development was acceptable. Additionally Members welcomed the modern design and accessible accommodation that the proposal offered and referred to the use of good design as set out in the National Planning Policy Framework.

Subject to:

That Planning Officers be granted delegated powers to attach appropriate conditions and the removal of Permitted Development Rights.

61 Proposed Dwelling North of Top Farm, Kinton, Shrewsbury - 18/03967/REM

Councillor Ed Potter as local member left the table during consideration of this item, took no part in the debate and did not vote on this item.

The Area Planning Manager introduced the application for the approval of reserved matters (access, appearance, layout, scale, landscaping) pursuant to outline application 13/05065/OUT for the erection of a dwelling including re-aligned agricultural access and removal of agricultural shed.

Having considered the submitted plans for the proposal, Members unanimously expressed the view that the application be approved as per the Officer's recommendation.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to the conditions set out in Appendix 1.

62 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 25th October 2018 be noted.

63 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 22nd November 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



<u>Committee and date</u>
Central Planning Committee
22 November 2018

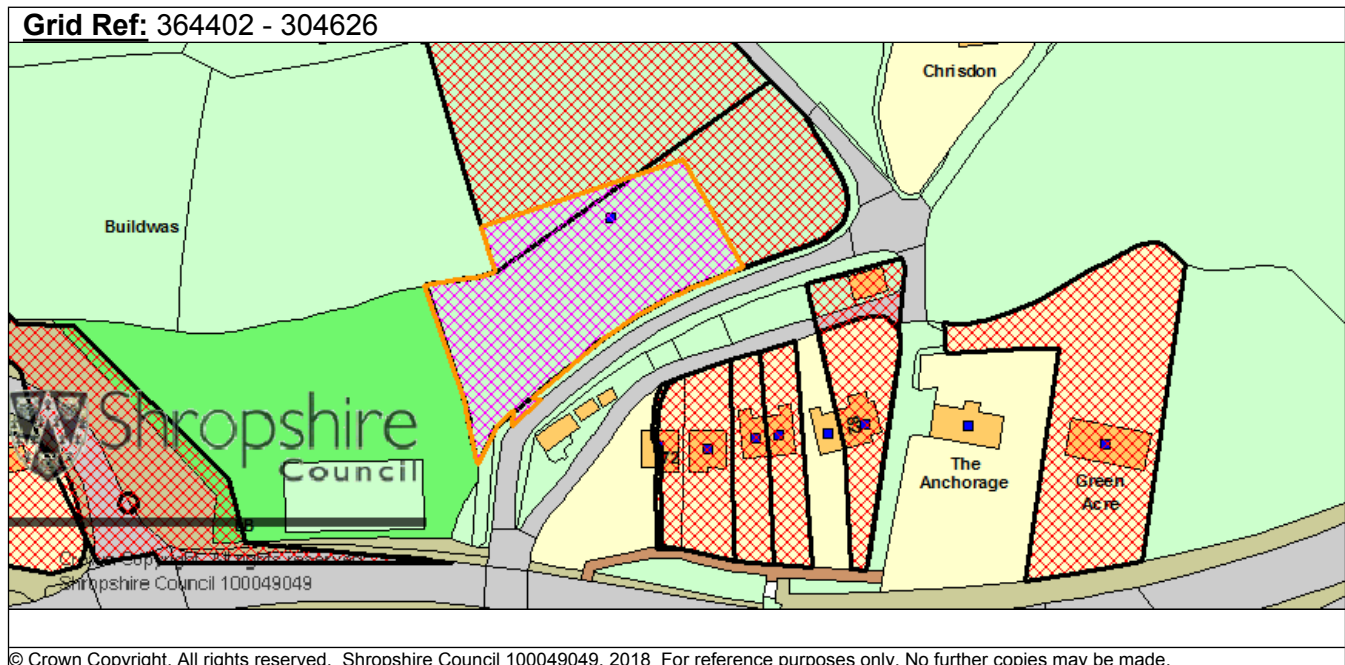
<u>Item</u>
5
Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/00186/OUT	Parish:	Buildwas
Proposal: Outline application (access for consideration) for the erection of 4No detached houses; formation of vehicular access		
Site Address: Land SW Of Home Farm Buildwas Shropshire		
Applicant: Mr D Reynolds		
Case Officer: Mandy Starr	email: planningdmsw@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is an outline application for the erection 4No dwellings and associated access on land off the B4380 at Buildwas. Illustrative details submitted with the revised application show that the 4No detached houses with integral garage would be sited in modest sized plots and would be sited at the bottom of a field to the south west of a private concrete road that backs onto row of 6No dwellings; Access to the proposed dwellings would involve the opening up of part of the existing field hedgerow boundary off the private road.
- 1.2 The application includes details on the access, but the appearance, scale, layout and landscaping are reserved matters.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site of 0.2ha is situated on the north side of the B4380 to the west of The Anchorage and Numbers 72 to 82 Buildwas Road. There are two unadopted accesses leading off the highway to the north; one a concrete road leading up to Chrisdon, Home Farm, The Anchorage and Green Acre beyond, whilst the other which is slightly to the east and is unmetalled leads to the rear gardens of 72 to 82 Buildwas Road. There are several outbuildings including a garage that are sited on the land between the two tracks and which are used by the occupiers of the dwellings beyond.
- 2.2 The application site is positioned in the southwest corner of field used to graze horses which has a fenced and hedge boundary running along the north side of a concrete un-adopted road used as a farm track and access to several other dwellings. This road has a width of 3.5m and continues to the east of the site where it opens out to form a wider access to three separate dwellings and also turns into the back access to the dwellings to the south. The road also turns up to the north to Home Farm itself.
- 2.3 The field slopes down the hill from Home Farm. In addition there is a small coppice with a stream to the south west of the site. To the south east is a row of dwellings which are a mix of semi-detached and single dwellings that face onto the main road albeit raised above road level and set back behind a shrub bank. Access to these properties is via a private road just to the right of the concrete road and along the concrete road itself. Several of these dwellings also appear to benefit from a small patch of land sited between the two accesses which are used for the storage of sheds and other domestic paraphernalia.
- 2.4 Buildwas has been identified as a Community Cluster within SAMDev, so this allows for a limited amount of the development. However the village has no settlement boundary with the nearest dwellings being sited to the south east of the application site

2.5 Buildwas itself is on the north side of the River Severn with the majority of the dwellings being sited on the northern slope. The land on the south side of the B road is part of the functional flood plain and has few residential dwellings. Directly opposite the site on the other side road, the ground drops away to the River Severn and beyond this are the remains of Buildwas Abbey a Grade I listed building and Scheduled Ancient Monument with a large precinct.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to Officers and the local member also objects for the same material planning reasons. The application was presented to the Central Agenda Setting Meeting and the view was taken that this proposal should be determined by the Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

SuDS

Recommend Informative

SC Trees

No objections on arboreal grounds. A full application should have a landscape scheme including new tree planting for long term environmental gain.

SC Archaeology

The proposed developed site is located c.150m north of the Scheduled Monument of Buildwas Abbey (National Heritage List ref. 1015813), and c.500m north-west of the Grade I listed remains of the Abbey (National Heritage List ref. 1175126) and Abbey House (National Heritage List ref. 1366862). There are no records on the Shropshire Historic Environment Record that relate to the proposed development site itself and it is considered to hold low negligible archaeological potential.

SC Highway Authority

No objection subject to the development being carried out in accordance with the approved details and conditions/informatives.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.2 - Public Comments

Buildwas Parish Council:

(Original comments 06.03.2018)

The Parish Council objects to this application and wishes to highlight the following

concerns - single storey would be more appropriate due to overlooking, orientation of the houses needing to be considered to avoid overlooking, access arrangements on to the plots need to be reconsidered and moved to the southerly end. The site has not been previously identified as a preferred location for development by the parish. The issue of cumulative impact needs to be considered as Buildwas has exceeded its SAMDEV quota of 10.

(Revised comments 31.07.2018)

The Parish Council resubmits objection to this amended application on the same grounds as the original objection (below). Despite some amendments, the application still exceeds the agreed SAMDEV quota.

The Parish Council objects to this application and wishes to highlight the following concerns -

Single storey would be more appropriate due to overlooking, orientation of the houses needing to be considered to avoid overlooking, access arrangements on to the plots need to be re-considered and moved to the southerly end. The site has not been previously identified as a preferred location for development by the parish. The issue of cumulative impact needs to be considered as Buildwas has exceeded its SAMDEV quota of 10.

4.3 8 responses were received objecting to the proposal for 3No dwellings on the following grounds:

- ☐ Loss of privacy due to the elevated position of new houses so existing houses and gardens will be overlooked to such an extent as to remove all privacy into rear rooms and gardens of existing dwellings.
- ☐ New occupants of dwellings will be able to stare into existing properties especially when leaving site
- ☐ Large houses would be visually overbearing totally out of keeping with neighbouring properties which are mainly old farm properties
- ☐ Development by reason of its size, depth, width, height and massing would have an unacceptable adverse impact on the neighbour amenities adjacent to the site and surrounding area by overlooking loss of privacy and visual overbearing impact.
- ☐ There are two roads at site; one is an un-adopted track and then the main access road is not wide enough for 2 cars to pass being only 3.5m wide concrete road that serves Home Farm and 9No other properties with vehicles having to reverse back onto highway or using soft verges and it may not be strong enough to support weight of vehicles due to heavy clay soil. Also there is the issue of large potholes near the main road which would be made worse by extra vehicles.
- ☐ Traffic use to livery yard has increased dramatically which tends to lead to 2no vehicles meeting at the same point along concrete lane so one has to reverse.
- ☐ Caravan storage area has increased leading to extra traffic on lane

especially for vehicles towing caravans

- ☐ Current culverted brook and adjoining water course already at capacity and new development has the potential to cause instability and shift to immediate land mass which already has subsidence issues. New development will increase surface water run-off and would then impact on the neighbouring properties
- ☐ Issues with flooding as road becomes river during heavy rain and deposits stones and mud onto Buildwas Road with an existing water course that follows the path of the proposed access that runs over the road in times of high rainfall and is a hazard when it freezes.
- ☐ Refer to the SUDS comments that requires the applicant to submit details of flood routing to cope with storm events. Neighbour's property has already flooded three times in last 10 years.
- ☐ Even if a solution could be found to resolve the flooding issues, the foundations and drainage works required to stabilize the development and their surroundings would cause significant detriment to the current environment
- ☐ The proposed entrance to and exit from development is in unacceptable position as it will cause a constant nuisance to existing residents with vehicle headlamps shining into the rear windows of existing properties as well as new external lighting.
- ☐ Statement that this purpose built drive will be sufficient to support both development traffic and existing traffic is incorrect. Applicant already has had a continuous stream of HGV's visiting farm above depositing land fill proving that this route is inadequate and any further development will be horrific.
- ☐ Increase in noise levels from construction traffic that will have a negative impact on existing residents with increased dust and mess due to close proximity and once new houses are built, the noise levels will increase by 50% directly impacting on existing 6No houses.
- ☐ Direct effect on natural environment and the field is used for equine grazing and supports long-established wild-life including bats, birds, foxes, hedgehogs and badgers.
- ☐ Proposed site is near to Shropshire Hills Area of Outstanding Beauty.
- ☐ It is the Planning Committee's responsibility to protect the many species of wildlife in vicinity of River Severn and AONB.
- ☐ Statement that proposed site is 'effectively the corner of a grass field' is not accurate to describe a plot that would encompass three-quarter of the bottom part of the field and its wider impact on the environment
- ☐ No amount of landscaping – tree or hedgerow planting will mitigate the short-term detriment to wildlife from this development and those of Telford too.
- ☐ Applicant's submitted Ecological Assessment states that hedgerows are important and are considered to be an important ecological feature in the site context.
- ☐ Design and Access Statement states that Buildwas is a Community Cluster, but the SAMDev requirement has already been fulfilled by various

other developments in Buildwas village itself.

- ☐ Plans threaten village environment as residents face a threat of joining up with Telford, so refusing this scheme would be an important step in ensuring that Buildwas does not become a prime target of house builders to flout housing targets. Previous Council minutes of 4/09/2017 state that *“Buildwas is a community cluster which has the potential for circa 10 dwellings to 2026. The target of 10 dwellings has already been significantly exceeded”*. Therefore expect any additional dwellings outside of this target to serve an undeniably important purpose for all the village residents or to conserve or enhance the natural beauty of the landscape which is not the case here
- ☐ Proposal is a speculative exercise with a clear disregard for existing residents and the environment
- ☐ Application information from agent is unclear as the proposed number of dwellings refers to both 3No and 5No. If 3No dwellings unacceptable, 5No dwellings would only serve to compound the negative effects on the local residents and environment
- ☐ Far more suitable areas of Home Farm site that could be utilized for such a development without impacting on current occupant’s amenities, but access to the site would still need to be via concrete road.

8 further responses were received objecting to proposal for 4No dwellings (revised scheme)

- ☐ Same comments as before still apply but now development will cause greater impact
- ☐ New site entrance is now sited near to the only passing place on a blind corner and this passing place is required for good visibility for large trucks, refuse lorries and caravans use the lane. This has not solved the problem as the access is still only 3.5m wide and is inadequate with no widening now proposed.
- ☐ New development at ex-power station site will exceed any future requirements for new housing here and so there is no need for any additional housing in Buildwas
- ☐ Parish Council comments have been ignored by the Planning Agent in that there is no single storey option, no re-location of site and no re-orientation.
- ☐ Average height of a single storey dwelling is 2.3m and therefore there can be no argument that the upper storeys of this development will have a direct view into other resident’s dwellings.
- ☐ Previous applications for residential development have been declined or applicants have been made to change dwellings into single storey properties
- ☐ Photographs submitted by the agent of the supposed view across the existing properties have been taken from an unrealistic position because if the photos were taken from the correct location, then would show that the development would cause unacceptable overlooking.

- ☐ Also photo set out in Document HP J9949-02 apparently showing the view from the applicant's land is inaccurate, misleading and taken from a bias position. Also it appears to have been taken in April 2018, but the perspective looks up at an angle to the top of the hedge which is some 3m tall as of 31st July 2018 which is at the end of its peak growing season. This is inaccurate.
- ☐ Development is backland development that should be refused by Council
- ☐ A serious road traffic collision took place on 22nd X due to the narrow width of the lane and so the development would likely to increase the likelihood of similar incidents in the future.

4.4 Email comments from Cllr Wild:

17.03.2018

Issue with flooding on concrete road from Home Farm. Please can you bear this in mind when making your recommendations and please can you ensure that adequate conditions are attached.

28.08.2018

I support the comments of the Parish Council

- 4.5 The application for the 4No units was advertised by way of a site notice being displayed on 19 July which expired on 9 August 2018.

5.0 THE MAIN ISSUES

Principle of residential development

Siting, scale and visual impact

Residential Amenity and landscaping

Consideration of impact on setting of Scheduled Ancient Monument

Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published twice and is a material consideration that needs to be given weight.

- 6.1.2 A key objective of both national and local planning policy is to concentrate most new residential development in locations which promote economic, social and

environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new open-market housing to sites within market towns, other ‘key centres’ and certain named villages (‘Community Hubs and Clusters’) as identified in the recently adopted Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 National Planning Policy Framework 2012 and 2018

6.1.4 The original NPPF 2012 at Paragraph 12 of the NPPF stated that ‘Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise’.

With regards to the then housing development paragraph 49 of the NPPF stated that:

‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.

and that

‘Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

6.1.5 The revised NPPF was published on 24th July 2018 and this now replaces the earlier version, the emphasis regarding new housing is that there is a need to have regard to speeding up the delivery of housing. In addition, there is requirement that developments that makes efficient use of land should be supported taking into account the desirability of maintaining an area’s prevailing character and higher densities for housing development.

6.1.6 However the main premise still remains in achieving sustainable development and that under Paragraph 11 there is a presumption in favour of sustainable development. There is a still requirement to approve development proposals that accord with up to date development plans without delay.

6.1.7 In addition Section 5 is important here as this deals with Delivering a sufficient supply of homes.

Paragraph 59 states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of the groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

Paragraph 68 states:

Small and medium sized sites can make an important to meeting the housing requirement of any area and are often built out relatively quickly.

This paragraph goes onto to say that to “*promote the development of a good mix of sites local planning authorities should:*

Support the development of windfall sites through their decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.”

6.1.8 **Shropshire Council Adopted Core Strategy**

The strategic approach within LDF Core Strategy CS1 identifies that rural areas will become more sustainable accommodating 35% of Shropshire’s residential development over the plan period. It states that development and investment will be located predominantly in Community Hubs and Clusters and will contribute to social and economic vitality. Community Clusters are comprised of two or more small settlements where the combined settlements offer a range of service contributing to a sustainable community (CS4).

6.1.9 CS10 Managed Released of Housing Land. The Council has a duty to keep the availability of housing land under review and to maintain a continuous supply of suitable sites to deliver the overall housing target. New Housing sites will be identified within the Site Allocations and Management of Development (SAMDev) Plan with the need to maintain a five year land supply of housing land along with the priority for the re-use and development of brownfield sites on suitable sites in sustainable locations while considering the need to retain local employment and sites of historic or ecological value with the aim of achieving 60% of overall development on brownfield land and that a contribution will be made to improved infrastructure provision including affordable housing.

6.1.10 **Supplementary Planning Documents (SPDs):**

Type And Affordability Of Housing
Much Wenlock Place Plan

6.1.11 **Site Allocations & Management Of Development (SAMDev) Plan:**

MD1 Scale and Distribution of Development. This policy sets out where the pattern of new housing development will be within the County; namely Market Towns and other Key Centres, Community Hubs and Community Clusters and areas where exception schemes for local needs housing is acceptable.

This Policy identifies Buildwas as a Community Cluster and Settlement Policy S13 states that;

“The settlement of Buildwas in the Parish of Buildwas is a Community Cluster settlement where development by limited infilling and conversions may be acceptable on suitable sites. The housing guideline for the Cluster is around 10 additional dwellings over the period to 2026. The Parish Council have expressed a preference that development should be phased so that no more than 5 houses are developed in each half of the Plan period and that no more than three dwellings

should be developed on any single site.”

- 6.1.12 MD3 provides part of Shropshire’s local planning framework for the delivery of housing. The policy should therefore be applied alongside other policies of the adopted Local Plan (Core Strategy and the SAMDev Plan) in meeting the total housing requirement of 27,500 dwellings over the plan period. The policy applies to all types of housing development, including market and affordable housing, as well as dwellings for agricultural, forestry and other essential countryside workers.
- 6.1.13 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published twice and is a material consideration that needs to be given weight.
- 6.1.14 Given the above and the fact that Buildwas is identified as part of a Community Cluster (as part of Much Wenlock) which has no defined settlement boundary, it is accepted that the location of the development would form part of a sustainable settlement. Whilst it is acknowledged that the proposed plot forms part of a field, this sits behind a row of existing dwellings and has a road access in front of it. Therefore the siting the proposed dwellings in this location would be acceptable in principle in accordance with current adopted planning policy and would contribute to the requirement to maintain a five year housing land supply.
- 6.1.15 With regard to concerns raised by the Parish Council on requesting that three houses only be considered at one time, the Local Planning Authority were concerned that the proposed units were overly large for the site and would be out of keeping with the row of dwellings beyond the access track and had the potential to dominate the hillside. So that is why 4No smaller units were considered preferable to the original 3No larger units.
- 6.1.16 The neighbours’ objections are also noted regarding a need to ensure that new housing does not join up with developments at Telford, but this site is contained within established boundaries where there is already development on all sides. Furthermore the comments regarding the proposed new development to replace the Ironbridge Power Station site are premature, because until the former power station has been demolished and the site has been the subject of remedial works to deal with the pollution, so that it capable of being developed, any new residential development here is likely to be in the future.
- 6.1.17 A comment has also been made about the fact that the landowner has other land that could be used for residential purposes and this can be considered instead. However the application only relates to this site. No other sites were suggested by the applicant as being an option here. The Local Planning Authority has to duty to determine what has been submitted.

6.1.18 The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach. The Council therefore considers the housing policies contained within the Core Strategy up to date and should be attached full weight

6.2 **Siting, scale and visual impact**

6.2.1 CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.

6.2.2 MD2 deals with Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site.

6.2.3 The proposal is now to erect 4No 80m² detached dwellings on land to the north west of an existing concrete farm track. The illustrative layout plan shows the position of the dwellings in relation to the concrete road and row of 6No dwellings to the south east. These dwellings centrally sited in their plots with gardens to the front and also to the rear. Beyond the unmade access track, some of the dwellings have a further small area of land each where there are garaging and sheds. This is separated from the concrete track way by a defined boundary including trees and a verge.

6.2.4 The comments of the neighbours were noted in respect increasing the numbers of units to four instead of three as originally proposed. The reasoning behind this was that illustrative layout for the 3no dwellings showed overly large footprints and garden land that did not reflect the row of dwellings in front. Smaller units were therefore suggested which resulted in the numbers rising to 4No units instead.

6.2.5 All matters are reserved for later approval apart from the access arrangements onto the B4380. However the agent has submitted illustrative drawings and documentation that would suggest that 4No one and half storey dwellings are now proposed on this site to be sited in reasonably spacious plots. The proposal is not considered to be 'backland' development as the existing row of dwellings are separated from the site by an un-adopted track, outbuildings and the applicant's own track in addition to the boundary hedge and nor is it development in existing residential gardens either. In addition there would also be quite substantial distances between the rear gardens of No 72 to 82 and the proposed dwellings.

- 6.2.6 From the submitted plans, it would appear that the dwellings would be positioned in a row and have an 'L' shaped footprint and set back from the existing boundary hedge by between 11m and 14m. One vehicular access would be provided off the concrete track near the southern end of the site. This would provide a communal access with separate driveways leading to each unit.
- 6.2.7 In terms of the pattern of development, the 6No dwellings to the south east are arranged in a row above Buildwas Road and have the typical arrangement of fairly narrow front and rear gardens. When the original proposal was considered this was for 3No dwellings but they were large and with large gardens. The proposal was not considered appropriate for this location given the small scale nature of the dwellings in front and so smaller dwellings and plot sizes were sought instead.
- 6.2.8 There is a need in this location to consider the visual impact that any new dwellings would have in this location where the ground rises up to the north. Although this application is only in outline, the position of where the dwellings would be sited and their ridge height is an important consideration as to whether the principle is acceptable.
- 6.2.9 Home Farmstead itself is considerably higher than Nos 72 to 82 Buildwas Road and is reached by a sloping track off the main concrete access track. The application field to the south of the farm buildings slopes to the south in an irregular fashion down to the boundary hedge. This is evidenced from the submitted photos of the site. It is considered essential that any new dwellings should be constructed at the lower ground level of the field at a similar height to the hedgerow to ensure a minimal visual impact compared to dwellings that might be erected further up the existing hillside.
- 6.2.10 A further issue is the proposed height of the dwellings. It is clear that the height of the dwellings and therefore the position of first floor windows is of great concern to the existing residents. The applicant was asked to consider single storey units here instead as that would also have the effect of helping to reduce overall bulk and massing of the dwellings. However it would appear that proposal is still for detached dwellings not bungalows.
- 6.2.11 The agent however has taken the view that because of the proposed distances between the existing dwellings and the proposed ones and because of the hedging between and them as well as a concrete roadway that two storey dwellings would be more acceptable here.
- 6.2.12 A new indicative site layout and site section was submitted on 18 September. The site layout now shows that a new drain will be installed adjacent to the road to control the flooding issue.

6.2.13 As for the proposed indicative site section, this shows that there would be a distance of some 39m between the dwellings and that the new dwellings would be set back by some 16m away from the existing field hedge. This site section also shows that the units would be slightly higher than the existing dwellings by around 1700mm. It would also appear that the eaves for the new units would be some 4m high and the ridges some 6.9m high. Both of these measurements are lower than the typical existing dwellings which are indicated to have eaves of 5.8m high and ridges of 7.3m high.

6.3 Residential Amenity and Landscaping

6.3.1 CS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.

6.3.2 Policy MD2 also seeks to ensure that new development should be in character and seek to safeguard residential and local amenity.

6.3.3 As this is an outline scheme, there are no details of what the appearance of the units would look like. However from the layout plans, it is clear that there would be some first floor windows.

6.3.4 The revised submitted plans for the 4No units show that there would be a distance of between 11m and 14 between the frontage of the units to the existing boundary hedge. Whereas the dwellings to the south east are sited beyond this and are between 31m and 41m away.

6.3.5 The comments of the objectors have been noted with regard to the potential for overlooking from the new dwellings directly into the rear gardens and rear bedrooms of the existing dwellings causing loss of privacy and amenity. Good Practice requires that separation distances between habitable room windows should be in excess of 21m between dwellings in order to prevent loss of amenity and this would be achieved here and would be further mitigated by ensuring that the slab level of the dwellings reflected the access road and not the existing hillslope.

6.3.6 The Parish Council asked that consideration be given to single storey units only and the applicant was asked to consider changing the units to single storey only. However he has declined to change the dwellings to single storey ones as he has taken the view that with a typical separation distance of 39m, there is sufficient gap between the units to justify two storey dwellings here. This is reflected in the submitted illustrative cross section drawing now shows that these dwellings would be set back from the boundary hedge by some 16m and that there would be some 39m separation distance between the two rows of dwellings.

- 6.3.7 The ridge heights of the proposed units are also of importance too. Although no formal details of the eaves or ridges have been submitted, the indicative site section does suggest that that typical eaves would be 4m high and ridges would be 6.9m high. These figures when measured against the eaves and ridge height of the existing dwellings, the new units would appear to indicate that the proposed dwellings would be slightly smaller than the existing dwellings, thereby reducing their overall bulk and were this proposal considered to be acceptable, then a condition could be imposed restricting the height of the eaves and ridge accordingly.
- 6.3.8 The ridge heights of the proposed units are also of importance too. No details of the eaves or ridges have been submitted, so there is concern that 4No two storey dwellings would be more prominent on the hillslope compared to the neighbouring properties and also create a discordant appearance that would be out of character here too. It is also acknowledged that the applicant has not agreed to bungalows here, but appropriately designed one and half storey dwellings are considered the compromise here that would give the most suitable type of dwelling in this location.
- 6.3.9 In terms of landscaping for the site, the requirements of CS17 and MD12 are relevant here. There is always a need for appropriate landscaping for housing developments. However as this is only an outline scheme will all matters reserved apart from the access arrangements, so there is no requirement here for a full arboriculture survey, but such an Assessment as required by BS 5837 2012 "*Trees in relation to Design, Demolition and Construction recommendations for tree protection*" must be provided as part of the Reserved Matters or any full application.
- 6.3.10 In this case, the existing hedge and coppice features are considered of paramount importance here so there is a need to ensure that any proposed development makes provision to retain as much of the boundary hedges as well as ensuring the protection of the adjoining coppice and hedgerows beyond to maintain its biodiversity. Whilst the field would be used by passing animals, due to the use of the field for grazing, there would be limited habitats on this grassland compared to the coppice, watercourse and existing hedgerows.
- 6.3.11 Nevertheless it clear that a section of this roadside hedge will have to be removed to provide the vehicular access and appropriate sight lines and it may also have to be trimmed back to facilitate the construction of the new surface water drain by the road. It will therefore be appropriate to seek additional landscaping within the site with appropriate native species trees being planted behind the hedge to enhance the overall appearance of the development and to provide additional screening as part of any reserved matters approval. New hedge planting or post and rail fencing should also be used for the new rear boundaries to the site and will be conditioned accordingly and it will be necessary to ensure the protection of the coppice and watercourse to the west from development.
- 6.3.12 There is also a need to ensure that as part of the development, construction vehicles, plant and machinery would not prevent access/exit of vehicles to the

neighbouring properties beyond and therefore a Construction Management Plan will be required as a condition too.

6.4 **Consideration of impact on setting of Scheduled Ancient Monument**

- 6.4.1 CS17 is relevant here in that it requires that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and that the proposal should not adversely affect the values and function of any designated heritage assets such as Buildwas Abbey
- 6.4.2 MD13 also deals with the historic environment in the SAMDev. This requires that all of the County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm. There is also a need to encourage development which delivers positive benefits as set out in the community led plans.
- 6.4.3 Although there are no designated heritage assets in the immediate vicinity of the proposed site, due to the field being on a south facing hill slope and facing towards Buildwas Abbey which is a Grade 1 and Scheduled Ancient Monument, it means that an assessment must be made as to whether the proposal would harm the setting of this designated heritage asset.
- 6.4.4 With regard to the setting of the Scheduled Monument (SAM), Historic England have raised no objections to the proposed development in their consultation response.
- 6.4.5 With regard to the setting of the Scheduled Monument of Buildwas Abbey, and in relation to Paragraph 193 of the NPPF and MD13 of the Local Plan, it is considered that the proposed development would be largely, if not completely, be screened from it by the topography and the existing tree cover. When visible in wider views towards the monument, it would be likely to be read in relation to the existing built form of the settlement.
- 6.4.6 It is the Council's opinion that the proposed development would have a limited impact on the setting of the Scheduled Monument so as to be considered to be negligible. Therefore this proposal will not result in any harm to the significance of the remains of Buildwas Abbey and grounds.

6.5 Other Matters

6.5.1 **Assessment of Access Arrangements**

The proposal seeks outline consent with access as a determined matter and all other matters reserved for residential development on land to the south west of Home Farm, Buildwas. The site is served by a private road leading from the B4380 Shrewsbury to Telford Road, which currently serves Home Farm and several other

properties. The principle of the development is considered acceptable from a highways perspective subject to the provision of a suitable access and parking and turning within the site to enable vehicles to exit in a forward gear.

- 6.5.2 A shared access drive should be a minimum of 4.2m in width and be maintained for the first 6 metres, this may need to be longer if agricultural vehicles will also be using the access. If it is bounded by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is to allow a vehicle to enter at the same time as a vehicle leaving the premises without obstructing the adjoining highway. As part of the proposed development the provision of passing places along the private road should be considered to aid current and proposed users of the road and to reduce the likelihood of vehicles reversing out onto the public highway.
- 6.5.3 From the submitted plans, the proposed revised width to access into the site is shown in excess of 4.2m wide being nearer 4.9m wide. The proposed access location would also appear to be in close proximity of an existing passing area and therefore would provide additional space for vehicles to pass.
- 6.5.4 Consideration should also be given to the unloading/loading base for deliveries of material and removal of material, parking for construction workers and others requiring access to the site and transport of materials to the site with for unloading/loading bases would need to be considered as part of the reserved matters application.
- 6.5.5 This is considered to be an important matter due to the restricted width of the concrete access and the amount of existing vehicle movements along it on a regular basis and will be conditioned accordingly.
- 6.5.6 From the potential householders view, the length of driveway is the trip which they will have to make, weekly, to put refuse and recycling bins out for emptying. The recommended maximum distance is 25m. The more houses that are built off one driveway, the larger the smooth level space is required at the roadside for temporary storage of refuse bins and recycling boxes which must not be allowed to obstruct the highway or the visibility splay of the access. Collection is made from the roadside and plans should show the location of the refuse and recycling bin storage area as part of the reserved matters application.
- 6.5.7 The applicant should consider the installation of secure gate-side post and paper boxes for dwellings that share a communal access.
- 6.5.8 In this case, it would appear that refuse collection takes place outside of the properties that access the concrete road already.
- 6.5.9 The Highway Authority have raised no objections to this proposal subject to the imposition of appropriate conditions and informatives.
- 6.5.10 The comments of the neighbours regarding the access track and its limitations have been noted. It is important at the outset to confirm that this is a private road and not an adopted highway and therefore the standard carriageway widths would not apply here. However any new access that was created off this apparently well-

used concrete road would have to comply with highway requirements hence the need to ensure that it had a width of 4.2m. With regard to the surface of the private road, that is a matter for the landowner to deal with.

6.5.11 As regarding the revised proposed access, this was requested because the previous location was likely to have resulted in too much of the important boundary hedge having to be removed and because it would have been difficult to turn into the site given the limited width of the concrete road. This new location near the existing passing area would increase the passing provision on the track by allowing vehicles to pass either side of the track here by using the enlarged access as well.

6.5.12 **Affordable Housing**

CS9 Infrastructure Contributions This policy deals with CIL and affordable housing contributions with the appropriate levels of contributions set out in the SAMDev or in the Community Infrastructure Levy Charging Schedule at a level that is economically viable for the majority of development and this is assessed regularly to reflect changes in market prices, costs of construction and alternative land values over time.

6.5.13 CS11 Type and Affordability of Housing. This seeks to ensure that there is a mixed and diverse range of accommodation by way of seeking to ensure that all housing development is designed to be capable of adaption to accommodate lifestyle changes to achieve the Lifetime Homes Standard and ensuring that all open market housing makes the appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target rate set out in the Shropshire Viability Index and the viability of developments taking into account the requirements of Core Strategy Policy CS9.

6.5.14 Prior to May 2017, all new developments for open-market dwellings were required to complete a S106 agreement to secure an requisite affordable housing contribution as set out under the adopted Shropshire Development Plan policy (This comprises the Shropshire Core Strategy and the SAMDev Plan). However, account must now be taken of the Court of Appeal judgement of 11th May 2016 in the case of **Secretary of State for Communities and Local Government (1)West Berkshire District Council(2)Reading Borough Council [2016] EWCA Civ 441**

6.5.15 The effect of this judgement was to confirm that the Written Ministerial Statement (WMS) of the 28th November 2014, announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas, still applies in considering development proposals.

6.5.16 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not automatically require an AHC for applications for 10 or less dwellings and less than 1,000sq m floor area in the majority of cases.

6.5.17 In this particular case for the erection of 4No open market dwellings, it is considered that an affordable housing contribution could no longer be justified and therefore no weight has been given to this in the overall planning balance.

6.5.18 **Ecology**

MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness.

6.5.19 In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas.

6.5.20 An Ecological Assessment was required as part of this application and it was carried out on this site in November 2017 by Churton Ecology. The survey covers a larger area than the current planning application boundary.

6.5.21 Habitats

Habitats on the site consist of poor semi-improved grassland, hedgerows and fencing. The southern hedgerow is species-poor hedgerow due to its age. The western boundary of the site is more species-rich and probably classes as Important under the Habitats Regulations 1997.

6.5.22 *A gappy section of remnant hedgerow also runs for a very short distance along the north boundary (west end) before turning north and continuing as an intact trimmed (likely) 'Important' hedgerow.*

6.5.23 It is important that all the hedges including the western hedgerow and the section of hedgerow that runs northwards should be protected during the works.

6.5.24 *It is recommended that a protective fence (e.g. post and rail) is erected along the south ... hedgerow at a distance of 0.25m from the hedgerow drip-line. This will allow for a wider, denser hedgerow structure to develop which will be beneficial for birds, bats, newts and hedgehogs. It is likely that development will be well clear from the west hedgerow but this guidance may still be applicable.*

6.5.25 New native species hedgerow planting (using species of local provenance) should be included in the landscaping scheme to increase connectivity and biodiversity value.

6.5.26 Great crested newts

There is a pond approximately 50m to the north-east of the site boundary. A Habitat Suitability Index assessment calculated this pond as having 'Average' suitability to support great crested newts.

6.5.27 *'Given the pond's small size, average breeding habitat suitability and isolation from the next nearest potential breeding habitat (525m to the NE) it is highly unlikely that the pond would be able to support anything other than a small population – if GCN is present.'*

6.5.28 If great crested newts are present in the pond, there is the potential for them to traverse the site during the works, particularly since 'the area of scrub to the west of the site likely represents an area of high terrestrial interest for any population potentially present in the pond. It is notable that the south section of hedgerow (base) requiring removal provides a small area of low quality terrestrial habitat since it is modern, grazed and lacks the exposed root structure typical of older banked hedgerows.

6.5.29 To remove the risk of harming great crested newts, section 5.1.2 of the report contains a reasonable avoidance measures method statement. The method statement includes the following elements:

- The site should continue 'to be grazed as it is currently in the lead up to the construction phase.' 'Where relevant, grassland may also need to be regularly mown during the construction period also.'
- 'Hedgerow removal must be restricted to the newts' active period between March and October inclusive.'
- 'All other ground-works/site preparation activities will be restricted to the winter period between November and mid-February when newts are unlikely to be moving around much beyond their core hibernation habitats. During this time all excavations and trenches that can be reasonably completed during this time must be completed. This would typically include the laying of services, pouring of floor-slabs and construction of the first course/s of wall masonry.'
- 'The ground-works period must be carefully planned to run in a quick and orderly succession with the absolute minimum of delays incurred.'
- 'Ground disturbances will be limited solely to unsuitable or pre-sterilised habitats within the site. No spoil or other materials will be pushed into more suitable fringe habitats (e.g. the adjacent hedgerows) and there will be no associated damage to these areas (through the manoeuvring of heavy machinery etc.)'.
- 'Excavated spoil will be removed from the site immediately – unless it is

backfilled, sealed or compacted before nightfall in its permanent location. Alternatively excavated spoil can be stored in raised skips, trailers or containers on raised palettes (e.g. in tonne bags, on boards or tarpaulins folded up and secured around the edges).'

- 'Trenches and pits will be opened, closed and/or backfilled during the same day where possible. Alternatively, excavations will be carried out in achievable daily sections with all soil backfilled before nightfall. Where this is not possible (and only in the very short term), any loose soil lining the trench or pit base will be compacted before nightfall e.g. using the underside of a digger bucket, tamper or vibrating plate. Gently sloping dirt ramps or sloping diagonal scrapes will be created regularly to ensure trapped animals have a means of escape.'
- 'Pits or trenches that remain open for extended periods of time will be avoided. Where smaller excavations are to remain open for longer periods (i.e. at terminals or manifold junctions) the trench lip should be rebated and a covering board slotted in so that this lies flush at ground level. Once complete the board edges will be covered with a layer of fine pea shingle or a single course of sand bags.'
- 'All open excavations will be inspected at the start of each day to check for the presence of trapped amphibians.'
- All 'construction materials will be brought to site daily or, if stored over time, then on a) raised palettes or timber bearers b) in trailers or in raised containers c) in raised tonne bags or tarpaulins folded up and secured around the edges. No storage will take place on heavily vegetated areas in close proximity to the pond. Instead a storage compound must be created either on hardstanding to the north or grazed/cut grassland near the west end of the site.'
- 'Where an MOT or hardcore sub-base is required, this will be spread and compacted before nightfall in achievable daily sections. These materials will be brought to site daily and not stockpiled (unless stored in a suitable area or a suitable manner).'
- 'If newts are encountered at any point works will cease immediately and a licensed ecologist will be contacted'.

6.5.30 *'There must be no steep kerbing within the site. Instead splay kerbs would be appropriate where kerbs are absolutely necessary e.g. at the highways access. If gully pots are proposed to manage surface water discharge then these must be located 100mm away from any impoundment (kerb) barrier. This will minimise potential (entrapment) impacts on all amphibian species in the area including newts.'*

6.5.31 *'All property boundaries must be soft (e.g. hedge or post and rail/wire). No obstructive hard barriers such as walls or gravel boards must be incorporated into the design scheme.'*

6.5.32 Bats

There are no potential bat roosting opportunities on the site.

The site boundaries are likely to be used by foraging and commuting bats. *‘The removal of a short section of the south hedgerow could have a negative impact on commuting bats and any operational phase illumination of the south and west hedgerows and area of scrub could result in the deterioration of foraging and commuting habitats.’*

- a) ‘Mitigation measures will include: reducing hedgerow loss to a threshold below which bats can comfortably cross, providing a canopy hop-over in the long-term, planting additional hedgerow integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

6.5.33 The Council’s Ecologist is now satisfied with the submitted document and has recommended conditions and informatives. The recommended conditions include a Landscaping Plan, a Clerk of Works requirement and the installation of the bat and bird boxes.

6.5.34 **Drainage Matters**

CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.

6.5.35 The submitted application form states that the arrangements for the new foul drainage is currently unknown and that a soakaway would be provided for surface water drainage.

6.5.36 The Council’s Drainage Engineer has no objection to the scheme and has recommended an informative. A condition is also considered important to require full details of the foul and surface water drainage.

6.5.37 During the processing of this application, there was a heavy rain event that resulted in stones and mud running down the concrete road and onto the public highway. The matter was raised by Cllr Wild following a complaint.

6.5.38 The agent was asked to provide confirmation additional drainage provision would be provided at the site to ensure that future surface water flooding onto the highway would be reduced. The applicant has now agreed to this requirement. Although it is acknowledged that the concrete road is actually outside of the red edging. Nevertheless, landowners are required under the Highways Act 1980 to ensure that there is no drainage from their property onto a public highway, so this is a matter that should be resolved whatever the outcome of the current proposal.

6.5.39 **Noise Issues**

Noise levels have been raised by the objectors and that they would increase during the development and occupation stage. It is considered necessary in this location to impose a working hours condition on any permission to ensure that noise from the construction process is restricted to specified hours

7.0 CONCLUSION

The proposed development is considered to represent sustainable development in having regard to the three objectives of sustainable development and is therefore acceptable in principle along with the benefits of CIL. Following the submission of the additional information to support two storey units in this location by siting the proposed dwellings further away from the boundary hedgerow, it is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. The 4No dwellings are considered appropriate in principle and it is therefore considered that the proposal accords with Shropshire Core Strategy policy CS1, CS4, SAMDev policies MD1, S13 and the aims and provisions of the NPPF. The recommendation includes conditions requiring the submission of a tree/hedgerow survey, levels plan, construction management plan, highways requirements, landscaping plan including appropriate planting, a Clerk of Works condition, working hours condition, details of surface water and foul drainage and a condition limiting the eaves and ridge heights.

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, i.e. written representations, hearing or inquiry.

☐ The decision may be challenged by way of a Judicial Review by a third

party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

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 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS10 - Managed Release of housing Land

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S13 - Much Wenlock

RELEVANT PLANNING HISTORY:

PREAPP/11/01519 Erection of a detached dwelling with a detached garage PREAMD 28th November 2011

PREAPP/17/00306 Outline application for 5no. Open market houses PPPIAZ 23rd August 2017

18/00186/OUT Outline application (access for consideration) for the erection of 4No detached houses; formation of vehicular access PCO

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member

Cllr Claire Wild

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (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 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three 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 be begun 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 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until a scheme of foul drainage, and surface water drainage including measures to deal with the surface water flooding adjacent to the concrete road have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

6. No development shall take place until details for the parking of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- o The parking of vehicles of site operatives and visitors**
- o Loading and unloading of plant and materials**
- o Storage of plant and materials used in constructing the development**
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
- o Wheel washing facilities**
- o Measures to control the emission of dust and dirt during construction**
- o A scheme for recycling/disposing of waste resulting from demolition and construction works**
- o Construction Traffic Management Plan, to control plant, construction vehicles and delivery access to the site.**

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

8. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);**
- g) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment); Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;**
- h) Native species used are to be of local provenance (Shropshire or surrounding counties);**
- i) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;**
- j) Implementation timetables.**

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

9. Prior to the above ground works commencing on site details of the proposed ground floor slab levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details shown.

Reason: In the interests of visual amenity due to the height of the site in relation to the highway.

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

10. Prior to first occupation of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in 5.1.2 of the Ecological Assessment (Churton Ecology, November 2017).

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species.

11. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (32mm hole, terrace design) and/or starlings (42mm hole, starling specific).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 15 of the NPPF 2018.

12. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

13. No construction (and/or demolition) works shall take place before 0800 am on weekdays and 0800 am on Saturdays nor after 1800 pm on weekdays and 1300 pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

14. The dwellings hereby permitted shall have eaves of no more than 4m high and ridge heights of no more than 6.9m high.

Reason: To ensure that the dwellings do not result in an overly dominant development and to minimise any loss of amenity to the neighbouring properties.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Informative: Any works/activities carried out either by, or on behalf of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act (TMA) 2004 and licensed accordingly by the Street/Highway Authority in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Shropshire. Developers must also inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Any such works or activities commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Shropshire Council Street Works Team. To allow effective co-ordination contact must be made with the Street Works Team at least three months in advance of the commencement of the works and any subsequent applications must be in line with the noticing requirements of the NRSWA 1991, TMA 2004 and Highways Act 1980. The developer must particularly ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time and using the same Traffic Management measures.

For more information please contact Streetworks@shropshire.gov.uk or <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:

www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

5. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto

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

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

<https://new.shropshire.gov.uk/planning/faqs/>

8. This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided

with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

9. 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.

10. 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 (Development Management Procedure) Order 2010 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 required is £116 per request, and £34 for existing residential properties.

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.

11. Central Government Guidance:
National Planning Policy Framework 2018
National Planning Practice Guide 2018

Shropshire Council Adopted Core Strategy:
CS1 - Strategic Approach
CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS10 - Managed Release of Housing Land
CS111 - Type and Affordability of Housing
CS17- Environmental Networks
CS18 - Sustainable Water Management

Supplementary Planning Guidance
Type & Affordability of Housing
Much Wenlock Place Plan

Site Allocations and Management of Development (SAMDev) Plan
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Housing Development
MD12 - Natural Environment
MD13 - Historic Environment

Settlement Policy: S13 - Much Wenlock

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<u>Committee and date</u>
Central Planning Committee
22 November 2018

<u>Item</u>
6
Public

Development Management Report

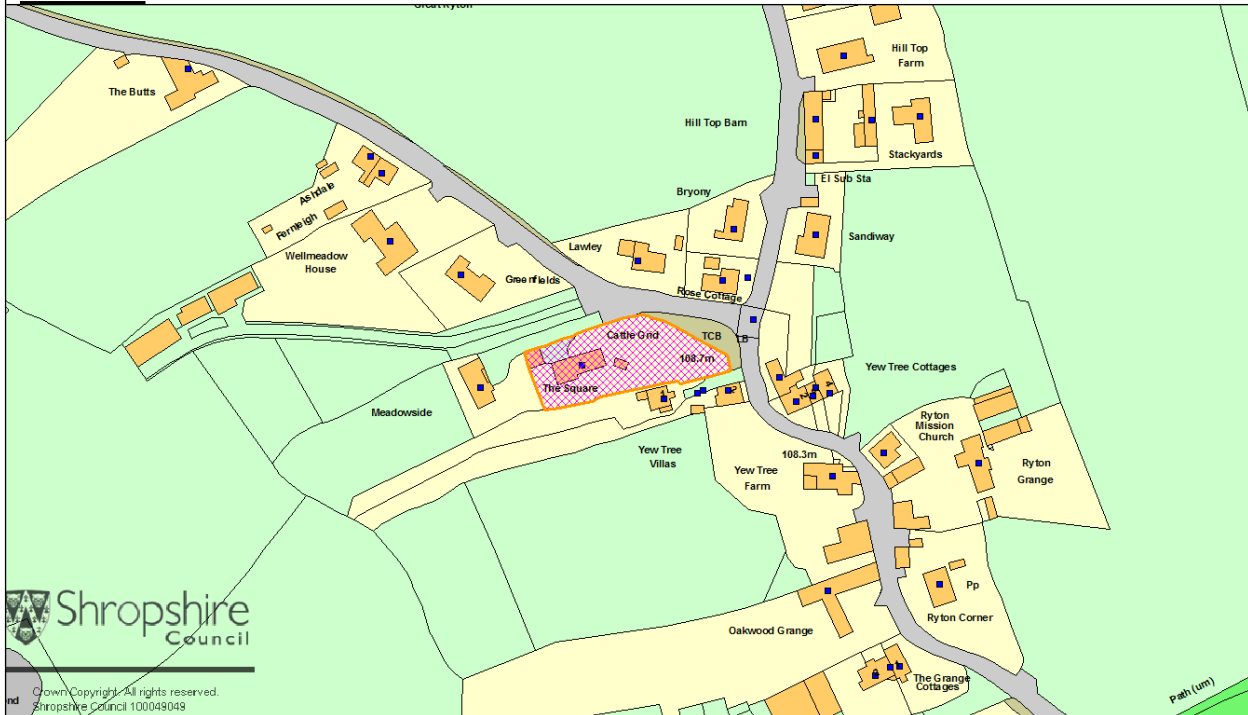
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 18/03486/FUL	<u>Parish:</u>	Condover
<u>Proposal:</u> Conversion of existing residential facility to form four apartments; erection of two storey extension following demolition of existing; relocation of timber garage and associated works (re-submission)		
<u>Site Address:</u> The Square Great Ryton Shrewsbury Shropshire SY5 7LN		
<u>Applicant:</u> M Sheppard		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 348749 - 303584



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

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for an extension of and alterations to an existing dwelling, and its conversion to four apartments. The works would involve the erection of a 1.5 storey side extension following demolition of an attached single-storey games room, and the enlargement of the depth of the property. A double car port would be re-sited approximately 10 metres further back. Other alterations would include the provision of an external staircase on both ends of the enlarged building to provide alternative first floor entrance/exit points; the raising of the main ridge line; the provision of dormer windows in the roof; and replacement windows and doors at ground floor level.
- 1.2 The existing dwelling is a five bedroomed property, measuring approximately 25 metres wide x 7.5 metres deep. At ground floor it includes a kitchen, lounge, utility room, two WCs, a shower room, a sauna, lobby, study, office, dining room, and games room. The bedrooms are at first floor level, along with a bathroom, dressing room and en-suite. In addition to the double car port, there is another double garage at the property.
- 1.3 The proposed conversion would provide 2no. three bed apartments and 2no. two bed apartments. The proposal would enlarge the property to approximately 26 metres wide x 8.7 metres deep. The apartments would have the following accommodation:
- Unit 1 (ground floor): two bedrooms, one with en-suite; kitchen/dining room; lounge, shower room, hall;
 - Unit 2 (ground floor): three bedrooms, two with en-suite; kitchen/dining room; lounge; shower room; utility, hall;
 - Unit 3 (first floor): two bedrooms, one with en-suite; kitchen; lounge; study; bathroom;
 - Unit 4 (first floor): three bedrooms, one with en-suite; kitchen; lounge; bathroom.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within the village of Great Ryton. The house is a relatively large part two-storey / part 1.5 storey dwelling with attached single-storey side extension. It includes a detached double garage and a detached double car port. The dwelling and garage are of brick and tile construction; the car port has timber board walls.
- 2.2 The property extends to 0.15 hectare in area, and the boundary is defined partly by a brick wall and partly by a thick hedgerow. The garden extends around the southern and eastern sides of the property. Vehicle access is gained from an unclassified public highway to the north to the front drive and parking area. Surrounding land is in residential use.

3.0 REASON COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council's views are contrary to the Officer recommendation and the Local Member has requested that the application is determined by Planning Committee. The Planning Manager in consultation with the Committee Chairman has agreed that the Parish Council has raised material planning concerns and that the application

should be determined by Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Condover Parish Council Objects.

At its meeting on 4th September 2018, Condover Parish Council resolved unanimously to object to this planning application on the following grounds:

1. The property boundary as presented on the site plan is incorrect as it encompasses the Millennium Green and footpath, both of which are public land owned by Shropshire Council. The existing property boundary does not extend to the road junction in the centre of Ryton but stops considerably short of this.

2. The property is not connected to the main sewer but is served by a septic tank which drains into the garden of the adjacent property (Meadowside). The application proposes provision of 9 bathrooms/ensuites, 4 kitchens and a utility room serving four households but does not present adequate foul water drainage solutions.

3. It is considered that the proposed parking area provides insufficient parking spaces and turning for 11 cars. An accurate scale drawing demonstrating how this is to be achieved is requested.

4. The scale of the proposed development would represent a significant increase in both the footprint and floor space of the existing dwelling. It would be an overdevelopment of the site and unsuitable within the village.

5. The Parish Council also resolved to request that Shropshire Council Planning Officers undertake a site visit to investigate the above concerns and also that this planning application be considered and determined by the Planning Committee.

6. The Parish Council is cognisant of the strength of concern and objection from Ryton residents who made robust representations to the Parish Council at its meeting on 4th September. A summary of their objections has been recorded in the minutes of the meeting.

4.1.2 SC Highways Any comments that are received will be reported separately.

4.1.3 SC Drainage Recommends informatives.

4.2 Public Comments

4.2.1 The application has been advertised by site notice. In addition ten properties in the area have been directly notified. Fourteen objections have been received, on the following grounds:

- Apartments not suited to this very small village; more suited to a town
- Application is misleading as there will be an increase in footprint
- Proposal does not meet any recognised housing need
- Local narrow roads cannot cope with eleven additional vehicles that would be entering and leaving the property

- Insufficient space at property for eleven additional vehicles with required turning area; no visitor parking spaces; no on-street parking to take additional cars
- May be insufficient turning area to allow vehicles to enter and exit in forward gear
- Safety issues for pedestrians from increased number of cars
- Will be difficult to keep adjacent private driveway clear due to additional vehicles
- Concerns over foul drainage proposals as drainage in the village is to septic tanks as there is no mains drainage
- No details of how drainage infrastructure would be managed
- Soakaway from The Square has caused problems in adjacent field in the past; proposal would result in additional drainage problems
- No mention of where rain water would be drained to
- Would require tree removal to re-site garage
- Proposal is overdevelopment of site
- Property should remain as a family house for which it was built
- Potential 20 occupants much greater than when property was a children's home and the footfall was limited to 3 young people and support staff
- Site is not owned by the applicant; it has been let out for some years
- No space shown for large increase in number of waste or recycling bins; may need to be stored on road which would be unsightly
- Application site includes land which is highway verge and/or village green

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Residential and local amenity considerations
- Highways and access considerations
- Drainage considerations
- Other issues

6.0 OFFICER APPRAISAL

6.1 Policy and Principle of Development

- 6.1.1 The proposal seeks to sub-divide an existing large dwelling into four residential units. The village of Great Ryton is not identified as a Community Hub or Cluster and as such the area is defined as countryside for planning policy purposes. Core Strategy policy CS5 restricts inappropriate development in the countryside whilst allowing proposals 'on appropriate sites which maintain and enhance countryside vitality and character ... where they improve the sustainability of rural communities by bringing local economic and community benefits ...'. Policy CS13 seeks to create mixed, balanced and inclusive communities. It states that this includes seeking housing developments which help to balance the size, type and tenure of the local housing stock. The adopted Type and Affordability of Housing SPD notes that sub-divisions can improve sustainability by helping rebalance the housing stock, particularly in the countryside where there can be a shortage of smaller dwellings. The revised National Planning Policy Framework (NPPF) requires that the development of isolated homes in the countryside should be avoided, except if specified circumstances apply. One of these is that the development would involve the subdivision of an existing

residential dwelling (para. 79). Whilst it is not considered that the proposal relates to an 'isolated' dwelling, the national policy support on subdivisions is acknowledged.

6.1.2 In sub-dividing the existing dwelling the proposal would increase the supply of smaller dwellings in the area and improve the mix of housing sizes and types. It is acknowledged that services and facilities in Great Ryton are limited. Nevertheless the proposals would not extend the residential curtilage, result in intrusion into undeveloped countryside, or change the use of the property. It is considered that the proposal is acceptable in principle.

6.2 **Design, Scale and Character**

6.2.1 Core Strategy policy CS6 (Sustainable Design and Development Principles) 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. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value.

6.2.2 The existing house has been subject to previous extensions and these are apparent in the current appearance of the property which has two storey, 1.5 storey and single-storey elements. The proposed extension and alterations would provide a side extension with a ridge height of 7.3 metres compared to the height of the games room (to be removed) of 3.7 metres. The ridge height of the main part of the house would be increased from 8 metres to 8.5 metres, and the depth of the property would be increased from 7.5 metres to 8.7 metres. The height of the 1.5 storey wing would be unchanged. The proposed alterations would result in the two side wings of the house having matching eaves and ridge heights. The pitch of the roof slopes would match that of the main house. Together with the provision of dormer window to both sides of the house the proposals would result in a more balanced appearance than at present. The garden area would be divided up, and it is considered that the amount of amenity space for each unit would be adequate.

6.2.3 Taking the demolition of the single storey games room into account, the proposals would increase the gross floorspace of the house by 95m², from approximately 351m² to 446m². This represents an increase of 27%. The increase in the footprint would be approximately 34%. It is recognised that the proposals would enlarge a property which has already been extended. Nevertheless it is considered that the proposed design is acceptable. The property is set back from the public highway and does not face it directly. The property boundary wall and hedge would restrict direct views of the property. These would reduce the dominance of the property in the street scene. Agreement on the detailed specification of the external materials can be secured through appropriate planning conditions. Subject to this it is considered that the design and scale of the proposal is acceptable in relation to the above policies.

6.3 **Residential and local amenity considerations**

6.3.1 Core Strategy policy CS6 requires that proposals safeguard residential and local amenity. The existing house has five bedrooms and as such could accommodate a large family. It is understood that the property has previously been in use as a registered children's home. An application for a Certificate of Lawfulness for proposed use was issued in 2013 (ref. 13/01112/CPL). This confirmed that a change of use of the property from Class C3 dwellinghouse to a Class C2 residential institution as proposed would not amount to a material change of use and would

therefore be permitted, subject to certain specified limits being adhered to. It is recognised however that the proposal to provide four separate residential units is likely to result in an intensification of the existing residential use of the property. There would be expected to be an increase in vehicle movements in and out of the property, and potentially some additional use of the external areas. Officers invited the applicant to reduce the number of apartments proposed to seek to address local concerns. However he has advised that this would render the scheme unviable. Nevertheless Officers do not consider that the impacts on the amenity of surrounding residents would be significant.

- 6.3.2 The proposed extension would not extend the footprint of the property significantly closer to the nearest neighbouring dwellings to the south-east. There is substantial mature vegetation around the property boundary which would provide privacy to surrounding residents. The proposed two storey extension, including the entrance door at first floor level, would be visible from one of the dwellings to the south-east of the site. The distance between the two would be approximately 28 metres, and it is considered that this is acceptable.

6.4 **Highways and access considerations**

- 6.4.1 The application form states that there would be eleven parking spaces at the property. Local objections have raised concerns that the available area is insufficient to provide this level of parking space. The submitted plans do not show how eleven vehicles would be able to park and manoeuvre in the available space. Nevertheless Officers consider that, irrespective of whether it would be possible to provide adequate space for eleven cars, the parking area which is available is satisfactory to cater for the proposed four residential units. Each unit could be allocated a covered parking space, and there would be additional space end on to these that could be allocated to each apartment. This would provide no less than two spaces per unit. The existing site access to the public highway is considered to be satisfactory.

6.5 **Drainage considerations**

- 6.5.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. A number of objections have been received raising concerns that there is insufficient information regarding foul water arrangements and that the proposal would be causing drainage problems. The applicant has advised that at present the property is connected to a septic tank system. It is proposed that this would be upgraded to a mini-sewage treatment plant (eg. Klargestor or similar). This would discharge to the existing soakaway. The Council's Drainage Officer has not raised any concerns over the proposals in respect of foul or surface water issues. Nevertheless in order to ensure that foul drainage provisions are suitable a condition can be imposed to require that the apartments are not occupied until a satisfactory system has been installed. This would ensure improved treatment of foul water.

6.6 **Other considerations**

- 6.6.1 Concerns have been raised that the application includes land which comprises highway verge or part of a village green. The site boundary as originally submitted included land not in the control of the applicant. Revised plans have now been submitted and these satisfactorily address this issue.

7.0 **CONCLUSION**

- 7.1 The proposal to sub-divide the existing dwelling into four apartments would improve

the mix of rural housing stock and provide additional homes in Great Ryton. The proposed extensions and alterations would not extend the existing residential curtilage and can be provided without adversely affecting residential amenity or having an unacceptable impact on the character of the local area. The proposal would result in an intensification of the residential use of the property but it is not considered that this would be unacceptable. Satisfactory car parking space can be provided for the number of units proposed, and improvements to the existing system of foul sewage can be secured. Subject to the conditions set out in Appendix 1 it is considered that the proposed development is in line with Development Plan policy and as such it is recommended that planning permission is granted.

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 six weeks after the grounds to make the claim first arose.

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

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. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS18 - Sustainable Water Management
MD2 - Sustainable Design
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

13/01112/CPL The use of a residential dwelling as registered children's home, in which:

- (1) No more than three children are receiving care at any one time;
- (2) The children are aged from 10 to 17 years old;
- (3) There are no more than (a) three staff and 1 manager on duty between 08:30 and 22:30 unless exceptionally a further member of staff is required to meet individual needs and (b) normally no more than one waking staff at night to provide support to the children with a further member of staff sleeping in;
- (4) No parental visits to the children normally take place;
- (5) No room is used as an office and no business meetings of any kind take place;
- (6) No activity in relation to staff vehicle movements takes place before 08:30 or after 22:30.

LA 10th October 2013

17/01419/FUL Conversion of existing residential facility to form 4No apartments, erection of two storey extension following demolition of existing, relocation of timber garage and associated works) WDN 2nd June 2017

18/03486/FUL Conversion of existing residential facility to form four apartments; erection of two storey extension following demolition of existing; relocation of timber garage and associated works (re-submission) PDE

SA/89/0211 Conversion of existing double garage into two bedrooms and erection of new double garage. PERCON 17th May 1989

SA/03/0959/F Replacement of flat roof with pitched roof, erection of porch extension and rear conservatory (amended description). PERCON 9th September 2003

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Dan Morris

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.

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

3. 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.

4. The apartments hereby permitted shall not be occupied until a satisfactory scheme of foul and surface water drainage has been provided in accordance with details that have received the prior approval in writing of the local planning authority.

Reason: To ensure satisfactory drainage of the site and to avoid flooding and pollution.

5. The apartments hereby permitted shall not be occupied until the proposed parking spaces on the front yard have been marked out with paint or suitable alternative. The markings shall be permanently retained thereafter.

Reason: To provide a satisfactory layout of parking spaces in order to maintain adequate parking spaces to serve the development.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B, C or D shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. 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 (Development Management Procedure) Order 2010 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 required is £116 per request, and £34 for existing residential properties.

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.

3. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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Committee and date
 Central Planning Committee
 22 November 2018

Item
7
 Public

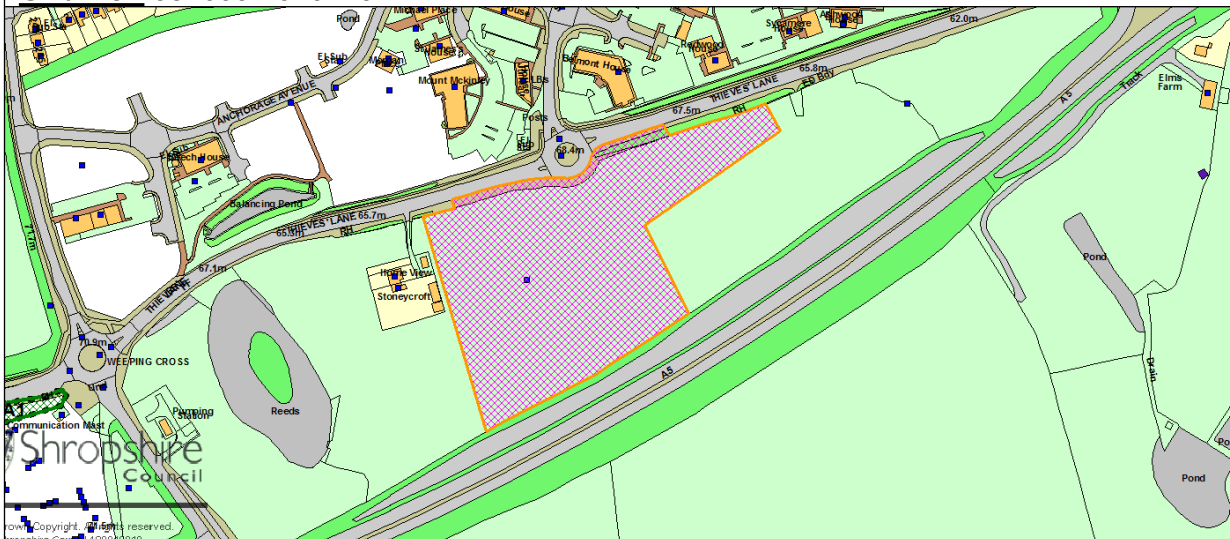
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 17/06157/FUL	Parish: Atcham
Proposal: Hybrid application (part full, part outline) - Full - erection of a petrol filling station (Sui Generis) and drive through cafe (Use Class A3/A5) together with the creation of a new access, parking, landscaping and various other infrastructure works. Outline - provision of a new office park (Use Class B1) to include access (some matters reserved)	
Site Address: Proposed Commercial Development Land To The South Of Thieves Lane Shrewsbury Shropshire	
Applicant: Monte Blackburn Ltd	
Case Officer: Philip Mullineux	email: planningdmnw@shropshire.gov.uk

Grid Ref: 351603 - 310476



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Recommendation: Approval subject to the conditions as outlined in appendix one with any amendments to these conditions as considered necessary by the Head of Planning Services.

REPORT

1.0 THE PROPOSAL

1.1 The application is a 'Hybrid' application (part full and part outline) - Full - erection of a petrol filling station (Sui Generis) and drive through café (Use Class A3/A5) together with the creation of a new access, parking, landscaping and various other infrastructure works. Outline - provision of a new office park (Use Class B1) to include access (other matters reserved)

1.2 The application is accompanied by a set of elevation and floor plans, block plan, site location plan, landscape layout plan, tree protection/constraints plan, planning statement, (design and access statement), flood risk assessment, landscape and visual impact assessment, ecology appraisal, site investigation report, tree survey and transport assessment. During the application processing further detail was received in the form of an amended landscape and visual impact assessment, flood risk assessment, landscape layout plan and detail in relation to highway and transportation issues.

1.3 Since validation of this application the National Planning Policy Framework has been revised. (25th July 2018). This application has been assessed in relation to the updated NPPF.

1.4 The application has been screened in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2017 to which the Council's screening opinion dated 29th October 2018 with consideration to information submitted in support of the application has established that the application does not require an Environmental Statement to accompany it.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site which is classed as grade 3 agricultural land in accordance with the agricultural land classification extends to 2.98 hectares and in agricultural production. The immediate area predominantly comprises a mix of strategic road networks (the A5 runs beneath the site's southern boundary), areas of open fields and commercial development associated with Shrewsbury Business Park to the north beyond which is predominantly a residential area.

2.2 The following table has been taken from the applicants Planning Statement and outlines the proposed development components and highlights whether it is

submitted in full or outline form.

Component	Description	Gross internal floorspace m ²	Type
Infrastructure	New internal spine road leading from existing roundabout on Thieves Lane	n/a	Full
Sui Generis	4 pump petrol station, canopy forecourt and kiosk building within which there will be an ancillary retail store	370	Full
Use Class A3/A5	Drive through, road-side café	204	Full
Vehicle parking	Parking for 45 cars (4 for mobility impaired) and provision of 3 no. electric charging points and 6 cycle stands	n/a	Full
Infrastructure	Landscaping, drainage and associated infrastructure works	n/a	Full
Use Class B1	New office park split between five buildings and likely to be set over two storeys with associated car parking	Unknown*	Outline
Vehicle parking	Parking for approximately 243 cars and provision for cycle storage	n/a	Outline

* Whilst the floor areas associated with the office space is unknown at this stage, the Transport Assessment has assumed a GFA of approximately 5,040m²

	Phase 1 development
	Phase 2 development

As is shown above, the hybrid planning application consists of multiple individual elements of a two-phased development. Detailed planning permission is sought for those elements of the proposed development which can be considered to be Phase 1 and which will be implemented at the earliest opportunity. Outline planning permission is sought for those elements which can be considered to be Phase 2 and which will be implemented after the Phase 1 development is completed and subject to further detailed submissions, either as reserved matters or a new detailed planning application(s).

- 2.3 The fuel filling station is located directly to the east of the new internal spine road adjacent to Thieves Lane to the north and specifically comprises a kiosk building, inclusive of an ancillary retail store and the main 4 pump canopy island to the front of the kiosk building. It is considered that through the siting of the

fuel filling building facing the internal spine road, a visually attractive, gateway into the wider site is created.

2.4 The fuel pumps will be accessed from either side which means that in total the fuel filling station has the capacity for 8 vehicles to access fuel at any one time.

2.5 Proposed materials to the walls of the petrol station's kiosk building are to predominantly comprise a combination of full height glazing, horizontal timber cladding and light coloured panels. Two ATM machines are proposed on the kiosk building's front elevation. The overall design, layout and choice of materials for the fuel filling station are synonymous with EG Group's branding, which is of a high quality, modern and clean aesthetic.

2.6 The drive through coffee shop building also includes a significant proportion of full height glazing, timber cladding but incorporates dark panelling along its' side and rear elevations.

2.7 The two road-side buildings are to be single storey, all maintain mono-pitched roofs, in-corporate significant areas of glazing and timber cladding.

2.8 It is proposed that a single means of access into the site will be taken from Thieves Lane, which is to provide a new internal estate road that is to provide access to the adjacent, forthcoming Jaguar Land Rover (JLR) development to the south. (subject to the separate application). There are to be two access points proposed off the new internal spine road which will serve both the fuel filling station and coffee shop, and these will operate on a one way system. The same internal spine road will then also serve the office park to the west via two separate spurs, both leading into areas of car parking.

2.9 Appropriate levels of parking, both for cars, disabled bays, cycling provision and electric charging points have been accommodated within the layout as referred to in the submitted Transport Assessment.

2.10 The proposal includes a portion of landscaping which is predominantly located along the site's boundaries in order to try and soften the impact of built development on the site within its surroundings. A landscape appraisal and plan accompanies the application.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Local Parish Council object to the proposal and the local member has indicated that she shares the Parish Council's views. The Chair and Vice Chair, in discussion with the Area Planning Manager, have agreed that there are material planning considerations which merit debate at committee. Therefore, in accordance with the adopted scheme of delegation the matter is to be considered at committee.

4.0 **Community Representations**

4.1 **Atcham Parish Council** object to the application indicating:

The PC objects due to intensification of highways use and lack of need for a further petrol station/coffee outlet. Lack of need for the offices as there are already vacant premises in the area.

4.2 **Shrewsbury Town Council** have responded to the application indicating:

The Town Council raises no objections to this application but makes the following comments:

- That assurance is given that any noise mitigation measures from the A5 are done so sensitively and that appropriate soft landscaping is incorporated;
- That all storm tanks are built to accommodate a 1:100 year flood episode;
- That any boundary treatments are reflective of the site's visual prominence off the A5.

An earlier response indicated:

Customer made comments neither objecting to or supporting the Planning Application

Members were not opposed to the principle of the development but made the following requests:

- That signage be kept to a minimum
- That the applicant considers extending the cycle routes and footpaths onto the site.
- That traffic measures generally, but especially from Thieves Lane onto Emstrey roundabout, be given careful consideration

The Town Council appreciated representatives on behalf of EG attending the committee meeting to present and talk through the plans.

4.3 **Consultee Comments**

The Environment Agency have responded indicating:

4.4

I refer to additional information received in support of the above application and, specifically, our current objection in relation to the potential impact on controlled waters. Having reviewed the submitted information we are in a position to remove our objection and would recommend the following comments and conditions be applied to any permission granted.

Documents Reviewed: 1) Curtins Consulting Ltd, Shrewsbury Business Park Flood Risk Assessment & Preliminary Drainage Strategy Curtins Ref: 066346-CUR-00-XX-RP-D-002, Revision: V01 Issue Date: 05 October 2018 2) Curtins Consulting Ltd, Shrewsbury Business Park Flood Risk Assessment & Detailed Drainage Strategy Curtins Ref: 066346-CUR-00-XX-RP-D-001 Revision: V02 Issue Date: 15 December 2017 3) Curtins Consulting Ltd, EG Thieves Lane, Shrewsbury Phase 2 Site Investigation Curtins Ref: 069041-CUR-00-XX-RP-GE-001 Revision: V01, Issue Date: 31 July 2018 4) EPS, Fuel Storage Feasibility Assessment, Ref: UK18.3040, 9 March 2018 Groundwater: This site is located above two Secondary A Aquifers. Directly underlying the site are sand and gravel superficial deposits. The bedrock Secondary A Aquifer underlying this include the Salop Formation – comprising mudstone, sandstone and conglomerate. The site is also adjacent to a small pond, with a larger pond within 140m of the site. Intrusive investigations have indicated that groundwater elevation varied between 1.6 and 5.15m below ground level (bgl). The site is considered to be sensitive and the proposed filling station and underground storage could present potential pollutant/contaminant linkages to controlled waters without robust mitigation.

Environment Agency Guidance “Groundwater Protection” (Previously known as ‘GP3’), was published in March 2017 and is available at:

<https://www.gov.uk/government/collections/groundwater-protection>

This contains information about the Environment Agency’s approach on the storage of potential pollutants, as set out in Position Statements available at:

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

Position Statement D2 – Underground Storage (and associated pipework): We will not to underground storage on principal and secondary aquifers, outside SPZ1, if there is evidence of overriding reasons why:

- (a) the activity cannot take place on unproductive strata, and
- (b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated.

Section 5.5 of the submitted Fuel Storage Feasibility Assessment details correspondence with your petroleum officer confirming the acceptability of below ground storage tanks in this location.

Position Statement D3 – Sub Water Table Storage: For all storage of pollutants underground (hazardous substances and non-hazardous pollutants), operators are expected to adopt appropriate engineering standards and have effective management systems in place. These should take into account the nature and volume of the materials stored and the sensitivity of groundwater, including the

location.

The Environment Agency will normally object to any proposed new storage and transmission of hazardous substances below the water table in SPZ1. For all other proposed locations, a risk assessment must be conducted based on the nature and quantity of the hazardous substances and the physical nature of the location. More detailed risk assessments and an infrastructure design method statements that meets BAT would be expected for storage within SPZs or close to other vulnerable receptors. Where this assessment demonstrates that there is a high risk of groundwater pollution, the Environment Agency will normally object to storage below the water table:

in any strata where the groundwater provides an important contribution to drinking water supply, river flow or other sensitive surface waters or wetlands

- within SPZ2 or 3
- in a principal aquifer

With regards the above we note that Curtins Consulting Ltd, Flood Risk Assessment & Preliminary Drainage Strategy Curtins Ref: 066346-CUR-00-XX-RP-D-002 (October 2018), states in 2.6.4 “Groundwater was found to be between 3m and 5.15m below ground level (bgl) during a monitoring period (Curtins 2018). Groundwater was found to be between 1.6m and 3.5mbgl (Applied Geology 2017)”. However, Curtins Consulting Ltd, Flood Risk Assessment & Detailed Drainage Strategy Curtins Ref: 066346-CUR-00-XX-RP-D-001 (December 2017), states in 6.3.5 “the level of the groundwater is likely to be more than 5m below the ground surface throughout the year”. It is assumed that the October 2018 report supersedes the December 2017 report although this is not stated on the Planning website.

The EPS report (UK18.3040) states that it will revisit its conservative risk assessment once a full ground investigation has been completed, to determine if the conclusions are still appropriate. Notwithstanding that a revised risk assessment has not been supplied, intrusive investigations have indicated that although sporadic across the proposed development, groundwater levels are shallow in places (1.65 to 3.0m bgl). It is probable that the deeper groundwater levels recorded in 2018 reflect the dry weather conditions. It is evident therefore that the proposed underground fuel storage tanks will constitute sub-water table storage, at least partially. In line with our groundwater protection position statement D3, we will require operators to adopt appropriate engineering standards and have effective management systems in place. We concur with the recommendations of the EPS report that in addition to industry standard mitigation measures (e.g. double-skinned tanks with interstitial monitoring and alarm systems and wet stock monitoring), tertiary containment will be required. EPS propose concrete encasement, but other forms of tertiary containment may be applicable (e.g. provision of a dedicated hydrocarbon-resistant membrane around the matrix surrounding the underground storage tanks, with monitoring wells within the tank farm) as reflected in EPS Environment Sensitivity Scenario 3. This design has the advantage of being more accessible to remediation in event of fuel loss than concrete encasement.

Condition: The development hereby permitted shall not be commenced until such time as a scheme to install the underground fuel storage tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including

details of excavation, the tank(s), tank surround, tertiary containment, associated pipework, monitoring system and maintenance, monitoring & sampling schedule. The scheme shall be fully implemented and the tanks and associated infrastructure subsequently maintained and monitored, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and The Environment Agency's approach to groundwater protection (formerly Groundwater Protection: Principles and Practice (GP3)).

Condition: The development hereby permitted shall not be occupied until such time as a validation report has been completed, which includes evidence that the tanks and associated infrastructure have been completed in accordance with the approved scheme. The validation report should be submitted to, and approved in writing by, the local planning authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and The Environment Agency's approach to groundwater protection (formerly Groundwater Protection: Principles and Practice (GP3)).

Contaminated Land: We would make no comment on contaminated land matters associated with this planning application. However you are advised to seek the comments of your Public Protection team and refer to the following advice:

Any contamination encountered should be suitably removed and the groundwater sampled to assess the extent of contamination beneath the site. We would advise that you refer to the submitted fuel storage feasibility assessment and Site Investigation as part of the planning application to give certainty on the above approach.

This will assist in determining the need for and scope of further investigation, the problems that may require remediation and whether remediation can be secured by means of planning conditions. It may provide sufficient evidence that the planning decision can be made based on an appropriate conceptual model and the LPA being satisfied that there is a viable remedial solution. However, further investigations and risk assessment may be needed unless this initial assessment clearly and reliably demonstrates that the risk from contamination is acceptable. Where the preliminary risk assessment does not provide sufficient information to assess the risks and appraise remedial options, you might seek further investigations before the application is determined.

Note - You should seek evidence to demonstrate that such investigations have been carried out to an acceptable professional standard. Advice on the assessment and development of land affected by contamination is contained in guidance published by the British Urban Regeneration Association (BURA), the National House Building Council (NHBC) and the Environment Agency. The BURA Guide includes checklists for the desk study, site investigation and remediation.

We would expect a developer to carry out sufficient investigation to allow clear

decisions to be made and to give you certainty on the application including funding to be finalised. In the absence of an appropriate investigation and options for remediation the potential costs for remediation etc are unknown.

Pollution Prevention: The Curtains Consulting drainage strategy reports indicate that the intention is to drain the petrol filling station forecourt areas via interceptor to soakaway. This is unacceptable and in contravention of the industry standards as described in the APA/Energy Institute blue book and guidance on Gov.UK: Prevent groundwater pollution from underground fuel storage tanks (<https://www.gov.uk/guidance/prevent-groundwater-pollution-from-underground-fuel-storage-tanks/installing-an-underground-storage-tank>). Petrol filling station forecourt areas/areas susceptible to contamination should drain via interceptor to foul sewer. Furthermore because of the site specifics i.e. shallow groundwater, SuDS will not be effective all year round and could potentially constitute direct discharge to groundwater, a groundwater activity which without an Environmental Permit would be in breach of the Environmental Permitting Regulations 2016.

Condition: Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and The Environment Agency's approach to groundwater protection (formerly Groundwater Protection: Principles and Practice (GP3)).

Note - Advice to applicant: Dewatering the proposed excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting Service (NPS) to confirm the legal requirements. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3)

position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

We recommend that developers should: 1) Refer to the Environment Agency's approach to managing and protecting groundwater:

<https://www.gov.uk/government/publications/groundwater-protection-position-statements> 2) Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination: <https://www.gov.uk/guidance/land-contamination-risk-management> 3) Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. (The Local Authority can advise on risk to other receptors, for example human health):

<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination> 4) Refer to our "Verification of Remediation of Land Contamination" report:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0210brxf-e-e.pdf> 5) Refer to the CL:aire "Definition of Waste: Development Industry Code of Practice" (version 2) and our related 'Position Statement on the Definition of Waste: Development Industry Code of Practice': <https://www.claire.co.uk/projects-and-initiatives/dow-cop> and <https://www.gov.uk/turn-your-waste-into-a-new-non-waste-product-or-material>

6) Refer to British Standards BS 5930:1999-2010 and BS10175 and our "Technical Aspects of Site Investigations" Technical Report P5-065/TR <https://www.gov.uk/government/publications/technical-aspects-of-site-investigation-in-relation-to-land-contamination> 7) Refer to our "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination" National Groundwater & Contaminated Land Centre Project NC/99/73 (<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>); 8) Refer to our "Good Practice for Decommissioning Boreholes and Wells" (<http://stuartgroup.ltd.uk/downloads/wellservices/groundwater/boreholedecommissioning/EAGuidelines.pdf>) 9) Refer to our <https://www.gov.uk/government/organisations/environment-agency> for more information.

An earlier response indicated:

Thank you for referring the above application which was received on the 13 February 2018. We object to the proposed development, as submitted, and request further information as detailed below.

Groundwater/controlled waters: The site is located upon two Secondary A aquifers. Directly underlying the site are sand and gravel superficial deposits. The bedrock Secondary A aquifer underlying this include the Salop Formation – comprising mudstone, sandstone and conglomerate. The site does not fall within a Source Protection Zone (SPZ), however, there may be shallow groundwater present. The River Severn receptor is also 270m down-gradient to the north-east.

Environment Agency Guidance “Groundwater Protection” (Previously known as ‘GP3’), was published in March 2017 and is available at: <https://www.gov.uk/government/collections/groundwater-protection> This contains information about the Environment Agency’s approach on the storage of potential pollutants, as set out in Position Statements available at: <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>

Position Statement D2 – Underground Storage (and associated pipework): We will not object to underground storage on principal and secondary aquifers, outside SPZ1, if there is evidence of overriding reasons why:

(a) the activity cannot take place on unproductive strata, and (b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated.

The applicant should confirm that there are no other reasonably available sites on unproductive strata. We would expect a feasibility study be submitted to confirm that there is a need for the tanks to be below ground; and that above ground options are not possible. However, we recognise that this may not always be feasible when other risks are considered (such as public safety, hazard zones including consideration of comments by your Petroleum Officer). Providing this is confirmed we would recommend that the tanks be set above the water table to avoid the potential for a high risk of groundwater pollution, in line with Position Statement D3, and the following advice taken into account.

Position Statement D3 – Sub Water Table Storage: For all storage of pollutants underground (hazardous substances and non-hazardous pollutants), operators are expected to adopt appropriate engineering standards and have effective management systems in place. These should take into account the nature and volume of the materials stored and the sensitivity of groundwater, including the location.

The Environment Agency will normally object to any proposed new storage and transmission of hazardous substances below the water table in SPZ1. For all other proposed locations, a risk assessment must be conducted based on the nature and quantity of the hazardous substances and the physical nature of the location. More detailed risk assessments and an infrastructure design method statements that meets BAT would be expected for storage within SPZs or close to other vulnerable receptors. Where this assessment demonstrates that there is a high risk of groundwater pollution, the Environment Agency will normally object to storage below the water table:

- in any strata where the groundwater provides an important contribution to drinking water supply, river flow or other sensitive surface waters or wetlands
- within SPZ2 or 3
- in a principal aquifer

In consideration of the above we would recommend that a groundwater assessment be provided to confirm the depth to the water table. This may demonstrate that the tanks will be sited an appropriate distance above any possible groundwater levels. Alternatively, if there is likely to be sub water table storage of pollutants, it will be necessary for the application to demonstrate substantial mitigating factors to help minimise impact upon groundwater. We would expect this to be demonstrated through the submission of a Risk Assessment.

In the absence of a water table assessment, feasibility study and subsequent Risk Assessment, we have concerns and would object to the proposed development as submitted at this time.

4.5

Highways England have responded to the application indicating:

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard the above referenced planning application and has been prepared by Priya Sansoy, Assistant Asset Manager.

We originally responded to the application in January 2018 outlining the reasons why at that time we recommend the application not be determined. The non-determination was due to outstanding information and matters of concern regarding the implications of the development for the adjacent A5 trunk Road.

On 15th August 2018, we updated this response outlining that details remained outstanding regarding the site boundary, Drainage Strategy, Flood Risk Assessment and a Noise Assessment. We wrote further on 30 August 2018, to respond to amendments to the application which addressed matters of flood risk outlining the importance that the site consider current proposals on adjacent lands.

Recently, the applicant submitted additional information including details of the Landscaping Layout, Flood Risk Assessment and Preliminary Drainage Strategy which address these matters.

The newly submitted document considers the neighbouring JLR Development and the cumulative potential impact to the SRN in terms of increasing flood risk. It is planned that surface water run-off from impermeable areas will be collected via a piped surface water network and discharged to four infiltration tanks on the site, Tank 1 and 2 located within the car park/ office development (Outline application) and Tank 3 and 4 within the PFS development (Full application).

The carpark area is proposed to be of permeable paving construction to provide for surface water attenuation within the site however little detail or means of

outfall is provided within the submitted detail. Furthermore, no detail has been provided in regard to the Piped surface water network forming part of the proposed SuDS Drainage Strategy.

When reviewing the micro drainage calculations provided within Appendix E, the Infiltration storage tanks do not appear to be designed to accommodate for the 1 in

Highways England Planning Response (HEPR 16-01) January 2016

100 year storm event plus 30% climate change. Within section 5.4.3 of the document the following are stated: 'Based on the nature of the development, a lifespan in excess of 100 years is anticipated', therefore the storage design should be reconsidered. No detail has been provided to evidence the relative surface water contributing catchment from the impermeable area discharging into the 4 no infiltration tanks, and it is recommended that this is detailed on a Plan.

Although the detail submitted within the Flood Risk Assessment and Preliminary Drainage Strategy document is not fully sufficient to demonstrate that adequate attenuation storage has been provided within the preliminary design, the principle outlined is acceptable and would mitigate Highways England's concerns regarding whether the detailed design solution is likely to be deliverable.

It will therefore be necessary for planning conditions to be imposed to control these matters. Subject to the imposition of the conditions set out below we are content the developments implications for the Trunk Road can satisfactorily be mitigated.

It is noted that a Noise Assessment remains outstanding from the application which should consider the implications of traffic noise from the adjacent A5 on the users of the development. This matter is however capable of being dealt with by planning condition subject to no resulting mitigation measures being located inappropriately adjacent to the A5 boundary.

Highways England recommend conditions

Condition 1

Prior to commencement of development hereby approved, the detailed design of the Drainage System shall be submitted to and agreed by the Local Planning Authority following consultation with the Highway Authority for the A5 Trunk Road. A maintenance agreement shall be agreed which sets out how regular maintenance of the Drainage System will ensure the integrity of the proposed system in perpetuity. The Maintenance/ Management activities as outlined in Chapter 8 of the Flood Risk Assessment and Preliminary Drainage Strategy document, dated 5th of October 2018 and prepared by Curtins, shall be undertaken throughout the life of the development to safeguard any potential impact to the A5 Trunk Road.

Condition 2

Prior to commencement of any development a Noise Impact Assessment shall be undertaken to consider the potential implications of traffic noise on the users

of the development. Any necessary mitigation measures identified by the assessment subsequently proposed to be located within the proximity of the sites boundary with

Highways England Planning Response (HEPR 16-01) January 2016

the A5 Trunk Road shall be agreed in writing with the Local Planning Authority in consultation with the Highway Authority for the A5 Trunk Road.

4.6 **The Council's Drainage Manager** has responded to the application indicating:

Drainage Comment:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

The proposed soakaway is shown as 385m² x 3.2m deep. However, the depth of the percolation test at SA6 is only 1.7m and therefore the soil infiltration rate should not be used as the percolation tests have not been carried out to 3.2m deep.

The sizing of the soakaway should be designed to cater for a 1 in 100 year return storm event plus an allowance for climate change. Shropshire Council's Surface Water Management: Interim Guidance for Developers was issued in 2012 with climate change allowances for peak rainfall intensities of 20% for non-residential developments and 30% for residential developments. Following the government review of climate change in 2015, Shropshire Council increased the peak rainfall intensity allowances to 25% for non-residential developments and 35% for residential developments. The drainage calculations show a 20% allowance for climate change. The climate change allowance should be adjusted to 25%.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

The calculations for the total drained area should be provided.

Condition:

1. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory

drainage of the site and to avoid flooding.

2. The maintenance regime in the Food Risk Assessment should be implemented.

Reason: To ensure that the drainage system remains in good working order throughout its lifetime.

An earlier response indicated:

Drainage Comment:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Condition:

No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

1. The proposed Drainage strategy in the amended FRA is acceptable in principle. However, the percolation tests have been carried out at a water depth between 0.29m to 0.42m which is not in accordance with BRE Digest 365. In the MicroDrainage calculations, the depth of the cellular storage system is 1.5m. Therefore, the effective depth in the percolation tests should be at least 1.5m.

Climate change has not been taken into account in the MicroDrainage calculations.

Full details and calculations of the the proposed surface water drainage systems should be submitted for approval.

2. Information on the proposed maintenance regime for any sustainable

drainage system proposed should be provided, including details of who will take responsibility to ensure that the drainage system remains in good working order throughout its lifetime.

3. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

An earlier response indicated:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Condition:

No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

1. The proposed Drainage strategy in the FRA is acceptable in principle. Full details and calculations of the proposed drainage as stated in the FRA should be submitted for approval.

2. Information on the proposed maintenance regime for any sustainable drainage system proposed should be provided, including details of who will take responsibility to ensure that the drainage system remains in good working order throughout its lifetime.

3. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

4.7

SC Economic Development has responded indicating:

The site is located within the Shrewsbury South Sustainable Urban Extension, a comprehensive mixed use proposal for housing, employment, commercial and open space uses. The SUE South was identified in the Council's adopted Core Strategy as a strategic location for development and is also included in the SAMDev Plan.

The vision for the master plan is to create a distinctive high quality place to live work and play and seeks the delivery of comprehensively planned and integrated development. The plan went through an extensive public consultation exercise and following a series of amendments was adopted by the Council for the purposes of informing and guiding development of the sustainable extension and as a material consideration for all subsequent planning applications. The plan envisaged that the site would be logical extension of the Shrewsbury Business Park for predominantly new offices and business (B1) use.

The application is one of two applications for the comprehensive development of the land between the A5 and Thieves Lane which includes the development of a new dealership for the Jaguar Land Rover Group (not part of this application) which will bring high value jobs and which require a high profile roadside location. The location of the site adjacent to the A5 means it is also appropriate for roadside uses.

The Economic Growth service supports the application as the design of the scheme has been amended following pre-application discussions on the layout and inclusion of offices (Class B1 use) in accordance longstanding aspirations for expansion of the existing business park and in the adopted master plan. Pedestrian /cycleway linkages are required to the existing office park as well as exploiting opportunities to use the adjacent pond on the site, as an attractive water feature for informal recreation and open space as part of the new business park setting.

4.8 SC Conservation Manager has responded indicating:

I would refer you to our recent earlier consultee comments submitted on the related application 17/05812/FUL and in particular the requirement for an LVIA, external signage details including siting, and signage illumination level details. External building materials and detailing should be such that it reflects the more rural context of this location.

4.9 SC Archaeology Manager has responded indicating:

Comments: Background to Recommendation:

The proposed development comprises a mixed-use commercial development consisting of a petrol filling station, two drive through units and business space,

together with access, parking and landscaping works on a c.3.2ha site to the south of Thieves Lane. The proposed development site is located c.380m north-west a cropmark ring ditch (HER PRN 04483), which is likely to represent the below ground remains of an Early Bronze Age funerary monument. During the 1960s a Late Bronze Age and Iron Age settlement site (HER PRN 00085) c. 600m west of the site was excavated in advance of the construction of a housing development. In 2013 an archaeological investigation of a possible second cropmark ring ditch c.250m west of the site established it to be a natural feature. However, given the background of prehistoric activity in the wider area around the proposed site it is considered to hold low –moderate archaeological potential.

RECOMMENDATION:

We have no in principle objections to the proposed development.

However, given the above, and in relation to paragraph 141 and Policy MD13 of the Local Plan, we advise that a phased programme of archaeological work is made a condition of any planning permission for the proposed development. This should take the form of an initial field evaluation comprising a geophysical survey followed by further mitigation as appropriate. The latter might comprise targeted trial trenching of any archaeological anomalies identified or otherwise a watching brief during the ground works phase of the development. An appropriate condition would be: -

Suggested Condition:

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

Reason: The site is known to hold archaeological interest.

4.10 **SC Regulatory Services** have responded indicating:

Having considered the application it is noted that the PFS in section 4.4 of the application states that 12 cars could utilise the pumps at any one time. I assume this is a typo as with 4 pumps on the forecourt would have the capacity to serve 8 vehicles at any one point rather than 12.

In relation to the PFS it has been noted that there are parking spaces proposed to along the front of the PFS building. Should these any one of 5 of these spaces be occupied by a van or other large vehicle this may obscure the view from the staff vantage point of the fuel pumps. This could result in issues with

staff not being able to view what fuel is being dispensed into which may produce challenges when staff are trying to authorise fuel dispensing. The applicant is advised to consider this. It may be that removing a number of the parking places would remove this issue, alternatively the use of CCTV could be used or any other method the applicant is aware of which addresses this concern

4.11 **SC Planning Ecology** have responded indicating:

Please include the conditions and informatives below on a planning decision notice.

Please ensure that the applicant is aware of the bat lighting condition.

Environmental Network

Bat transect survey work has been submitted. Four species of bat (common pipistrelles, soprano pipistrelle, noctule and myotis) have been recorded using the site boundaries.

The summary from the Bat survey report is as follows:

It is concluded that there are no bat roosts within or close to the site boundary and it has been determined that the site has moderate potential for foraging bats. There were a higher concentration of records along the northern boundary and occasional records for pipistrelle along the southern boundary. Bats were using these linear features to commute around the rural landscape and forage.

Currently the majority of the site is not lit and is very dark at night. New development provides the opportunity to enhance the site's value for foraging bats and to minimise indirect impacts from lighting associated with the new development. This can be achieved by following accepted best practice (Institute of Ecology and Environmental Management 2006, Institute of Lighting Engineers 2009):

- The level of artificial lighting including flood lighting should be kept to a minimum, with light spill directed into the centre of the site;
- Recent LED technology should be utilised where possible. LED lights do not emit UV radiation, towards which insects are attracted, drawing them away from bat foraging areas in the surrounding landscape. Alternatively, low pressure sodium lights could be used. These can be a more cost effective option compared to LED lights and are the preferred option to high pressure sodium or mercury lamps. All lights should be directed at a low angle with minimal light spillage wherever possible; and
- Light spill on northern and southern boundaries should be kept to a minimum. If lighting is required this should be installed with the light directed into the development area wherever possible

- Avoid light spill over the top of the tall limes trees; and
- Ideally, some parts of the site (northern boundary) should be kept dark, preferably at bat emergence (0-1 hour after sunset) and during peak bat activity periods (e.g. 1.5 hours after sunset and 1.5 hours before sunrise).
- Any post-development landscaping should include species considered to be of value to wildlife and include native species together with a range of flowering and night scented species. Planting a variety of species will serve to attract a range of insects which will be beneficial to bats and other wildlife.

SC Ecology would highlight that the request for a Biodiversity Net Gain on this site is not restricted to bats, but also would benefit amphibians, other mammals, and nesting birds.

The following condition must be on a planning decision notice, and advice given in the bat survey report should be adhered to:

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

The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

Lighting informative

The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html. Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

Environmental Networks

Additional planting has now been offered in the site plan. SC Ecology would request that when a landscape scheme is submitted as part of a planning condition that SC Tree team are consulted on the species to be used (if the applicant does not want this planning condition on a planning decision notice, then I would recommend consulting SC tree team formally prior to a planning decision being made). The area of drainage to the east corner of the two sites should have species which would be suitable for wetter areas. Native species found locally in Shropshire should be used across the entire scheme where appropriate.

The following condition and informative should be on a planning decision notice:

2. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. bat and bird boxes, hedgehog-friendly gravel boards, badger accessible paths, and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables.

The plan shall be carried out as approved.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or

destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.

Great crested newts informative

Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

3. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

Badgers informative

Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local

Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) Identification of Persons responsible for:
 - i) Compliance with planning conditions relating to nature conservation;
 - ii) Installation of physical protection measures during construction;
 - iii) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - iv) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
- h) Possible remedial/contingency measures triggered by monitoring';
- i) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

4.12 **SC Highways** have responded indicating:

Insofar as the highway network is concerned relating to the roads maintained by Shropshire Council, we are satisfied that network can accommodate the traffic

likely to be generated by the proposed development. The reality is that the development will have an influence and increase traffic movements at Emstrey Roundabout. In this regard Thieves Lane is not under traffic signals at Emstrey Roundabout and it is likely therefore that some additional queuing will occur on Thieves Lane between the Emstrey Roundabout 'Give Way' and Business Park roundabout, particularly at peak traffic periods. It is noted however that Highways England have not objected to the development subject to the imposition of planning Conditions.

Whilst this development site forms part of the overall development of the land edged red and blue, it also provides the road access road connection to the Shrewsbury Business Park roundabout on Thieves Lane. A separate application is under consideration reference 17/05812/FUL, although clearly the road infrastructure needs to be implemented as part this application or adjacent land application, whichever is the sooner. It is anticipated that all internal roads will remain private and are not to be adopted by Shropshire Council.

As part of the development of this site, a Travel Plan will be required although I am content that this can be dealt with via planning condition at this stage.

In summary the highway authority has no objection to the granting of consent subject to the following Conditions being imposed:-

- Prior to the development hereby permitted being first brought into use/open to trading, the proposed internal access road layout, footway links and connection with the roundabout on Thieves Lane shall be fully implemented in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
- Prior to the development hereby permitted being first brought into use/open to trading, the development shall be laid out and constructed in accordance with the approved plans.
Reason: To ensure the proper coordination of the development.
- Prior to the development hereby permitted being first brought into use/open to trading a Travel Plan shall be first submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall remain in force for the lifetime of the development hereby permitted being first brought into use/open to trading.
Reason: To promote sustainable travel and reduce carbon emissions.
- Prior to the commencement of development a detailed Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall remain in force

for the construction period of development.

Reason: In the interests of highway safety.

4.13 **SC Trees Manager has responded indicating:**

I have read the amended landscape plans which now have additional tree pit specifications added. Tree species have also been diversified to now include large canopy trees including Oak and Lime along with new species of ornamental trees.

I note also that the development allows the opportunity to introduce additional field boundary hedgerows and trees around the site in keeping with the local landscape character.

Therefore I am satisfied that my original concerns about lack of detail and diversity of species has been addressed and I raise no further objection on these grounds.

An earlier response indicated:

Having read the submitted tree report and landscape proposals my comments are:

1. Existing trees

I accept the conclusions from the tree report and raise no objections to the report. To accommodate the specific proposal for the site it will be necessary to remove one tree T36 at the existing roundabout along Thieves Lane to accommodate the new service road leading in to the whole site. In addition, a section of G27 and H33 will need to be removed to accommodate a pedestrian access further to the east. I accept the findings of the report that the proposed removals will have little impact on the tree population overall.

Protective barriers should be installed to protect the trees during demolition and construction. The following condition should be imposed:

Tree Protection Condition

The protective tree fence shown on the as shown on the accompanying drawing (ref:171012TPP) shall be erected to the satisfaction of the LPA and in accordance with the BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection" prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA. Where specifically approved, temporary ground protection measures and no-dig methodology should be implemented to the satisfaction of

the local planning authority.

Reason: To safeguard the amenities of the local area by protecting trees.

2. Landscape proposals

I wish to raise several objections with regard to the landscaping, specifically the proposed tree planting. The current scheme does not appear to be sustainable in the long term or achieve canopy cover targets of Shropshire Council of at least 20% on larger residential and industrial sites.

Shropshire Council also expects large scale development schemes to conform to the recommendations and guidance within British Standard 8545: 2014 'Trees: from nursery to independence in the landscape. Recommendations'. In particular this scheme needs to consider the long term objectives of planting at this site including future pressures that may arise as the trees grow and mature and put forward a proposal that will meet these requirements.

Species selection – In order to be provide a robust and sustainable tree scheme it will be necessary to plant a diverse range of species, to provide resilience so far as can be predicted to factors such as an ever-increasing range of pests and diseases that have reached, or threaten to reach, this country for example Ash die back.

The current scheme proposes 156 fastigate Hornbeam 'Frans Fontaine' and 16 Birch *Betula jacquemontii*. In effect this is creating a monoculture with no resilience from species specific pest and diseases.

Recommendation

Introduce species diversity to increase resilience and add amenity interest through a palette of diverse species attributes. Trees planted in the open areas do not need to be fastigate in nature and fewer but larger canopy trees can be used for example Oak, Lime and Scots Pine.

Where site constraints demand an upright tree, the species could be varied to include other fastigate forms of tree for example:

Quercus Koster
Acer campestre "Elsrik"
Acer rubrum "Scanlon"
Ginkgo biloba

Car parking planting

The long-term success of 38 semi mature Hornbeam planted in 1m by 1m tree pits in the visitor car park is questionable, especially in such compact arrangements. There are far too many examples of un-successful carpark planting, typically 20% of trees die within five years with a steady degradation of the remaining stock soon after.

The use of small tree pits in car parking areas should be reconsidered, either replaced with trees planted in an amenity strip adjacent to the parking bays or demonstrate that an adequate soil volume can be achieved for the trees to reach maturity with for example the use of structural soil cells and adequate soil volumes. There are a number of off the shelf and bespoke solutions available for the construction of underground root strata systems that can support hard surfaces and provide appropriate volumes of un-compacted soils for newly planted trees to establish and grow to maturity.

4.14 **The Council's Landscape Consultant** raises no objections based on the information as submitted in support of the application in relation to the updated LVIA dated November 2018.

4.15 **Public Comments**

4.16 One letter of objection has been received from members of the public. Issues raised can be summarised as follows:

- Impact of proposed development on surrounding residential amenity.
- Loss of privacy and concerns that adequate consideration is required to landscaping and privacy issues.
- Concerns with regards to impact on public highway issues.
- Concerns with regards to having a fuel station so close and impacts with regards to open fires in a smokeless area.

4.17 **Shrewsbury Civic Society** have responded to the application indicating:

The Society understands the value of the site for such a use as the application suggests and is in favour of development here overall.

Members of our Planning Committee agree with the real traffic issues raised by the Town Council, suggesting that access from the A5 at peak periods may be problematic. This is also echoed by the remarks of Highways England requiring a period for further investigations about the impact on the road network. This would seem necessary to allow clear assessments.

We also had concerns about the nature of this undulating site and water run off. A hydro-geological study is needed to complement further archeological investigations.

Lastly we felt an improved scheme for tree and green screening from the A5 is needed.

Overall we support the principle of development here but felt more assessment and investigation is needed to get the best sustainable use of the land.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Drainage
- Transportation and highway access.
- Residential amenity.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes Government policy and is a material consideration to be given significant weight in determining applications.

6.1.2 The Shropshire Core Strategy was adopted in February 2011. Policies CS1 (Strategic Approach) and CS2 (Shrewsbury – Development Strategy) aim to encourage the continued sustainable growth of Shrewsbury as the County town. Shrewsbury is noted in CS1 as being the focus for significant retail, office, employment and residential development. CS2 goes on to provide more detail to CS1 in providing higher level policy guidelines to enable the town to achieve economic growth whilst protecting and enhancing the town's role, character and unique qualities of built and natural environment. CS2 provides for development in 'Shrewsbury South' referring to land off Thieves Lane/Oteley Road/Hereford Road in order to incorporate the expansion of Shrewsbury's business areas. With regard to economic development and employment uses Policy CS13, (economic development, enterprise and employment), encourages positive planning towards developing and diversifying the Shropshire economy,

supporting enterprise and economic sustainable growth which includes the development and growth of Shropshire's key business sectors and clusters.

- 6.1.3 The SAMDev for Shrewsbury, policy S16, follows from the principles set out in the Core Strategy policy CS2 encouraging sustainable economic growth. S16.1b: allocated employments sites indicates Shrewsbury South sustainable urban extension as an area to develop to deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE land use plan and adopted master plan in order to ensure development which will include provision of a new strategic employment site which includes the area the subject of this application and that this area has the potential to accommodate a range of types of businesses.
- 6.1.4 Also of relevance is Policy MD4: Managing Employment Development, this encourages sustainable development which is compatible with adjoining land uses and includes reference to Class B and sui generis employment uses.
- 6.1.5 The Shrewsbury south Sustainable Urban Extension, (SUE), adopted master plan indicates the area that the application site forms part of as 'Shrewsbury Business Park – phase 3 for uses such as business and office space. The proposed use is considered satisfactory in relation to local plan requirements as well as the overall aims and objectives of sustainable development in accordance with the requirements of the NPPF. (Atcham Parish Council's objection to the principle of an Office development is noted, however as indicated the site is allocated in accordance with the local plan for development of this nature).
- 6.1.6 The policies within the Core Strategy and the SAMDev are considered to be consistent with the requirements of the NPPF as detailed in the following paragraphs.
- 6.1.7 At a national level the NPPF, Section 6, sets out the national policy for determining planning applications and 'building a strong, competitive economy' indicating that planning policies and decisions should help create the conditions in which business can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 82 of the NPPF makes reference to the requirement for planning policies and decisions to recognise and address the specific locational requirements of different sectors.

Overall with consideration to planning policy, on balance the principle of the development as discussed above can be supported.

6.2 **Siting, scale and design of structure**

6.2.1 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.

6.2.2 The application proposes a mixed-use development, comprising of a petrol filling station, with convenience store, drive through café and (in outline), an office park. (Floor areas as outlined paragraph 2.2 above). The scale of the proposed convenience store is considered acceptable in relation to its intended use as a 'local centre and for use in relation to passing motorists and in consideration of location and scale a retail impact assessment and sequential test is not considered necessary.

6.2.3 On balance development in relation to scale and massing and siting of the petrol filling station and drive through coffee shop is considered to be commensurate to other, nearby developments and is also appropriate to the site's location in relation to a strategic road network.

6.2.4 The design of the office park is not due for consideration under this application as this part of the application is made in 'outline, (with all matters other than access reserved for future consideration), and as such will be given a full assessment in any subsequent reserved matters application. Detail in support of the application indicates that it is likely that this element will be split over five buildings and set over two storeys, which is similar to the scale and type of buildings in the existing business park to the north of the site.

6.2.5 Signage will be required in relation to development on site and this will be subject to a separate application which will need to include full details / specifications on the proposed signage. (Usual practice in relation to advertising).

6.2.6 On balance with consideration to the location, scale, massing and overall design the development in both the Full and Reserve Matters format is considered acceptable and in accordance with Policies CS2 and CS6 of the Shropshire Core Strategy, MD2 of the SAMDev and other key local plan policies, as well as the NPPF on this matter.

6.3 **Visual impact, landscaping and ecology.**

6.3.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily

protected species and habitats and existing trees and landscaping.

6.3.2

The application is accompanied by a landscape and visual impact assessment, (LVIA), (revised November 2018), and this concludes that the character of the site is open field, gently undulating, with hedgerow and shelterbelt trees lining its boundaries and that a characteristic element of the site is the network of roads around the site.

6.3.3

The developments will result in a change of character of the site from open field with fenced and partial hedgerow boundaries to buildings, roads, car park and hardstanding. Landscape mitigation within and to the edges of the site will reduce this impact in parts. Some boundaries will be reinforced and planted with native hedgerows where appropriate to form a continuous hedgerow boundary to the site with the exception of the eastern boundary which meets the proposed adjacent Jaguar Land Rover site, which is subject to the separate application. The development includes opportunities to reintroduce field boundary hedgerows and trees around the site which is considered to be in keeping with the local landscape character. The proposed trees and vegetation would breakup and filter views of the built form from the surrounding fields and countryside and help integrate the overall development into the landscape.

6.3.4

The proposed buildings on site will be a mix of single and two storey buildings to which the LVIA indicates range from 4.5 metres to 13 metres in height and that local viewpoints have been taken into consideration during the landscape and visual assessment of the proposed development.

6.3.5

The elevated embankment and vegetation of both the A5 and the B4380 it is considered will assist in screening views of the site from receptors to the north east and south, and partially visually contain the development. Views from five locations around the site were considered and it was assessed that changes to existing views from the receptors in the wider landscape would be difficult to discern. Cumulative effects of the proposed development in conjunction with surrounding identified proposed developments have also been assessed along with consideration to the proposed adjacent Jaguar Land Rover site to which impacts on are predicted to be minimal.

6.3.6

Layout and landscaping of the site has been considered and the buildings will be suitably designed to integrate into the surrounding built form.

6.3.7

The development as proposed has been considered by the Council's Landscape consultant who has responded to the application raising no objections on the findings, conclusions and recommendations of the applicants LVIA. It is also noted the Council's Tree Manager has indicated that the development allows the opportunity to introduce additional field boundary hedgerows and trees around the site in keeping with the local landscape character.

6.3.8

6.3.9 The applicants have also submitted an ecological appraisal and the findings are considered acceptable by the Council's Planning Ecologist with conditions attached to any approval notice issues as outlined in the ecology response in paragraph 4.11 of this report. (The recommended landscape condition has been revised with consideration to further information received).

6.4 On balance in consideration of landscape and visual impact and ecological issues with conditions attached to any approval notice issued in order to ensure development on site is carried out as proposed and adequately landscaped and maintained, the proposed is considered acceptable and in accordance with Policies CS2, CS5, CS6 and CS17 of the Shropshire Core Strategy, Policy MD12 of the SAMDev and the NPPF with regards to landscape and visual impacts and ecological matters.

6.4.1

Drainage

Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. Policy CS6 'Sustainable Design and Development Principles' also requires all developments to consider ground conditions including potential contamination.

6.4.2 A Flood Risk Assessment (FRA) has been carried out and submitted with the application. The FRA was carried out covering the application site as well as the adjacent site also currently under planning consideration, and notes that the site is in flood zone 1, the lowest probability of flooding and sequentially preferable zone to build in. The amended flood risk assessment indicates that it considered all potential risks of flooding to the site, impacts the development may have elsewhere with regards to flooding and outlines proposals to mitigate any potential risk of flooding determined to be present as well as consider preliminary drainage proposals to mitigate flood risk from the site.

6.4.3

Drainage and flood risk were a considerable concern by both the Council's Drainage Manager and in particular Highways England and this matter considerably delayed the progressing of this application, as Highways England were in particular concerned with regards insufficient information submitted in support of the application and potential flooding onto the adjacent trunk road, (A5), which is situated on mostly lower ground than the application site.

6.4.4

Further information received on flooding and drainage issues is considered acceptable and both Highways England and the Council's Drainage Manager raise no objections subject to conditions attached to any approval notice issued in order to ensure adequate consideration to this matter in relation to drainage design. (Highways England also requesting a noise assessment in order to evaluate impacts of noise on users of the site. This matter it is considered can be addressed via the attachment of a condition as recommended).

6.4.5

- 6.4.6 The Environment Agency also initially raised objections to the application as proposed, owing to insufficient information as outlined and discussed in paragraph 4.4 of this report. On receipt of the further information lifting their objection recommending conditions in relation to the installation of the underground water tanks, validation report in relation to the construction of the underground tanks, as well as a condition with regards to surface water drainage. It is recommended that these three conditions are attached to any approval notice issued as the site is considered sensitive in relation to drainage and in particular underground infiltration and therefore clearly sensitive in relation to underground fuel storage. (Above ground storage it is considered would have a significant detrimental visual impact).
- 6.5
- 6.5.1 On balance in relation to both surface water and foul water drainage, the development with an appropriate condition attached to any approval notice issued is considered acceptable and in accordance with Policies CS2, CS6 and CS18 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the National Planning Policy Framework

Transportation and highway issues.

- Paragraph 111 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement so that likely impacts of the proposal can be assessed. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.
- 6.5.2

- 6.5.3 The applicants submitted a transportation assessment in support of their application as well as further information on this matter and this concludes in relation to both this application and the development for the adjoining site also under planning consideration that given the allocated status of the development site for employment uses and the comprehensive upgrade works to Emstrey island that were completed in 2015 it is expected that the development should have been allowed for at that time. The revised development mix now proposed could also result in less vehicle movements at peak times than what was initially allocated. The submitted TA identifies the level of vehicle trips expected to result from the development and comparing this to the background traffic flows at Emstrey Island indicates this would lead to an increase of around 2% in both peak periods. LINSIG modelling has also been undertaken as set out in their further information as submitted and that this has demonstrated that the junction will operate within capacity in all assessment scenarios and that the development would have no material impact on the operation of the junction.
- 6.5.4
- 6.5.5 Overall it is considered that the issue of development traffic impact at Emstrey Island raised by Highways England has been comprehensively addressed and there remains no outstanding reason why the development, as part of both planning applications, should not be permitted on highways grounds. (The Jaguar/Land Rover application also currently under consideration for the

adjoining site, will rely on internal road layout infrastructure that forms part of this application for access).

- 6.5.6 The Council's Highways Manager has responded to the application, (in relation to the local highway network), indicating that they are satisfied that the network can accommodate the traffic likely to be generated by the proposed development. The reality is that the development will have an influence and increase traffic movements at Emstrey Roundabout. In this regard Thieves Lane is not under traffic signals at Emstrey Roundabout and it is likely therefore that some additional queuing will occur on Thieves Lane between the Emstrey Roundabout 'Give Way' and Business Park roundabout, particularly at peak traffic periods. It is noted however that Highways England have not objected to the development subject to the imposition of planning conditions. (Drainage and noise).

The SC Highways Manager recommends conditions with regards to connection to integrated transport links and connection to the Thieves Lane Roundabout, development in accordance with the approved plans, a travel plan and construction management plan are attached to any approval notice issued. Highways England satisfied with further information as received on transportation issues and therefore not requesting any conditions in relation to impacts on the strategic highway network.

SC Regulatory Services raised concerns with regards the free flow of traffic on the forecourt of the fuel filling station. The applicants' agent confirmed CCTV will be in operation on site and it is considered this will adequately address this matter on site. A condition attached to any approval notice to ensure this, it is considered will address this matter.

Whilst it is noted that the local Parish Council, Shrewsbury Civic Society, a member of the public and the local member have raised concerns in relation to highway and transportation issues, with consideration to the extensive discussions and further information received, and the final responses from the relevant highway and transportation consultees on this matter, with conditions attached as discussed above on highway matters the application is considered acceptable and in accordance with Policies CS2, CS6 and CS7 of the Shropshire Core Strategy, Policies MD2, MD4 and S16 of the SAMDev and the National Planning Policy Framework.

6.6 **Residential amenity.**

- 6.6.1 Policy CS6 seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
- 6.6.2 It is noted that the application site in the northern section adjoins two-semi-detached dwellings and that the occupant of one of these dwellings has raised concerns in relation to residential amenity issues.

6.6.3 The dwellings as referred to are located in a section of the site that is subject to the outline proposal for 'Office Park' development. Whilst all matters on this aspect of the proposal other than access are reserved for future consideration, it is considered that development in this area with adequate consideration to layout and landscaping can be achieved without any significant harm on the amenity and privacy of these dwellings or in relation to other dwellings within the surrounding vicinity.

6.6.4 Impacts overall in relation to residential amenity and privacy considered acceptable and in accordance with Policy CS6 of the Shropshire Core Strategy and Policy MD1 of the SAMDev and the National Planning Policy Framework in relation to residential amenity issues.

7.0 **CONCLUSION**

7.1 The site is located within the 'adopted' Shrewsbury South Sustainable Urban Extension, which is allocated as a comprehensive mixed use proposal for housing, employment, commercial and open space uses.

7.2 The vision for the master plan is to create a distinctive high quality place to enable the delivery of comprehensively planned and integrated development. The plan went through an extensive public consultation exercise and following a series of amendments was adopted by the Council for the purposes of informing and guiding development of the sustainable extension and as a material consideration for all subsequent planning applications. The plan envisaged that the site would be a logical extension of the Shrewsbury Business Park for predominantly new offices and business (B1) use.

7.3 This application is one of two applications for the comprehensive development of the land between the A5 and Thieves Lane which includes a separate application for the development of a new dealership for the Jaguar Land Rover Group which it is considered will bring high value jobs, being a form of development that will benefit from a high profile roadside location. The location of the site adjacent to the A5 means it is also appropriate for roadside uses.

7.4 As such the development as proposed is considered appropriate in principle given its mix use and location.

7.5 Issues in relation to highway and transportation, as well as drainage, (the latter of which is particularly sensitive in consideration of the location and land topography), have been subject to considerable dialogue between the applicants and relevant consultees which resulted in the requirement for significant amendments to the application during its planning process. These issues subject to appropriate conditions being attached to any approval notice issued are now on balance considered acceptable.

- 7.6 Also of concern during the application processing was landscape and visual impact, the site is in a prominent location in the local landscape which is one of edge of town with a rural aspect. Whilst it is acknowledged that the site is surrounded by well used public highways further consideration was considered necessary in relation to landscape and visual impact and this resulted in a revised landscape and visual impact assessment as well as amended landscape plans. This matter as well as ecological interests with appropriate conditions attached to any approval notice issued as discussed in this report is considered acceptable.
- 7.7 Matters in relation to residential amenity, the historic environment, scale and design and other planning related matters considered acceptable.
- 7.8 The recommendation is therefore one of approval subject to the conditions as outlined in appendix one with any amendments to these conditions as considered necessary by the Head of Planning Services.

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, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 **Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

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 1990.

9.0 **Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. **Background**

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD4 - Managing Employment Development
 MD9 - Protecting Employment Areas
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S16 - Shrewsbury
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/17/00507 Proposed development of a petrol filling station, 2no. drive through units and business space PREAMD 19th December 2017
 17/06157/FUL Hybrid application (part full, part outline) - Full - erection of a petrol filling station (Sui Generis) and drive through cafe (Use Class A3/A5) together with the creation of a new access, parking, landscaping and various other infrastructure works. Outline - provision of a new office park (Use Class B1) to include access (some matters reserved) PDE

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Claire Wild
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. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (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 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three 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.

4. The development hereby permitted shall be begun 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.

5. 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. Prior to commencement of development hereby approved, the detailed design of the Drainage System which will include surface and foul water drainage shall be submitted to and agreed by the Local Planning Authority following consultation with the Highway Authority for the A5 Trunk Road. A maintenance agreement shall be agreed which sets out how regular maintenance of the Drainage System will ensure the integrity of the proposed system in perpetuity. The Maintenance/ Management activities as outlined in Chapter 8 of the Flood Risk Assessment and Preliminary Drainage Strategy document, dated 5th of October 2018 and prepared by Curtins, shall be undertaken throughout the life of the development to safeguard any potential impact to the A5 Trunk Road.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

7. Prior to commencement of any development a Noise Impact Assessment shall be undertaken to consider the potential implications of traffic noise on the users of the development. Any necessary mitigation measures identified by the assessment subsequently proposed to be located within the proximity of the sites boundary with Highways England Planning Response (HEPR 16-01) January 2016 the A5 Trunk Road shall be agreed in writing with the Local Planning Authority in consultation with the Highway Authority for the A5 Trunk road.

Reason: In consideration of impacts on the site and the adjacent public highway which is a trunk road.

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

Reason: The site is known to hold archaeological interest

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

The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and**
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

10. All hard and soft landscape works shall be carried out in accordance with the approved plan (3865.MA REV A, 3865.01D-3865.05D); the works shall be carried out during the first available planting season after commencement of development on site. Any trees or plants that, within a period of five years after planting, are removed, die or become damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design, in line with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

11. Prior to the commencement of commencement of each phase of development a detailed Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall remain in force for the construction period of development.

Reason: In the interests of highway safety.

12. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

13. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;**
- b) Ecological trends and constraints on site that may influence management;**
 - c) Aims and objectives of management;**
 - d) Appropriate management options for achieving aims and objectives;**
 - e) Prescriptions for management actions;**
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);**
 - g) Personnel responsible for implementation of the plan;**
- h) Possible remedial/contingency measures triggered by monitoring';**
- i) The financial and legal means through which the plan will be implemented.**

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

14. Prior to the commencement of each phase of development no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;**
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;**
- c) Requirements and proposals for any site lighting required during the construction phase;**
- d) Identification of Persons responsible for:**
 - i) Compliance with planning conditions relating to nature conservation;**
 - ii) Installation of physical protection measures during construction;**
 - iii) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and**
 - iv) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.**

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

15. Prior to each phase of the development hereby permitted being first brought into use/open to trading a Travel Plan shall be first submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall remain in force for the lifetime of the development as permitted being first brought into use/open to trading.

Reason: To promote sustainable travel and reduce carbon emissions.

16. The development hereby permitted shall not be commenced until such time as a scheme to install the underground fuel storage tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, tertiary containment, associated pipework, monitoring system and maintenance, monitoring & sampling schedule. The scheme shall be fully implemented and the tanks and associated infrastructure subsequently maintained and monitored, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and The Environment Agency's approach to groundwater protection (formerly Groundwater Protection: Principles and Practice (GP3)).

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

17. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and The Environment Agency's approach to groundwater protection (formerly Groundwater Protection: Principles and Practice (GP3)).

18. Prior to the development hereby permitted being first brought into use/open to trading, the proposed internal access road layout, footway links and connection with the roundabout on Thieves Lane shall be fully implemented in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

19. Prior to the development hereby permitted being first brought into use/open to trading, the development shall be laid out and constructed in accordance with the approved plans.

Reason: To ensure the proper coordination of the development

20. The development hereby permitted shall not be occupied until such time as a validation report has been completed, which includes evidence that the tanks and associated infrastructure have been completed in accordance with the approved scheme. The validation report should be submitted to, and approved in writing by, the local planning authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and The Environment Agency's approach to groundwater protection (formerly Groundwater Protection: Principles and Practice (GP3)).

21. Prior to first use of the fuel filling station hereby approved full details will be submitted to the Local Planning Authority and approved in writing with regards to installation of CCTV on site and their operation.

Reason: In order to ensure the safe and adequate free flow of traffic on site.

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

22. The development hereby approved in 'outline' shall be restricted to B1 class only.

Reason: In order to ensure development on site in accordance with the aims of the adopted masterplan the site forms part of.

Informatives

1. The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html. Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

2. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.

4. Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

5. Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

6. Advice to applicant: Dewatering the proposed excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting Service (NPS) to confirm the legal requirements. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence.

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<u>Committee and date</u>
Central Planning Committee
22 November 2018

<u>Item</u>
8
Public

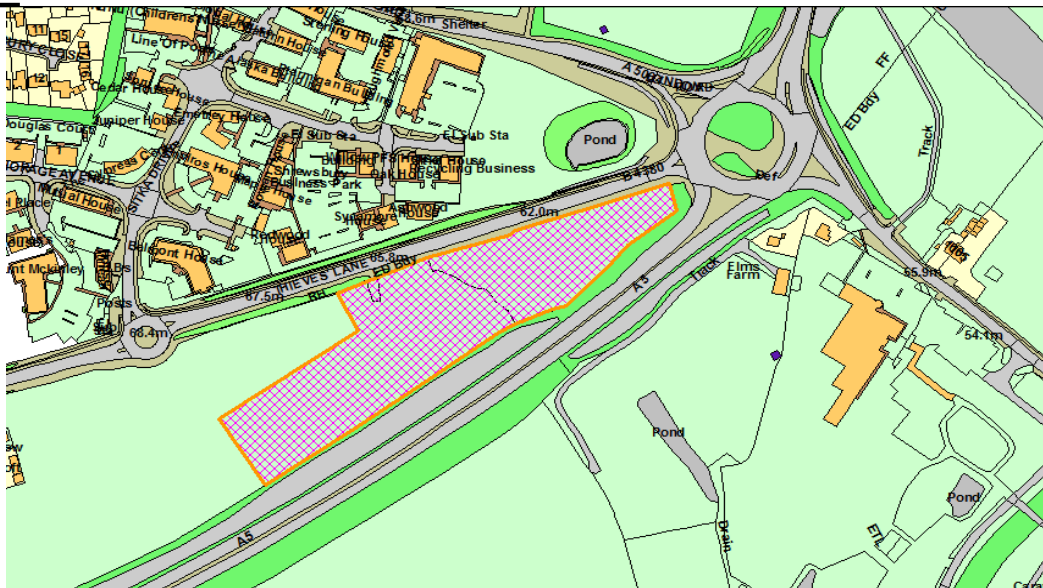
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 17/05812/FUL	<u>Parish:</u> Atcham
<u>Proposal:</u> Erection of new car dealership building comprising car showroom and servicing workshop and valeting facilities, plus standalone vehicle repair and prep building, and drive-through car wash, together with staff, customer and storage parking and external used car display area	
<u>Site Address:</u> Proposed Car Dealership and Premises South Of Thieves Lane Shrewsbury Shropshire	
<u>Applicant:</u> Mr Gareth Williams	
<u>Case Officer:</u> Philip Mullineux	<u>email:</u> planningdmnw@shropshire.gov.uk

Grid Ref: 351888 - 310608



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Recommendation: Approval subject to the conditions as outlined in appendix one with any amendments to these conditions as considered necessary by the Head of Planning Services.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is made in 'full' and proposes erection of a new car dealership building comprising car showroom and servicing workshop and valeting facilities, plus standalone vehicle repair and prep building, and drive-through car wash, together with staff, customer and storage parking and external used car display area on land south of Thieves Lane, Shrewsbury, Shropshire.
- 1.2 The application is accompanied by a set of proposed elevation and floor plans, block plan, site location plans, design and access statement, landscape mitigation detail, flood and drainage assessment, ground investigation report and ecology report. During the application processing, as a result of clearly required further consideration, further information was requested and received in relation to ecology, highway and transportation issues, drainage, (flood risk assessment), and a landscape and visual impact assessment. Also amended plans in relation to site layout and landscaping as a result of considerable concerns in relation to issues as referred to above.
- 1.3 Since validation of this application the National Planning Policy Framework has been revised. (25th July 2018). This application has been assessed in relation to the updated NPPF.
- 1.4 The application has been screened in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2017 to which the Council's screening opinion dated 29th October 2018 with consideration to information submitted in support of the application has established that the application does not require an Environmental Statement to accompany it.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site which is in flood zone one in accordance with the Environment Agency data maps, (lowest risk), is mostly relatively flat along its frontal section adjacent to Emstrey roundabout and rises sharply towards its westerly end, and covers an area of approx.2.56 hectares, it is situated in the Emstrey area of Shrewsbury, located between the A5 and the B4380 Thieves Lane (the former A5), at the junction between the two roads, a major roundabout on the main outer ring road around most of Shrewsbury. Nearest to the roundabout, the site is largely level but then

afterwards the land slopes dramatically from the roundabout. At the roundabout, the site is significantly below the level of the adjacent roads. In accordance with detail submitted in support of the application the site profile has been further affected by spoil from the creation of the new A5 having been left on the site.

- 2.2 Information as contained in the Design and Access Statement indicates that due to the gradient across the site, it is proposed to divide the site into two distinct areas. The lower area of the site will accommodate the main showroom and workshop, customer parking and the used vehicle display area. This area of the site will be substantially regraded to provide a customer access from Thieves Lane and a level platform for the showroom building with a 1:20 slope down to the roundabout forming the used vehicle display area. To facilitate this, it is proposed to construct a large retaining structure to maintain the upper area of the site at approximately existing levels.
- 2.3 The upper site area will accommodate a vehicle repair and prep facility and all vehicle storage and staff parking. This area will also be used to receive car transporters delivering new vehicles to the dealership to obviate transporter waiting on Thieves Lane and the site layout will allow for transporters entering and exiting the site in forward gear.
- 2.4 Access to the upper site area will be via a new estate road leading from the roundabout at the junction of Thieves Lane and Sitka Drive. Planning permission for this access road is the subject of a separate application submitted by Euro Garages currently under consideration. (Application reference 17/06157/FUL).
- 2.5 The Design and Access Statement in support of the application indicates that the proposal is for a Jaguar Land Rover dealership which would be a sui generis use offering retail, administration and skilled manual employment being brought to the site. The proposed use is not considered incompatible with the designation for adjoining uses, as required by policy MD4, and there is some precedent for retail use within the existing Shrewsbury Business Park area.
- 2.6 The development as proposed has been screened in accordance with The Town and Country Planning Environmental Impact Assessment Regulations 2017, as it is considered that the development as proposed along with development adjacent to the site, (also currently under consideration by the Council), reference number 17/00157/FUL: Hybrid application (part full, part outline) - Full - erection of a petrol filling station (Sui Generis) and drive through cafe (Use Class A3/A5) together with the creation of a new access, parking, landscaping and various other infrastructure works. Outline - provision of a new office park (Use Class B1) to include access (some matters reserved) in land area, (approx 5.52 hectares), falls into the remit of Schedule 2:10b Urban development Infrastructure projects. However when assessed and screened against the criteria of schedule 3 development it is concluded that no Environmental Statement is required to accompany the application in accordance with the 2017 Regulations.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Parish Council object to the application and the Local member supports the Parish Council's objections and the Chair and Vice of the Planning Committee in discussion with the Area Planning Manager have acknowledged that the Parish Council have raised material planning considerations that are considered appropriate for consideration by Planning Committee.

4.0 Community Representations

4.1 **Atcham Parish Council** have made the following objections in relation to the proposed development:

The PC has concerns re highways - adequacy of the access for car transporters and concern re traffic using the bypass rather than Emstrey. Access to the dealership for customers is too close to Emstrey.

Traffic controls (lights) are needed at the junction of Thieves Lane and Emstrey

4.2 Consultee Comments

4.3 **Highways England** have responded to the application indicating:

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to application 17/05812/FUL and has been prepared by Robert Jaffier, Asset Manager for Highways England.

Previous Responses

Highways England was originally consulted on this planning application on 22 December 2017. Due to the lack of a Transport Assessment and other related documentation, we recommend that the application not be determined at that time due to the potential, of the development to have implications for the adjacent A5 Trunk Road.

The Transport Assessment was subsequently submitted and later supplemented by additional assessments of the traffic implications of the development on the

operations of the A5 / Thieves lane (Emstrey) Roundabout. This confirmed to our satisfaction that in typical operations the levels of development traffic associated with the proposals would not give rise to unacceptable implications for the operation of A5.

Notwithstanding typical daily traffic that will utilise the site, the operation of the highways infrastructure has also been indentured as being necessary to accommodate deliveries to the site in the form of large vehicles including car transporters. The operation of the proposed sites accesses off Thieves Lane therefore have importance to the operations of the A5 trunk road at Emstrey roundabout due to the need to avoid disruption to the free flow of traffic on Thieves Lane. This is in addition to inherent need of the Local highways Authority that this form a safe method of access and egress to the development.

A number of further matters relating to the sites proximity to the A5 are relevant due to the potential for environmental or physical implications of the development on the adjacent trunk road. We notified the applicant at the time of our original response that we were considering their Drainage Strategy and Flood Risk Assessment. We subsequently raised concerns regarding the existing surface water run-off from the site which discharges to the A5 Emstrey Island highways drainage system. The Highways England Planning Response (HEPR 31-07) July 2018 proposed surface water drainage strategy is proposed in the form of soakaways and SUDS and features discharging via infiltration. It was therefore necessary that the proposed drainage system be demonstrated to be capable of managing this discharge given the challenges of the topography of the site to ensure that flood risk is not worsened.

The topography of the site has also created further challenges to ensure the necessary geotechnical stability of earth retaining walls which are proposed to be located along the site boundary and near to the A5. We previously identified that further information would be required to consider these issues and subsequently that the submitted details demonstrate that it would be possible to manage these risks through adherence to Highways England's technical approvals processes HD22/08 Managing Geotechnical Risk

Following submission of details regarding the landscaping proposals we subsequently feel that these details (as they pertain to the boundary fencing, shrub beds and trees situated within proximity of the A5 boundary site boundary) were unclear. It was therefore necessary that additional detail be provided to confirm that there would be sufficient offset for maintenance from the SRN boundary which has now been provided.

Following submission of detail regarding external lighting we had also noted concerns that the design might result in artificial light spilling beyond the site boundary, impacting on areas of highway land and possibly cause a nuisance to road users on the A5.

Updated Response

Since submission of the original planning application we have responded to a series of further consultations by Shropshire Council following updates on these matters provided by the applicant. All of the matters identified by us above have now been progressed via additional submissions under the planning application. These submissions have demonstrated whether further control of these matters is required with regards implications for the A5 and where necessary how these would be managed in principal.

Consequently it will be necessary for planning conditions to be imposed to control a number of these matters. Subject to the imposition of the conditions set out below we are content the developments implications for the Trunk Road can satisfactorily be mitigated.

Highways England recommend conditions

Condition 1

Prior to commencement of development hereby approved, the detailed design of the Sustainable Urban Drainage System (SuDS) shall be submitted to and agreed by the Highways England Planning Response (HEPR 31-07) July 2018

Local Planning Authority following consultation with the Highway Authority for the A5 Trunk Road. The design shall accord with the submitted Drainage Strategy and Flood Risk Assessment dated September 2018 and shall demonstrate that the proposed Infiltration Tank is located above the ground water table or is constructed with an impermeable liner as recommended by the CIRIA SuDS Manual. A SuDS maintenance agreement shall be agreed which sets out how regular maintenance of the SuDS system will ensure the integrity of the proposed drainage system in perpetuity.

Condition 2

Prior to commencement of development hereby approved, the detailed design of the external lighting as outlined in External Lighting Layout Plan Rev 2 drawing no. 006158-00030 shall be submitted to and agreed by the Local Planning Authority following consultation with the Highway Authority for the A5 Trunk Road.

Condition 3

Prior to commencement of any earthworks hereby approved that change ground levels, the erection of any retaining structure and/or the introduction of any additional loading within 10m of the trunk road highway boundary and/or crest of the A5 Earthwork: a detailed assessment of slope stability and retaining wall design will be prepared in accordance with BD2/12 Technical Approval of Structures and HD22/08 Managing Geotechnical Risk, BS6031:2009 Code of Practice for Earthworks, BSEN1997-1 +A1:2013 Geotechnical Design and BS8002:2015 Code of Practice for Earth Details of the Retaining Structures shall be submitted to and agreed in writing with the local planning authority following consultation with the

Highway Authority for the A5 Trunk Road.

Condition 4

Prior to commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A5 Trunk Road. The approved scheme shall include detail of how any temporary construction access will allow access to the development site for necessary large construction vehicles without causing blockage to the highway network. The details be adhered to for the duration of the construction period.

Condition 5

The development shall not be occupied until the separate access for large commercial vehicles off Thieves lane, shown as 'New Estate Road' within the approved Site Plan (drawing ref M1135.A.102), is in operation. Following completions of construction works this access shall be the only point of access to the development for large commercial vehicles.

Condition 6

The development shall not be occupied until the parking and turning areas indicated within the approved Site Plan (drawing ref M1135.A.102) are constructed and have opened. These areas shall remain in operation and available to the approved development.

4.4 **The SC Archaeology Manager** has responded to the application indicating:

The proposed development comprises a new car dealership consisting of a car showroom, servicing and valeting facilities, a separate repair and prep building, drive through car wash, and car parking and external car display areas on a c.2.56ha site to the south of Thieves Lane, Shrewsbury. The proposed development site is located c.310m north of a cropmark ring ditch (HER PRN 04483), which is likely to represent the below ground remains of an Early Bronze Age funerary monument. During the 1960s a Late Bronze Age and Iron Age settlement site (HER PRN 00085) c. 780m west of the site was excavated in advance of the construction of a housing development. In 2013 an archaeological investigation of a possible second cropmark ring ditch c.250m west of the site established it to be a natural feature. However, given the background of prehistoric activity in the wider area around the proposed site it is considered to hold low – moderate archaeological potential.

RECOMMENDATION:

Given the above, and in relation to paragraph 141 and Policy MD13 of the Local Plan, we would be minded to advise that a phased programme of archaeological work is made a condition of any planning permission for the proposed development. This would take the form of an initial field evaluation comprising a

geophysical survey followed by further mitigation as appropriate. The latter might comprise targeted trial trenching of any archaeological anomalies identified or otherwise a watching brief during the ground works phase of the development. An appropriate condition would be: -

Suggested Condition:

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

Reason: The site is known to hold archaeological interest.

4.5 **SC Land Drainage** have responded indicating:

Drainage Comment:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

1. The proposed soakaway is shown as 385m² x 3.2m deep. However, the depth of the percolation test at SA6 is only 1.7m and therefore the soil infiltration rate should not be used as the percolation tests have not been carried out to 3.2m deep.

The sizing of the soakaway should be designed to cater for a 1 in 100 year return storm event plus an allowance for climate change. Shropshire Council's Surface Water Management: Interim Guidance for Developers was issued in 2012 with climate change allowances for peak rain fall intensities of 20% for non-residential developments and 30% for residential developments. Following the government review of climate change in 2015, Shropshire Council increased the peak rainfall intensity allowances to 25% for non-residential developments and 35% for residential developments. The drainage calculations show a 20% allowance for climate change. The climate change allowance should be adjusted to 25%.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

The calculations for the total drained area should be provided.

Condition:

1. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

2. The maintenance regime in the Food Risk Assessment should be implemented.

Reason: To ensure that the drainage system remains in good working order throughout its lifetime.

An earlier response indicated:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

The surface water drainage proposals in the Drainage Strategy and Flood Risk Assessment are acceptable in principle. However:

1. The sizing of the soakaways should be designed to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. The calculations for the total drained area should be provided.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

2. If permeable surfacing is not been used on any new parking bays/ area, a proposed surface water drainage system should be submitted for approval.

Reason: To ensure that the surface water runoff from the new parking bay is adequately drained.

3. On the Surface Water Flooding Plan, Drg. No. SK903 Rev. A, it showed pluvial flooding at the north western corner of the site. On the Note, it state that the surface water runoff from the A5 shown to flood the eastern boundary of the development site. Highways England to be contacted to discuss how flows can be removed from the site.

Highways England recommends that planning permission should not be granted for a further period of three months from the date of their notice, to allow the applicant

time to address the outstanding concerns.

Therefore, the applicant should demonstrate to the Highways England that the development will not poses any surface water flooding onto the A5.

Condition:

No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Earlier responses indicated:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

No new drainage information has been submitted for comment.

Our drainage comments dated 3 January 2018 remained the same.

The previous comment indicated:

Drainage Comment:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Condition:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

1. The sizing of the soakaways should be designed to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. The calculations for the total drained area should be provided.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. If permeable surfacing is not been used on any new parking bays/ area, a proposed surface water drainage system should be submitted for approval.

Reason: To ensure that the surface water runoff from the new parking bay is adequately drained.

4.6 SC Regulatory Services have responded indicating:

I have no further comments on this application other than to inform the applicant that noise from car washes can create disturbance. It is advised that this is considered and that this operation is carried out in the most suitable area with noise mitigation as appropriate. Due to distances to nearest dwellings I do not consider this requires conditioning.

An earlier response indicated:

Having considered the documents provided Regulatory Services have no conditions to recommend in relation to contaminated land.

Having considered the location I have no objection to the proposed development. There are no known contaminated land sources and I have no concerns regarding noise as there are no sensitive receptors in the vicinity. The applicant is however reminded to minimise noise where possible, identify any noisy areas/operations and mitigate appropriately.

4.7 SC Economic Development Manager has responded to the application indicating:

The proposal is situated on a key gateway commercial site into Shrewsbury, adjacent to Shrewsbury Business Park and next to the A5, part of the main strategic highway network and so will be visible by significant numbers of passing

traffic. It is thus important to maintain the quality of landscaped setting on the approach into the town and the Business Park of which this scheme is part.

A tarmac forecourt is proposed on the frontage of the site with Emstrey roundabout and this will be designed with 1:20 slope due to the topography of the site which falls some 10m from the back to the front of the site and from east to west. The landscape proposals for this part of the site only show peripheral boundary planting rather than any internal planting. Whilst it is accepted that there is need for clear site lines to display vehicles some internal shrub planting would soften the impact of the tarmac particularly on the western parts of the forecourt on higher part of the site.

It is also noted that due to the topography an area to accommodate flood water is identified on the edge of the site adjacent to Emstrey roundabout. This area is also proposed for native shrub and wildflower planting and there is need to plant appropriate species.

An earlier response indicated:

Whilst supporting the application there are still concerns on the treatment of used car forecourt on the Emstrey Island frontage which is a sloping site on a highly visible approach

The Economic Growth Service is supportive of the development which will bring high value jobs and is a complementary use to the business park. The development will result in £9m of investment creating 30 additional highly skilled technical jobs, six new apprenticeships and safeguard 70 existing jobs.

The site forms part of the Shrewsbury South Sustainable Urban Extension a comprehensive mixed use proposal for housing, employment, commercial and open space uses. The SUE South was identified in the Council's adopted Core Strategy as a strategic location for development and is also included in the SAMDev Plan. The vision for the master plan is to create a distinctive high quality place to live work and play and seeks the delivery of comprehensively planned and integrated development. The plan went through an extensive public consultation exercise and following a series of amendments was adopted by the Council for the purposes of informing and guiding development of the sustainable extension and as a material consideration for all subsequent planning applications.

The scheme is located adjacent to the A5 Emstrey Island, the main approach from the M54 which links to the West Midlands and next to Shrewsbury Business Park which is Shropshire's premier office park. The master plan envisaged that the Phase III would be logical extension of the Shrewsbury Business Park for predominantly new offices and business (B1) use. It is considered that the design and finish of the scheme is also complementary to the business park for this use which requires a high profile roadside location.

The site is located on rising ground which is visible from Emstrey island and the associated office park has a number of landscape features including an avenue of mature trees on Thieves Lane and boundary hedgerows. The proposals do not include any landscape proposals and the Council in its initial response to the application has asked for Landscape and Visual assessment. There is concern on the treatment of the car forecourt for used Jaguar and Land Rover vehicles on the frontage as it is not clear how this will be designed given the site levels. Whilst there is a need to provide clear site lines for car displays this has to be gauged against the need for landscaping on what is a highly visible site on the approach into Shrewsbury.

4.8

SC Conservation Manager has responded indicating:

I would refer you to our earlier comments regarding the necessity for appropriate external building materials and finishes, hard surface finishes and signage within the context of this site. It is noted that amended landscape plans and additional mitigation measures have been submitted as a result of the LVIA which is acknowledged. We have no further comments to provide at this stage.

An earlier response indicated:

I would refer you to our earlier comments, and while I have no additional comments to make at this time relevant to the additional information supplied, we would request that we are re-consulted once the requested LVIA has been produced. Further to our earlier comments on external materials and finishes, could I also add that external signage details and site illumination should also be such that they minimize visual impact and are appropriate to the context of the site, and it would be useful to review signage details when these are available.

An earlier response indicated:

This application proposes an extensive new commercial building to be occupied by car dealerships, including extensive areas of sales vehicle parking, and affects a large undeveloped site just west of the Emstry roundabout. This is a highly visible site adjacent to several highways and a major highway junction and is read against a largely rural landscape from most views. This type of development can have a significant impact on the landscape character of the area and should be fully assessed, and while this is not something that our Team can advise on we would recommend that obtaining the opinion of a qualified landscape professional is considered. Efforts to minimize the visual impact of this proposed facility with respect to appropriate external finishes including roof finishes along with appropriate vegetative screening is strongly recommended and should the application be approved appropriate conditions in this regard should be imposed.

While a desk-based assessment of historic Ordnance mapping does not readily indicate the presence of historic buildings on or in close proximity to the site, this should be assessed and confirmed by the applicant. I would also note that in

considering this planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and Historic England Guidance, and there may be heritage assets in the vicinity of this large site which should be addressed in terms of impact as part of this application in accordance with the above and this does not appear to have formed part of the application. I would also refer you to the consultee comments already provided by the Archaeology half of our Team.

4.9 **SC Planning Ecology** have responded indicating:

Please include the conditions and informatives below on a planning decision notice.

Please ensure that the applicant is aware of the bat lighting condition.

Environmental Network

Bat transect survey work has been submitted. Four species of bat (common pipistrelles, soprano pipistrelle, noctule and myotis) have been recorded using the site boundaries.

The summary from the Bat survey report is as follows:

It is concluded that there are no bat roosts within or close to the site boundary and it has been determined that the site has moderate potential for foraging bats. There were a higher concentration of records along the northern boundary and occasional records for pipistrelle along the southern boundary. Bats were using these linear features to commute around the rural landscape and forage.

Currently the majority of the site is not lit and is very dark at night. New development provides the opportunity to enhance the site's value for foraging bats and to minimise indirect impacts from lighting associated with the new development. This can be achieved by following accepted best practice (Institute of Ecology and Environmental Management 2006, Institute of Lighting Engineers 2009):

- The level of artificial lighting including flood lighting should be kept to a minimum, with light spill directed into the centre of the site;
- Recent LED technology should be utilised where possible. LED lights do not emit UV radiation, towards which insects are attracted, drawing them away from bat foraging areas in the surrounding landscape. Alternatively, low pressure sodium lights could be used. These can be a more cost effective option compared to LED lights and are the preferred option to high pressure sodium or mercury lamps. All lights should be directed at a low angle with minimal light spillage wherever possible; and

- Light spill on northern and southern boundaries should be kept to a minimum. If lighting is required this should be installed with the light directed into the development area wherever possible
 - Avoid light spill over the top of the tall limes trees; and
 - Ideally, some parts of the site (northern boundary) should be kept dark, preferably at bat emergence (0-1 hour after sunset) and during peak bat activity periods (e.g. 1.5 hours after sunset and 1.5 hours before sunrise).
 - Any post-development landscaping should include species considered to be of value to wildlife and include native species together with a range of flowering and night scented species. Planting a variety of species will serve to attract a range of insects which will be beneficial to bats and other wildlife.
- SC Ecology would highlight that the request for a Biodiversity Net Gain on this site is not restricted to bats, but also would benefit amphibians, other mammals, and nesting birds.

The following condition must be on a planning decision notice, and advice given in the bat survey report should be adhered to:

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

The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

Lighting informative

The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html. Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

Environmental Networks

Additional planting has now been offered in the site plan. SC Ecology would request that when a landscape scheme is submitted as part of a planning condition that SC Tree team are consulted on the species to be used (if the applicant does not want this planning condition on a planning decision notice, then I would recommend consulting SC tree team formally prior to a planning decision being made). The area of drainage to the east corner of the two sites should have species which would be suitable for wetter areas. Native species found locally in Shropshire should be used across the entire scheme where appropriate.

The following condition and informative should be on a planning decision notice:

2. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. bat and bird boxes, hedgehog-friendly gravel boards, badger accessible paths, and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables.

The plan shall be carried out as approved.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.

Great crested newts informative

Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

3. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

Badgers informative

Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection

Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;

- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) Identification of Persons responsible for:
 - i) Compliance with planning conditions relating to nature conservation;
 - ii) Installation of physical protection measures during construction;
 - iii) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - iv) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
- h) Possible remedial/contingency measures triggered by monitoring';
- i) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF

An earlier response indicated:

Please re-consult SC Ecology when the bat survey report is submitted in support of this proposal.

SC Ecology has raised the importance of enhancing and restoring ecological corridors on site. As previously discussed with Roy Leigh (ecologist prior to Ambiantal, via email dated 28th February 2018) the Shropshire Core Strategy

contains in Policy CS17: Environmental Network provision for protecting, maintaining, enhancing and restoring Environmental Networks in Shropshire in line with the recommendations of both The Lawton Review and the National Planning Policy Framework. The proposed plan should allow sufficient buffers to the existing hedgerow boundaries and should also enhance and restore connectivity through the site. In order to enhance the site for biodiversity, provide environmental networks across the site, and also to reduce potential negative impact on Bats/badgers/amphibians etc. SC Ecology would recommend a minimum buffer of 5-10m from the site boundary (this can be taken from the red line boundary) to the proposed development and 5 wide corridors through the site. Ideally the existing hedgerows would be enhanced with occasional standard planting and an area maintained as wildflower verge in order to enhance the biodiversity of the site. The 5-10m wide ecological corridors should be managed for biodiversity – this will also provide enhanced visual amenity.

I would recommend that this is included in the bat survey report with clear 'ecological corridors' highlighted on a site plan and showing the width (m) which are included in this ecological buffer. The ecologist should check that the species proposed in the landscape plan are native and locally found in Shropshire and this should be updated if they are not.

4.10 **SC Planning Policy** have responded indicating:

The primary policy to determine the principle of permitting this development is SAMDev Policy MD4 supported by Policies CS2 (Core Strategy, 2011) and S16.1 (SAMDev Plan, 2015). The development comprises the erection of new car dealership building comprising car showroom and servicing workshop and valeting facilities, plus standalone vehicle repair and prep building, and drive-through car wash, together with staff, customer and storage parking and external used car display area. In brief, it is considered that the development complies with SAMDev Policy MD4 as follows:

Policy MD4 and criterion (1)(v) proposes that employment development will be managed in accordance with the spatial strategies including Core Strategy Policy CS2: Shrewsbury. The application site is consistent with this requirement as it forms part of the employment allocation for the Phase 3 expansion of Shrewsbury Business on Thieves Lane and contributes to the development of the South Sustainable Urban Extension to Shrewsbury.

Furthermore, Policy MD4(1) requires employment proposals to deliver:

Criterion (i) – forms of sustainable employment development on allocated sites identified in the SAMDev Settlement Policies. This includes Policy S16.1: Shrewsbury which identifies the application site on Figure S16.1.1 within the employment allocation of the South Sustainable Urban Extension and Schedule S16.1b requiring the SUE to deliver Phase 3 expansion of Shrewsbury Business Park to deliver a range of business uses.

Criterion (iii) - Class B or Sui Generis uses that include industrial or commercial

employment opportunities. The description of the development combines the proposed land uses of a car sales showroom with a vehicle servicing workshop and valeting facilities and this combination of uses is recognised as a Sui Generis use. This is confirmed in the description on page 3 of the Design and Access Statement submitted with the application. It is further noted on page 5 of the Design and Access Statement that 30 new jobs will be created comprising around 15 skilled technical jobs including 6 new apprenticeships. The Proposed Floorspace Plan on page 20 of the Design and Access Statement also shows that the car sales showroom with a vehicle servicing workshop and valeting facilities will have approximately the same floorspace area. It is therefore assumed that a similarly significant proportion of the existing 70 jobs within the JLR operation (Design and Access Statement, page 5) are also employed in skilled technical jobs or apprenticeships within the vehicle servicing workshop and valeting facilities.

Criterion (iv) – operations which are compatible with adjoining uses. The commentary on page 6 of the Design and Access Statement indicates that the proposed buildings will not exceed a height of 8 metres (allowing for the specific AOD). The built development elevations are therefore considered to be acceptable in principle in relation to many developments delivered against Policy MD4. The surrounding uses will comprise Class B1a offices and B1c workshops, commercial petrol sales / retail / hot food takeaway and restaurants. It is therefore considered that the uses on the application site and on the adjoining areas of the existing Phase 2 and proposed Phase 3 extensions of Shrewsbury Business Park will be acceptable in principle. There may however, be further issues of compatibility due to the proximity of the application site to the A5 trunk road, and the capacity of the local highway network, given the reliance of many of these uses on trade from visiting members of the public.

I would however, commend the principle of this application for favourable consideration within a 'planning balance' judgement on the suitability and sustainability of the proposed development.

4.11 **SC Highways** have responded indicating:

The delivery of this site is dependent upon the access infrastructure coming forward and linked to current application 17/06157/FUL. Whilst a separate customer access is shown off Thieves Lane, the major access road infrastructure will need to be in place prior to the development being brought into use/open to trading.

Whilst the development is of course a large car dealership with large areas of cars on display, servicing and customers, there is no coherent pedestrian link with the adjacent planning application site and its layout or within the site itself. There will however clearly be an interaction of pedestrian movement between the two. In other respects the layout is straightforward and functional to its needs. The matters concerning pedestrian movement within the site and adjacent site could however be dealt with by planning condition.

As with application 17/06157/FUL Highways England have raised no objection to

the development subject to planning conditions. I consider that there are no fundamental issues with the development subject to the following Conditions:-

- ② Prior to the development hereby permitted being first brought into use/open to trading the external and internal highway works granted consent under planning permission 17/06157/FUL, shall be fully implemented in accordance with the approved details.
Reason: In the interests of highway safety and to ensure the proper coordination of the development.
- ② Prior to the development hereby permitted being first brought into use/open to trading, the development shall be laid out in accordance with the approved details together with further details to be submitted relating to the provision of internal footpath arrangements within the site boundary.
Reason: to provide adequate internal pedestrian provision within the site and coordinated pedestrian linkage to adjacent development.
- ② Prior to the development hereby permitted being first brought into use/open to trading the new vehicular access onto Thieves Lane shall be fully implemented in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
- ② Prior to the development hereby permitted being first brought into use/open to trading a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority; the Travel Plan shall thereafter be fully implemented for the life time of the development.
Reason: To promote sustainable travel and reduce carbon emissions.
- ② Prior to the commencement of development a detailed Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall remain in force for the construction period of development.
Reason: In the interests of highway safety.

4.12

SC Tree Manager has responded indicating:

These comments relate to the retention of the mature Lime trees fronting Thieves Lane. These trees are shown as retained and mention is made on the amended landscape proposals that the trees are to be protected to BS 5837 2012. However my recommendation is that a Tree Protection Plan (TPP) is added showing details of, and position of, protective fencing in order to comply with BS 5837. In addition it

appears from the drawing that some of the hardstanding such as the parking for courtesy cars may fall within the root protection areas of these trees and therefore an Arboricultural Method Statement is required outlining how the trees will be protected during construction using for example no dig methods of construction

4.13 **SC Landscape Consultant** has responded indicating:

We have carried out reviews of this LVA on 3 previous occasions, in March, April and May 2018. In each review we identified some issues and made recommendations that, in the main, have been addressed by the author of the LVA.

In our last review in May 2018 we recommended that;

1. The LVA be amended to ensure that the assessment of landscape is based consistently on the methodology appended to Revision A (May 2018) and not a mixture of different methodologies from different version
2. The reference in the LVA to all planting being indigenous species be removed
3. Details of the proposed retaining structure and means of protecting hedgerow H1 be submitted prior to determination of the application.

Having reviewed the current (Revision B October 2018) version of the LVA I can advise that recommendations 1 and 2 have been addressed and as a result we believe that the findings of the LVA are now reliable.

More information has been added to the LVA in response to recommendation 3 however it is limited to a reference to the retaining structure being built outside of the RPA of hedgerow H1 - however in the absence of any information on the temporary or permanent works required we are unable to validate whether this is likely to be possible. As it appears unlikely that the applicant will be providing this detail it may be pragmatic instead to include a pre-commencement condition to require the applicant to submit full details of the proposed retaining wall and method for protecting the hedgerow.

I hope that the above is of assistance to you, however, should you require any further information please do not hesitate to contact me

4.14 **Public Comments**

4.15 Three letters of objection have been received from members of the public.

Key planning issues raised can be summarised as follows:

- ☐ Detrimental impact on surrounding biodiversity
- ☐ Detrimental impact on the visual character of the surrounding area and built environment.

- ☐ Traffic signals needed on Emstrey Island.

One letter of support has been received from members of the public.

4.16

The letter indicates support for the development as it will contribute towards the economic development and future well-being in relation to the town.

5.0 THE MAIN ISSUES

- ☐ Principle of development
- ☐ Siting, scale and design of structure
- ☐ Visual impact and landscaping
- ☐ Ecology
- ☐ Highway access and transportation issues.
- ☐ Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes Government policy and is a material consideration to be given significant weight in determining applications.

6.1.2 The Shropshire Core Strategy was adopted in February 2011. Policies CS1 (Strategic Approach) and CS2 (Shrewsbury – Development Strategy) aim to encourage the continued sustainable growth of Shrewsbury as the County town. Shrewsbury is noted in CS1 as being the focus for significant retail, office, employment and residential development. CS2 goes on to provide more detail to CS1 in providing higher level policy guidelines to enable the town to achieve economic growth whilst protecting and enhancing the town's role, character and unique qualities of built and natural environment. CS2 provides for development in 'Shrewsbury South' referring to land off Thieves Lane/Oteley Road/Hereford Road in order to incorporate the expansion of Shrewsbury's business areas. With regard to economic development and employment uses Policy CS13, (economic development, enterprise and employment), encourages positive planning towards

developing and diversifying the Shropshire economy, supporting enterprise and economic sustainable growth which includes the development and growth of Shropshire's key business sectors and clusters.

- 6.1.3 The SAMDev for Shrewsbury, policy S16, follows from the principles set out in the Core Strategy policy CS2 encouraging sustainable economic growth. S16.1b: allocated employments sites indicates Shrewsbury South sustainable urban extension as an area to develop to deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE land use plan and adopted master plan in order to ensure development which will include provision of a new strategic employment site which includes the area the subject of this application and that this area has the potential to accommodate a range of types of businesses.
- 6.1.4 Also of relevance is Policy MD4: Managing Employment Development, this encourages sustainable developments which are compatible with adjoining land uses and includes reference to Class B and sui generis employment uses.
- 6.1.5 The Shrewsbury south Sustainable Urban Extension, (SUE), adopted master plan indicates the area that the application site forms part of as 'Shrewsbury Business Park – phase 3 for uses such as business and office space. The proposed use is on balance considered satisfactory in relation to local plan requirements as well as the overall aims and objectives of sustainable development in accordance with the requirements of the NPPF.
- 6.1.6 The policies within the Core Strategy and the SAMDev are considered to be consistent with the requirements of the NPPF as detailed in the following paragraphs.
- 6.1.7 At a national level the NPPF, Section 6, sets out the national policy for determining planning applications and 'building a strong, competitive economy' indicating that planning policies and decisions should help create the conditions in which business can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.1.8 Paragraph 82 of the NPPF makes reference to the requirement for planning policies and decisions to recognise and address the specific locational requirements of different sectors.
- 6.1.9 On balance development as proposed considered acceptable in principle when assessed against both local and national planning policies.
- 6.2 **Siting, scale and design of structure**
- 6.2.1 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.

- 6.2.2 The Design and Access statement submitted with the application indicates that owing to the overall gradient across the site, it is proposed to divide the site into two distinct areas. The lower area of the site will accommodate the main showroom and workshop, customer parking and the used vehicle display area. This area of the site will be substantially regraded to provide a customer access from Thieves Lane and a level platform for the showroom building with a 1:20 slope down to the roundabout forming the used vehicle display area. To facilitate this, it is proposed to construct a large retaining structure to maintain the upper area of the site at approximately existing levels. The upper site area will accommodate a vehicle repair and prep facility and all vehicle storage and staff parking. This area will also be used to receive car transporters delivering new vehicles to the dealership to obviate transporter waiting on Thieves Lane and the site layout will allow for transporters entering and exiting the site in forward gear. Access to the upper site area will be via a new estate road leading from the roundabout at the junction of Thieves Lane and Sitka Drive. Planning permission for this access road is subject to a separate application currently also under consideration by the Council by Euro Garages. (Application reference 17/06157/FUL).
- 6.2.3 In relation to renewable development the Design and Access Statement indicates that as part of the proposed development, a level of renewable energy generation will be allowed for, at least in line with the requirements of the Building Regulations. It is anticipated that this will be in the form of roof-mounted photovoltaic cells but a finalised solution will be developed during the detailed design phase. (No such information has been received in relation to this suggestion to date).
- 6.2.4 Whilst the application proposes a modern car room sales room and associated infrastructure that on balance with careful consideration to landscaping is considered acceptable in principle with consideration to the location, it is recommended that conditions are attached to any approval notice in order to ensure appropriate external building materials and finishes, are used along with suitable hard surface finishes and floor levels within the context of this site. Signage will be required in relation to development on site and this will be subject to a separate application which will need to include full details / specifications on the proposed signage. (Usual practice in relation to advertising).
- 6.2.5 On balance with consideration to the location, scale, massing and overall design the development is considered acceptable and in accordance with Policies CS2 and CS6 of the Shropshire Core Strategy, MD2 of the SAMDev and other key local plan policies, as well as the NPPF on this matter.
- 6.3 **Visual impact, landscaping and ecology.**

- 6.3.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping.
- 6.3.2 The application is accompanied by a landscape and visual impact assessment, (LVIA), (revised October 2018), and this concludes that the character of the site is open field, undulating, with hedgerow lining its boundaries. The landscape to the north consists of a business park development and grassland, to the east, south and west mixed farm land with some industrial and retail developments as well as residential development which is currently under construction. A characteristic element is the network of roads around the site.
- 6.3.3 The developments will result in a change of character of the site from open field with fenced hedgerow boundaries to buildings, roads, car park and hardstanding. Landscaping within and to the edges of the site will reduce and mitigate this impact in parts. The proposed buildings on site will range from 6.5 to 8 metres in height, however the 8 metre height building will be cut into the landscape in accordance with detail set out in the LVIA. As commended upon earlier the development is split between two levels, with consideration to this matter, and the site's prominent location, it is recommended that a condition is attached with regards to floor levels as visual impact is a significant consideration owing to the location and site's topography.
- 6.3.4 The proposed development will sit in the context of the existing industrial, business and retail parks surrounding it and the surrounding highway infrastructure. To the north of the site is the site for the proposed fuel filling station, drive through fast food unit and office development that is the subject of the separate application. The LVIA does give consideration to cumulative impacts with this development.
- 6.3.5 Views from five locations around the site were considered and it was assessed that changes to existing views from the receptors in the wider landscape would be difficult to discern.
- 6.3.6 Layout and landscaping of the site has been considered and the buildings will be suitably designed to integrate into the surrounding built form.
- 6.3.7 The development as proposed has been considered by the Council's Landscape consultant who has responded to the application raising no objections on the findings, conclusions and recommendations of the applicants LVIA, subject to further consideration to a proposed retaining wall and method for protecting the hedgerow. (Impacts), It is considered that this matter can be addressed via conditions attached to any approval notice issued.
- 6.3.8 The Council's Tree Manager has indicated concerns with regards to potential impacts on lime trees fronting Thieves Lane. These trees are shown as retained and mention is made on the amended landscape proposals that the trees are to be

protected to BS 5837 2012. In consideration of these concerns it is recommended that a Tree Protection Plan (TPP) condition is attached to any approval notice issued in order to ensure details of, and position of, protective fencing in order to comply with BS 5837 along with an Arboricultural Method Statement outlining how the trees will be protected during construction, as consideration may well be required to using no dig methods of construction.

6.3.9

The applicants have also submitted an ecological appraisal and the findings are considered acceptable by the Council's Planning Ecologist with conditions attached as outlined in the ecology response in paragraph 4.9 of this report.

6.3.10

Whilst the comments made by the member of the public on ecological issues are noted, on balance in consideration of landscape and visual impact and ecological issues with appropriate conditions attached to any approval notice in order to ensure development on site is carried out as proposed and adequately landscaped and maintained, with consideration to the welfare of existing trees adjacent to the site, as well as floor levels, the proposed is considered acceptable and in accordance with Policies CS2, CS5, CS6 and CS17 of the Shropshire Core Strategy, Policy MD12 of the SAMDev and the NPPF with regards to landscape and visual impacts and ecological matters.

Highway access and transportation issues.

6.4

Paragraph 111 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement so that likely impacts of the proposal can be assessed. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced

6.4.1

The applicants submitted a transportation assessment in support of their application and this concludes that there are no outstanding reasons why the proposed development of the site should not be granted planning permission on highways grounds.

6.4.2

The Council's Highways Manager has responded to the application, (in relation to the local highway network), indicating that the delivery of this site is dependent upon the access infrastructure coming forward and linked to current application 17/06157/FUL. Whilst a separate customer access is shown off Thieves Lane, the major access road infrastructure will need to be in place prior to the development being brought into use/open to trading. Concerns have been raised with regards pedestrian movements, however the response acknowledges that this matter can be addressed via condition.

6.4.3

6.4.4

SC Highways Manger raises no objections subject to conditions attached to any approval notice in respect of internal and external highway works, development being carried out in accordance with the approved details and pedestrian footpath

provision, new vehicular access onto Thieves Lane being fully implemented in accordance with full engineering details to be submitted, a travel plan and prior to the commencement of development a detailed Construction Traffic Management Plan

- 6.4.5 Highways England have responded indicating that the applicants as a result of further information received have demonstrated adequate consideration to highway matters with conditions attached in order to mitigate implications in relation to the Trunk Road. Conditions recommended refer to provision for a detailed design of a Sustainable Urban Drainage System, external lighting, (site is located very close to the Emstrey roundabout/junction, earthworks on site, a Construction Traffic Management Plan, detail in relation to a separate access for large commercial vehicles off Thieves Lane and on-site parking and turning areas.
- 6.4.6 Whilst it is noted that the local Parish Council, a member of the public and the local member have raised concerns in relation to highway and transportation issues, with consideration to the extensive discussions and further information received, and the final responses from the relevant highway and transportation consultees on this matter, with conditions attached as discussed above on highway matters the application is considered acceptable and in accordance with Policies CS2, CS6 and CS7 of the Shropshire Core Strategy, Policies MD2, MD4 and S16 of the SAMDev and the National Planning Policy Framework.

6.5 **Drainage**

- 6.5.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. Policy CS6 'Sustainable Design and Development Principles' also requires all developments to consider ground conditions including potential contamination.
- 6.5.2 A Flood Risk Assessment (FRA) has been carried out and submitted with the application. The FRA was carried out covering the application site as well as the adjacent site also currently under planning consideration, and notes that the site is in flood zone 1, the lowest probability of flooding and sequentially preferable zone to build on. The amended flood risk assessment indicates that it considered all potential risks of flooding to the site, impacts the development may have elsewhere with regards to flooding and outlines proposals to mitigate any potential risk of flooding determined to be present as well as consider preliminary drainage proposals to mitigate flood risk from the site.
- 6.5.3 Drainage and flood risk were a considerable concern by both the Council's Drainage Manager and in particular Highways England and this matter considerably delayed the progressing of this application, as Highways England were in particular concerned with regards insufficient information submitted in support of the application and potential flooding onto the adjacent trunk road, (A5),

which is situated on mostly lower ground than the application site.

6.5.4 Further information received on flooding and drainage issues is considered acceptable and both Highways England and the Council's Drainage Manager raise no objections subject to conditions attached in order to ensure adequate consideration to this matter in relation to sustainable drainage design, external lighting, (site very close to the Emstrey Island road junction), earthworks, construction traffic management plan, access in relation to large vehicles off Thieves Lane, and on-site parking and turning, (as outlined in the final response from Highways England in paragraph 4.3 of this report).

6.5.5 On balance in relation to both surface water and foul water drainage, the development with appropriate conditions attached to any approval notice issued is considered acceptable and in accordance with Policies CS2, CS6 and CS18 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the National Planning Policy Framework.

7.0 **CONCLUSION**

7.1 The site is located within the 'adopted' Shrewsbury South Sustainable Urban Extension, which is allocated as a comprehensive mixed use proposal for housing, employment, commercial and open space uses.

7.2 The vision for the master plan is to create a distinctive high quality place to enable the delivery of comprehensively planned and integrated development. The plan went through an extensive public consultation exercise and following a series of amendments was adopted by the Council for the purposes of informing and guiding development of the sustainable extension and as a material consideration for all subsequent planning applications. The plan envisaged that the site would be a logical extension of the Shrewsbury Business Park for predominantly new offices and business (B1) use.

7.3 This application is one of two applications for the comprehensive development of the land between the A5 and Thieves Lane which includes a separate 'hybrid application' for the development in 'full' of a new fuel filling station and ancillary convenience store, drive through coffee shop and in 'outline' for office development and associated car parking. It is considered the development as a whole, (both separate applications), will contribute towards economic development in this part of the town in accordance with the aspirations of the wider Shrewsbury South SUE. The location of the site adjacent to the A5 means it is appropriate for roadside uses.

7.4 As such the development as proposed is considered appropriate in principle given its mix use and location.

7.5 Issues in relation to highway and transportation, as well as drainage have been subject to considerable dialogue between the applicants and relevant consultees

which resulted in the requirement for significant amendments to the application during its planning process. These issues subject to appropriate conditions being attached to any approval notice issued are now on balance considered acceptable.

7.6

Also of concern during the application processing was landscape and visual impact, (a letter of objection received raised concerns about impacts on the surrounding environment), the site is in a prominent location in the local landscape and in close proximity to Emstrey road junction, in a location considered edge of town with a rural aspect. Whilst it is acknowledged that the site is surrounded by well used public highways further consideration was considered necessary in relation to landscape and visual impact and this resulted in a revised landscape and visual impact assessment as well as amended landscape plans. This matter as well as ecological interests with appropriate conditions attached to any approval notice issued as discussed in this report is now on balance considered acceptable.

7.7

Matters in relation to residential amenity, the historic environment, scale and design and other planning related matters considered acceptable.

7.8

The recommendation is therefore one of approval subject to the conditions as outlined in appendix one with any amendments to these conditions as considered necessary by the Head of Planning Services.

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, i.e. written representations, hearing or inquiry.

☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

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 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS13 - Economic Development, Enterprise and Employment
 Economic Development, Enterprise and Employment
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD4 - Managing Employment Development
 MD9 - Protecting Employment Areas
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S16 - Shrewsbury
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

17/05812/FUL Erection of new car dealership building comprising car showroom and servicing workshop and valeting facilities, plus standalone vehicle repair and prep building, and drive-through car wash, together with staff, customer and storage parking and external used car display area PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Claire Wild
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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until the applicant, or their agents or successors in title, 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 hold archaeological interest.

4. Prior to commencement of development hereby approved, the detailed design of the Sustainable Urban Drainage System (SuDS) which will include reference to surface and foul water drainage shall be submitted to and agreed by the Highways England Planning Response (HEPR 31-07) July 2018

Local Planning Authority following consultation with the Highway Authority for the A5 Trunk Road. The design shall accord with the submitted Drainage Strategy and Flood Risk Assessment dated September 2018 and shall demonstrate that the proposed Infiltration Tank is located above the ground water table or is constructed with an impermeable liner as recommended by the CIRIA SuDS Manual. A SuDS maintenance agreement shall be agreed which sets out how regular maintenance of the SuDS system will ensure the integrity of the proposed drainage system in perpetuity.

Reason: In order to ensure a satisfactory means of drainage is installed.

5. Prior to commencement of development hereby approved, the detailed design of the external lighting as outlined in External Lighting Layout Plan Rev 2 drawing no. 006158-00030 shall be submitted to and agreed by the Local Planning Authority following consultation with the Highway Authority for the A5 Trunk Road.

Reason: In order to ensure satisfactory lighting and consideration to highway safety.

6. Prior to commencement of any earthworks hereby approved that change ground levels, the erection of any retaining structures and/or the introduction of any additional loading within 10m of the trunk road highway boundary and/or crest of the A5 Earthwork: a detailed assessment of slope stability and retaining wall design will be prepared in accordance with BD2/12 Technical Approval of Structures and HD22/08 Managing Geotechnical Risk, BS6031:2009 Code of Practice for Earthworks, BSEN1997-1 +A1:2013 Geotechnical Design and BS8002:2015 Code of Practice for Earth Details of the Retaining Structures shall be submitted to and agreed in writing with the local planning authority following consultation with the Highway Authority for the A5 Trunk Road.

Reason: In consideration of highway safety and landscape and visual impact.

7. Prior to commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A5 Trunk Road. The approved scheme shall include detail of how any temporary construction access will allow access to the development site for necessary large construction vehicles without causing blockage to the highway network. The details be adhered to for the duration of the construction period.

Reason: In consideration of highway safety.

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

The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

9. All hard and soft landscape works shall be carried out in accordance with the approved plan (3865.MA REV A, 3865.01D-3865.05D); the works shall be carried out during the first available planting season after commencement of development on site. Any trees or plants that, within a period of five years after planting, are removed, die or become damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design, in line with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

10. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) Identification of Persons responsible for:
 - i) Compliance with planning conditions relating to nature conservation;
 - ii) Installation of physical protection measures during construction;
 - iii) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - iv) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

11. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF

12. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

13. 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 and all external finishes on site 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.

14. 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 safeguard trees and existing hedgerows to be retained on site as part of the development. (Detail is also required in relation to a proposed retaining wall and hedgerow, (H1 on the approved plans). The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

15. Prior to any development on site an Arboricultural Method Statement outlining how the trees on and adjacent to the site will be protected during construction, (using for example no dig methods of construction) will be submitted to the Local Planning Authority and approved in writing.

Reason: In order to ensure adequate protection to roots of existing trees located alongside the site.

16. Prior to any development on site details will be submitted to the Local Planning Authority and approved in writing from a datum point located outside the site (and that of the adjacent site), with regards to all finished floor levels and gradients within the site.

Reason: In order to ensure appropriate development on site in relation to the surrounding land topography and visual impact.

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

17. The development shall not be occupied until the separate access for large commercial vehicles off Thieves lane, shown as 'New Estate Road' within the approved Site Plan (drawing

ref M1135.A.102), is in operation. Following completions of construction works this access shall be the only point of access to the development for large commercial vehicles.

Reason: In consideration of highway safety.

18. Prior to the development hereby permitted being first brought into use/open to trading the external and internal highway works granted consent under planning permission 17/06157/FUL, shall be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the proper coordination of the development.

19. Prior to the development hereby permitted being first brought into use/open to trading, the development shall be laid out in accordance with the approved details together with further details to be submitted relating to the provision of internal footpath arrangements within the site boundary.

Reason: to provide adequate internal pedestrian provision within the site and coordinated pedestrian linkage to adjacent development.

20. Prior to the development hereby permitted being first brought into use/open to trading the new vehicular access onto Thieves Lane shall be fully implemented in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

21. Prior to the development hereby permitted being first brought into use/open to trading a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority; the Travel Plan shall thereafter be fully implemented for the life time of the development.

Reason: To promote sustainable travel and reduce carbon emissions.

22. The development shall not be occupied until the parking and turning areas indicated within the approved Site Plan (drawing ref M1135.A.102) are constructed and have opened. These areas shall remain in operation and available to the approved development.

Reason: In consideration of satisfactory on site transport and access safety.

Informatives

1. The sizing of the soakaways should be designed to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. The calculations for the total drained area should be provided.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. If permeable surfacing is not been used on any new parking bays/ area, a proposed surface water drainage system should be submitted for approval.

Reason: To ensure that the surface water runoff from the new parking bay is adequately drained.

3. The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html. Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

4. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

5. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.

6. Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

7. Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

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