



Committee and date  
Central Planning Committee  
22 November 2018

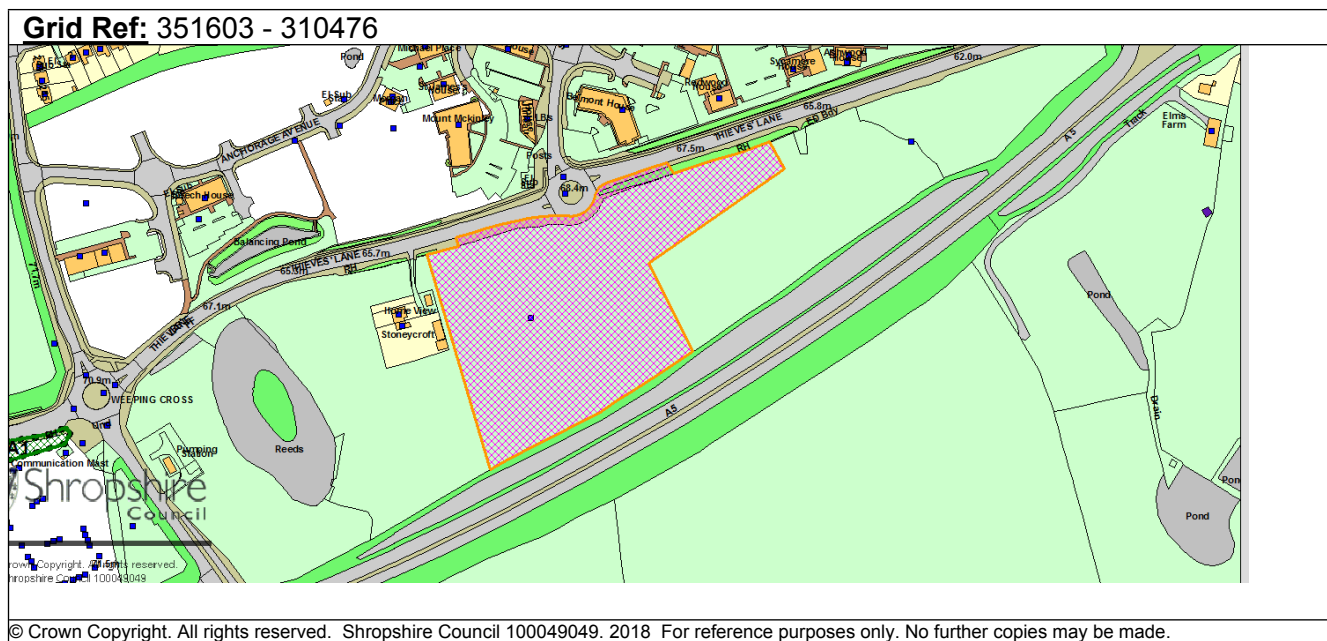
Item  
**7**  
Public

## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 17/06157/FUL	<b>Parish:</b> Atcham
<b>Proposal:</b> 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)	
<b>Site Address:</b> Proposed Commercial Development Land To The South Of Thieves Lane Shrewsbury Shropshire	
<b>Applicant:</b> Monte Blackburn Ltd	
<b>Case Officer:</b> Philip Mullineux	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>



**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 <sup>2</sup>	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 5,040m<sup>2</sup>

	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

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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

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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 385m<sup>2</sup> 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](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 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
- 6.5.5

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](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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