

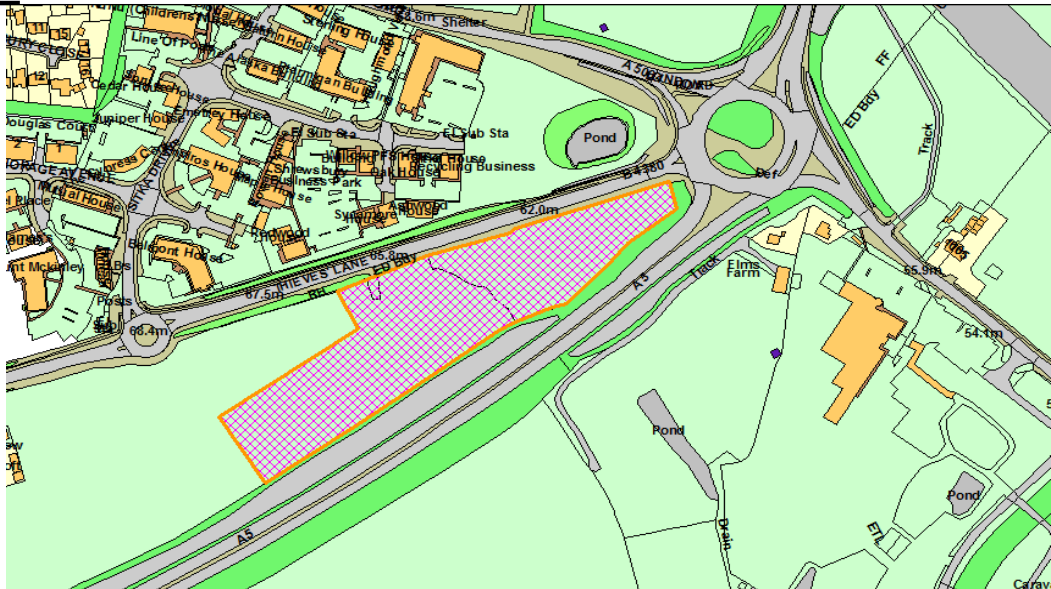
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

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

Grid Ref: 351888 - 310608



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

REPORT

1.0 THE PROPOSAL

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

2.0 SITE LOCATION/DESCRIPTION

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

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

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

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

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

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

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

4.2 Consultee Comments

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

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

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

Previous Responses

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

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

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

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

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

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

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

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

Updated Response

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

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

Highways England recommend conditions

Condition 1

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

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

Condition 2

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

Condition 3

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

Highway Authority for the A5 Trunk Road.

Condition 4

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

Condition 5

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

Condition 6

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

4.4

The SC Archaeology Manager has responded to the application indicating:

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

RECOMMENDATION:

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

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

Suggested Condition:

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

Reason: The site is known to hold archaeological interest.

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

Drainage Comment:

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

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

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

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

The calculations for the total drained area should be provided.

Condition:

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

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

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

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

An earlier response indicated:

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

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

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

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

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

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

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

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

time to address the outstanding concerns.

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

Condition:

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

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

Earlier responses indicated:

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

No new drainage information has been submitted for comment.

Our drainage comments dated 3 January 2018 remained the same.

The previous comment indicated:

Drainage Comment:

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

Condition:

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

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

Informative Notes:

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

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

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

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

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

4.6 SC Regulatory Services have responded indicating:

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

An earlier response indicated:

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

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

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

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

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

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

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

An earlier response indicated:

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

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

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

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

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

4.8

SC Conservation Manager has responded indicating:

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

An earlier response indicated:

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

An earlier response indicated:

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

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

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

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

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

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

Environmental Network

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

The summary from the Bat survey report is as follows:

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

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

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

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

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

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

The plan shall:

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

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

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

Lighting informative

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

Environmental Networks

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

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

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

The plan shall be carried out as approved.

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

Landscaping informative

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

Nesting birds informative

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

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

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

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

Great crested newts informative

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

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

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

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

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

Badgers informative

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

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

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

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

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

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

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

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

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

The plan shall be carried out as approved.

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

An earlier response indicated:

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

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

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

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

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

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

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

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

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

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

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

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

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

4.11 **SC Highways** have responded indicating:

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

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

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

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

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

4.12

SC Tree Manager has responded indicating:

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

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

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

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

In our last review in May 2018 we recommended that;

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

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

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

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

4.14 **Public Comments**

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

Key planning issues raised can be summarised as follows:

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

- ☐ Traffic signals needed on Emstrey Island.

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

4.16

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

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

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

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

- 6.1.3 The SAMDev for Shrewsbury, policy S16, follows from the principles set out in the Core Strategy policy CS2 encouraging sustainable economic growth. S16.1b: allocated employment sites indicates Shrewsbury South sustainable urban extension as an area to develop to deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE land use plan and adopted master plan in order to ensure development which will include provision of a new strategic employment site which includes the area the subject of this application and that this area has the potential to accommodate a range of types of businesses.
- 6.1.4 Also of relevance is Policy MD4: Managing Employment Development, this encourages sustainable developments which are compatible with adjoining land uses and includes reference to Class B and sui generis employment uses.
- 6.1.5 The Shrewsbury south Sustainable Urban Extension, (SUE), adopted master plan indicates the area that the application site forms part of as 'Shrewsbury Business Park – phase 3 for uses such as business and office space. The proposed use is on balance considered satisfactory in relation to local plan requirements as well as the overall aims and objectives of sustainable development in accordance with the requirements of the NPPF.
- 6.1.6 The policies within the Core Strategy and the SAMDev are considered to be consistent with the requirements of the NPPF as detailed in the following paragraphs.
- 6.1.7 At a national level the NPPF, Section 6, sets out the national policy for determining planning applications and 'building a strong, competitive economy' indicating that planning policies and decisions should help create the conditions in which business can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.1.8 Paragraph 82 of the NPPF makes reference to the requirement for planning policies and decisions to recognise and address the specific locational requirements of different sectors.
- 6.1.9 On balance development as proposed considered acceptable in principle when assessed against both local and national planning policies.
- 6.2 **Siting, scale and design of structure**
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire

Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

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

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

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

6.3.9

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

6.3.10

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

Highway access and transportation issues.

6.4

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

6.4.1

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

6.4.2

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

6.4.3

6.4.4

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

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

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

6.5 **Drainage**

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

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

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

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

7.0 **CONCLUSION**

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

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

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

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

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

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

7.6

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

7.7

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

7.8

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

8.0

Risk Assessment and Opportunities Appraisal

8.1

Risk Management

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

☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

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

RELEVANT PLANNING HISTORY:

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

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Claire Wild
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: The site is known to hold archaeological interest.

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

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

Reason: In order to ensure a satisfactory means of drainage is installed.

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

Reason: In order to ensure satisfactory lighting and consideration to highway safety.

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

Reason: In consideration of highway safety and landscape and visual impact.

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

Reason: In consideration of highway safety.

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

The plan shall:

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

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

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

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

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

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

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

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

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

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

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

The plan shall be carried out as approved.

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

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

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

13. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls and all external finishes on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

14. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees and existing hedgerows to be retained on site as part of the development. (Detail is also required in relation to a proposed retaining wall and hedgerow, (H1 on the approved plans). The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

15. Prior to any development on site an Arboricultural Method Statement outlining how the trees on and adjacent to the site will be protected during construction, (using for example no dig methods of construction) will be submitted to the Local Planning Authority and approved in writing.

Reason: In order to ensure adequate protection to roots of existing trees located alongside the site.

16. Prior to any development on site details will be submitted to the Local Planning Authority and approved in writing from a datum point located outside the site (and that of the adjacent site), with regards to all finished floor levels and gradients within the site.

Reason: In order to ensure appropriate development on site in relation to the surrounding land topography and visual impact.

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

17. The development shall not be occupied until the separate access for large commercial vehicles off Thieves lane, shown as 'New Estate Road' within the approved Site Plan (drawing

ref M1135.A.102), is in operation. Following completions of construction works this access shall be the only point of access to the development for large commercial vehicles.

Reason: In consideration of highway safety.

18. Prior to the development hereby permitted being first brought into use/open to trading the external and internal highway works granted consent under planning permission 17/06157/FUL, shall be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the proper coordination of the development.

19. Prior to the development hereby permitted being first brought into use/open to trading, the development shall be laid out in accordance with the approved details together with further details to be submitted relating to the provision of internal footpath arrangements within the site boundary.

Reason: to provide adequate internal pedestrian provision within the site and coordinated pedestrian linkage to adjacent development.

20. Prior to the development hereby permitted being first brought into use/open to trading the new vehicular access onto Thieves Lane shall be fully implemented in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

21. Prior to the development hereby permitted being first brought into use/open to trading a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority; the Travel Plan shall thereafter be fully implemented for the life time of the development.

Reason: To promote sustainable travel and reduce carbon emissions.

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

Reason: In consideration of satisfactory on site transport and access safety.

Informatives

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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