



Committee and date

South Planning Committee

24 September 2019

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 19/02268/FUL	Parish:	Bishops Castle
Proposal: Erection of four industrial units; formation of estate road and parking areas with planting scheme		
Site Address: Proposed Commercial Development Land To The North Of Bishops Castle Business Park Bishops Castle Shropshire		
Applicant: Shropshire Council (Economic Growth)		
Case Officer: Heather Owen	email: planning.southern@shropshire.gov.uk	

Grid Ref: 332784 - 288330



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 2.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the following:

- Erection of four industrial units for B1 (light industrial, including office uses which fall outside of the A2 office use and research and development), B2 (general industrial) and B8 (storage and or distribution) usage.
- Formation of estate road, parking areas and cycle shelter.

1.2 Buildings 1 and 2 are proposed to have a floor area of around 1,394sqm each and would be sited along the north west side of the site. Buildings 3 and 4 are proposed to be located along the eastern side of the site effectively in front of building 2. Both buildings have proposed floor areas of approximately 929sqm, with building 4 proposed to be subdivided into 5 starter units of approximately 185sqm each.

1.3 Each building is designed with a 5 degree mono-pitched roof, which would have a maximum height of approximately 10m on the building frontages, decreasing to a height of around 8.1m to the rear. The buildings are proposed to be clad on the roof and walls in profiled panels, colour to be grey.

1.4 The majority of the openings proposed would be within the frontages of the buildings. For the 3 larger units (buildings 1, 2 and 3) there is proposed to be a central fully glazed pedestrian entrance with glazing either side. Two industrial roller doors large enough for vehicles are proposed to be sited towards each end of the front elevation. The side elevations have no openings proposed and openings on the rear elevation are minimal, kept to the insertion of fire exit doors.

1.5 Building 4 has a slightly different design due to the proposal to subdivide this unit into smaller starter units. Three of the units are proposed to include industrial roller doors for vehicles, the other two units propose full glazed openings of a similar size of the roller doors.

1.6 Parking areas for each unit are proposed to sit immediately in front of each building. The plans indicate the site would be accessed in two locations towards the south of the site linking up with the existing business park road. Areas of landscaping in the form of two planted beds are proposed to the centre of the site. Within this area to the front of building 3 a cycle shelter of approximately 4.2m by 1.8m with a height of 2.9m is proposed that would provide 8 hoops.

1.7 The proposed scheme falls within the description of development under paragraph 10(a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment Regulations), 2017 as Industrial estate development projects. With the area of development being 1.16ha which exceeds the threshold of 0.5ha in column 2 of the table in that Schedule, a Screening Opinion has been carried out and issued to the effect that an Environmental Impact Assessment is not required for this development proposal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is an allocated parcel of land adjoining the north of Bishops Castle Business Park which is located on the eastern edge of Bishops Castle, accessed directly off the B4385, Brampton Road.
- 2.2 The site is currently a rough parcel of land, with mature hedge and tree boundaries running along the north and western sides of the site. To the north lies open farm land. A group of allotments and an area of public amenity space is set to the west. Beyond the existing business park to the south east is the sewage treatment works.
- 2.3 The site is within the catchment of the River Clun which is a designated Special Area of Conservation (SAC). Whilst outside of the Shropshire Hills AONB, the boundary of the AONB should be noted at approximately 415m to the south of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is presented for determination by planning committee as the application is made by Shropshire Council and the proposed development is a speculative proposal not in line with its statutory functions.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Bishops Castle Town Council: The Council supports the application.

- 4.1.2 SuDs: 03rd September 2019:
Option 2 – to divert overland flows and provision of flood compensation area is the preferred method of surface water drainage if building 3 cannot be relocated.

Recommend conditions requiring submission of detail foul and surface water drainage and detail of the diversion of overland flows and flood compensation area, including an exceedance flow path.

SuDs: Comments on Flood Risk Assessment: 22nd July 2019: A Flood Risk Assessment has been provided and the recommendations with the conclusions should be taken into account, in particular building 3 should be relocated outside of the surface water flood risk area to the very low risk areas to avoid any flood displacement and prevent internal flooding.

Repeat recommendation for a condition requiring surface and foul water drainage details.

SUDs Original Comments : 22nd May 2019: Additional information required.

The development site is greater than 1 hectare, a Flood Risk Assessment (FRA) should be produced.

Conditions recommended requiring details of surface and foul water drainage.

- 4.1.3 SC Trees: No objection – During site clearance and construction recommend the north-east hedgerow and mature ash tree is protected in the following ways:
- (i) No lowering of ground levels within 2.5m of the centre of the hedgerow and 5m of the retained mature ash tree.
 - (ii) The hedgerow and retained tree be protected during all site works by a tree protection fence of heras fencing fixed at no less than 2.5m from the centre of the hedgerow and at a 5m radius from the stem of the retained ash tree.
- 4.1.4 SC Highways: No objection – recommend plans are amended to include cycle storage facilities. Two cycle hoops per building are recommended that can either be collected together or set out per building. Recommend conditions requiring submission of a Construction Method Statement and the formation of parking, loading, unloading and turning areas before the first use of the site.
- 4.1.5 SC Ecology: Recommend conditions and informatives relating to bats, birds, landscaping and external lighting.

Habitat Regulations Assessment Matrix relating to the River Clun SAC completed and concluded that there are no potential effect pathways by which the proposed development might impact on the River Clun SAC.

4.2 Public Comments

- 4.2.1 This application has been advertised for 21 days via site and press notices and directly in write to 3 neighbours:
- 4.2.2 1 letter of support has been received from the Enterprise South West Shropshire Board of Directors:

This development is becoming more and more important for several reasons:

1. There are no vacant workshop units available to let in the area. We have 7 at Enterprise House and they are always full - we have a very, very low turnover.
2. Business growth requires that we have a range of different size/cost accommodation. This would allow existing business to move into larger premises and new businesses to take up the smaller/starter units.
3. With up to 60 new dwellings planned within the town there will be a demand for local employment.
4. More jobs locally will mean less commuting miles.
5. We are aware that businesses wish to move into the area and that there are businesses that, in needing to grow, may seek accommodation elsewhere.
6. The rural economy depends upon rural employment.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Ecology
Drainage and flood risk
Highway Safety
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The National Planning Policy Framework (NPPF) seeks to ensure that planning policy should enable businesses to invest, expand and adapt. At Shropshire's Development Plan level, Policy CS13 of the Core Strategy, seeks to promote the county as a business location providing a flexible supply of employment sites in appropriate locations to meet the demand of businesses, as well as facilitating infrastructure provision. This is further supported by SAMDev policy MD4 which permits sustainable economic and employment developments on suitable sites and for Class B Uses.
- 6.1.2 The application site is part of a site which has been allocated within the SAMDev settlement policy S2.1 for Bishops Castle as the most sustainable location for new employment development. It is part of an existing employment commitment originally granted planning permission in 1989 (SS/1989/01127) which included the existing adjacent business park and is identified in the SAMDev settlement policy as the 'phase 2' expansion of Bishops Castle Business Park.
- 6.1.3 The explanatory text of the settlement policy at paragraph 4.16 states that:
- 'The Business Park with the existing highway access and distributor road have the potential to deliver a significant Phase 2 expansion providing over 2 hectares of Class B1, B2 and B8 development in the period to 2026. The Phase 2 expansion will require the new land to be accessed and serviced through the existing Business Park before the site can be marketed as a readily available site for employment use.'*
- 6.1.4 Given the above policy objectives the proposed development of the site for Class B usage is considered to be acceptable in principle. A condition which restricts the uses of the buildings for Class B uses is recommended to be included on any permission granted to enable the Local Planning Authority to retain control of development on this business park in the interests of the amenity of the area.

6.2 Siting, scale and design of structure, visual impact and landscaping

- 6.2.1 Core Strategy policy CS6 and SAMDev policy MD2 seek to create sustainable places and requires development to be designed to a high quality using sustainable

design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

- 6.2.2 Core Strategy policy CS17 and SAMDev policy MD12 seeks to ensure that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.2.3 The design of the units is to an extent restricted by their need to be functional to enable Class B usage and in terms of the materials and scale the proposed buildings are in keeping with the existing units on the adjoining business park. The cycle shelter is a small building in comparison to the other units proposed and its design is of standard, simple form for the function proposed.
- 6.2.4 The site is currently well screened by existing mature tree and hedge lined boundaries along Love Lane and the north boundary of the application site itself. Where glimpses of the units maybe seen, particularly for example during winter months the proposed buildings would be viewed alongside existing development relating to the Bishops Castle settlement and would not appear as an isolated development within the rural area. As noted previously within this report the site is outside of the Shropshire Hills AONB, however the boundary of this national designation is approximately 415m to the south west of the application site. The impact of the development on the setting of the AONB and its character and natural beauty is considered to be minimal given the factors above. Conditions are recommended to secure tree/hedge protection along the boundary to the north east of the site during construction works.

6.3 Biodiversity

- 6.3.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitats. The NPPF emphasises that Local Planning Authorities should ensure development contributes to and enhance the natural and local environment, minimising impacts on biodiversity and providing net gains where possible. This is supported at local level through policies CS17 and MD12.
- 6.3.2 The application has been accompanied by an Ecology report by SLR consulted Ltd, which has been reviewed by the Councils Ecologist and whom is content that ecological interests can be safeguarded by condition and informatives.
- 6.3.3 This site is within the catchment of the River Clun Special Area of Conservation (SAC) designated due to the rivers population of Freshwater Pearl Mussels. The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. As such the Councils Ecology team have carried out a Habitat Regulation Assessment (HRA) attached as appendix 1 to this report. The HRA notes that the proposed development seeks to connect foul drainage to the public sewage system. Due to completion of phosphate stripping upgrades at sewage treatment works within the Clun Catchment, in order to reduce phosphate by 75%. The reduction in phosphate has been calculated to allow for the predicted level of development in the Local Plan within the catchment until 2026. As such

development connecting to the sewage treatment works can be assumed to have no likely significant effect, alone or in combination with other projects on the River Clun SAC.

6.4 Drainage and flood risk

- 6.4.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff.
- 6.4.2 As the development site is greater than 1 hectare a Flood Risk Assessment has been produced which confirms that the site is within Flood zone 1 and thus there is low risk of flooding from any nearby watercourses.
- 6.4.3 In terms of surface water flood risk the majority of the site is within the within very low risk zone where buildings 1, 2 and 4 would be sited. A high-risk zone is located along the south-central part of the site where soft landscaping is proposed. Part of building 3 would be sited on a low risk zone. The applicants have investigated options to relocate building 3 so it falls completely within the very low risk zone, however due to other site constraints it has been concluded that it is not possible to relocate this building. As such further assessment on flood risk of this area has been carried to include more detailed analysis of predicted flood depths, which has concluded that the potential depth of flood water at the worst case would be up to 0.15m. Two flood mitigation options have been considered, option 1 to create a flood resilient building or option 2 to divert overland flows and provide a flood compensation area. As part of this option the finished floor level of the building would be set above the anticipated depth of surface water flood and the water will be diverted around the building using drainage features such as swales and directed to flood compensation area within the application site to avoid flood water being displaced outside of the site. This 2nd option is the preferred method from the applicant's perspective and the Councils Drainage team have reviewed the options and concur that option 2 would be the preferable way to deal with the risk of surface water flooding, recommending conditions to secure the detailed design of the mitigation measures.

6.5 Highway Safety

- 6.5.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraphs 108 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and at paragraph 109 it states that:

"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

- 6.5.2 Core Strategy policy CS6 seeks to secure safe development and to have appropriate parking. It also seeks to ensure that proposals likely to generate significant levels of traffic 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 reduced.

- 6.5.3 The scheme seeks to link up with the estate roads on the existing business park, with no alterations proposed junction where the existing business park road meets the B road. The Councils Highways Team is content with the level of parking proposed and amended plans have been received to incorporate a cycle storage area for 8 bicycles as recommended by the Councils Highways Team.
- 6.5.4 Turning to the impact of the proposal on the wider highway network. The proposed business will inevitably generate additional traffic to the local area, however it is close to a principal road network of the A488 where it meets the B4385. As such the Councils Highways Team expects that the generated traffic numbers will be diluted as they migrate to and from the site and from and to the numerous directions offered nearby. The Councils Highways Team also note that Class B uses are normally the type of businesses that populate such sites often start and finish the daily business before, during and after the peak periods of traffic flows, this will further help dilute the overall traffic impact. Overall the Councils Highway Team are content that the proposed development would not result in an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe.

6.6 Residential Amenity

- 6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest residential properties are located off Love Lane approximately 90m away, separated from the site by the road, allotments and public amenity land. At such distance the proposed buildings would not be overbearing or result in loss of light to prevent the enjoyment of these residential dwellings by the occupiers. Buildings 1 and 2 are the closest units to these neighbours and the orientation and design of these buildings is such that the main openings would face into the business park rather than the elevations facing the neighbouring site. This should help mitigate noise levels keeping it more enclosed within the business park.

7.0 CONCLUSION

- 7.1 The parcel of land subject to this application is a site allocated within the SAMDev settlement policy S2.1 for Bishops Castle as the most sustainable location for new employment development. In principle as such the use of this site for development to provide accommodation for Class B uses is acceptable.
- 7.2 The units proposed would provide for a range of Class B Uses and the design and scale are compatible with the adjacent Business park to which the site would connect.
- 7.3 Surface water drainage can be managed so as not to exacerbate the risk of flooding elsewhere. The site can be development without harm to the character of the surrounding area and wider landscape including the setting of the Shropshire Hills AONB and would not result in undue harm to biodiversity, residential amenity or highway safety.

- 7.4 The scheme complies with the main objectives of relevant development plan policy and it is recommended that planning permission is granted subject to conditions.

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:
National Planning Policy Framework
National Planning Policy Practice Guidance

Core Strategy and SAMDev Plan Policies:
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS13 - 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
MD12 - Natural Environment

Settlement: S2 - Bishops Castle

RELEVANT PLANNING HISTORY:

11/00098/FUL Erection of workshop / office building, with vehicle circulation and parking areas and access (following demolition of existing demountable building) GRANT 7th March 2011

SS/1/1234/R/ Construction of infrastructure roads, footways and sewers for industrial development. PERCON 27th June 1991

SS/1989/1127/O/ Use of land for industrial development. PERCON 19th February 1990

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PRTE1YTDMFE00>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Ruth Houghton
Appendices APPENDIX 1 – River Clun SAC – Habitat Regulations Assessment APPENDIX 2 - Conditions

APPENDIX 1

Habitats Regulations Assessment (HRA) Screening Matrix

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Proposed Commercial Development Land To The North Of Bishops Castle Business Park Bishops Castle Shropshire (19/02268/FUL) undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

15th July 2019

HRA screening matrix completed by:

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2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts

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are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	19/02268/FUL Proposed Commercial Development Land To The North Of Bishops Castle Business Park Bishops Castle Shropshire
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on most planning applications within this area.
Description of the plan or project	Erection of four industrial units
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No Planning applications connecting to sewage treatment works in the Clun Catchment are considered to have no likely significant effect alone or in combination due to the upgraded phosphate stripping now installed.

2.2 Statement

An interim 'Guidance note for developers on requirements for waste water management for any development in the Clun Catchment' has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until further notice, with the exceptions detailed below. The guidance note is currently under review and the council website should be checked for the most recent version:

<http://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/ecological-surveys-for-planning-applications/>.

The Nutrient Management Plan for the Clun Catchment was published in October 2014 and can be viewed at <https://www.gov.uk/government/publications/nutrient-management-plan-river-clun>.

Evidence, analysis, targets and measures to reduce phosphate in the River Clun are detailed in section 4.1 of the Nutrient Management Plan.

Sewer connections

Phosphate stripping designed to reduce phosphate by 75% from sewage treatment works discharging to the Clun river catchment has now been installed within the catchment (see notification from Severn Trent Water in Appendix 1). Planning permission can now be granted for applications involving new foul water connections to the **Bishop's Castle**, Bucknell, Clun, Lydbury North, Aston on Clun, Newcastle on Clun and Clunbury sewage treatment works. The reduction in phosphate has been calculated to allow for the predicted level of development in the Local Plan within the catchment until 2026. Hence there are now no restrictions on new sewer connections.

CONNECTION TO MAINS SEWAGE TREATMENT WORKS

The proposed development will connect to Clun Sewage Treatment Works. Due to completion of phosphate stripping upgrades at sewage treatment works within the Clun Catchment, in order to reduce phosphate by 75%, properties connecting to the sewage treatment works can be assumed to have **no likely significant effect**, alone or in combination with other projects on the River Clun SAC.

In view of the above, and providing that the development is carried out according to the details submitted, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun.

There is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

3.0 Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,
must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

Habitats Regulations Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

APPENDIX 2

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. 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 for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

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

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - o the parking of vehicles of site operatives and visitors
 - o loading and unloading of plant and materials
 - o storage of plant and materials used in constructing the development
 - o wheel washing facilities
 - o measures to control the emission of dust and dirt during construction
 - o a scheme for recycling/disposing of waste resulting from demolition and construction works
 - o a traffic management and HGV routing plan

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

5. Before any development commences a tree protection fence of heras fencing shall be erection fixed at no less than 2.5m from the centre of the hedgerow and at a 5m radius from the stem of the retained ash tree along the north east boundary. The tree protection fencing shall remain in place for the duration of the construction of the development and at no time shall there be a lowering of ground levels within 2.5m of the centre of the hedgerow and 5m of the retained mature ash tree.

Reason: To protect the existing landscaping during the construction phase of the development in the interest of visual amenity.

6. No development shall take place until a scheme of the surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the diversion of overland flows and flood compensation area, including an exceedance flow path for building 3. 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.

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

7. Prior to the first use of the development 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. hibernacula 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) Implementation timetables.

The landscaping plan shall be carried out as approved and in full accordance with the approved implementation timetable.

Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously 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.

8. Prior to first occupation / use of the buildings, the following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

and the precise makes, models and locations of bat and bird boxes shall be first submitted to and approved in writing by the Local Planning Authority.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

10. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

11. The units hereby approved shall be used for B1, B2 or B8 Use Classes only; and for no other purposes in Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to restrict the use of the premises to protect the employment uses and in the interest of the amenities of the area.

Informatives

1. 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/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

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.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

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

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