



Committee and date

South Planning Committee

19 November 2019

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 19/03734/OUT	<b>Parish:</b> Minsterley
<b>Proposal:</b> Outline application (access for consideration) for mixed use development of residential and business units	
<b>Site Address:</b> Proposed Development Land At Former Bus Depot Minsterley Shrewsbury Shropshire	
<b>Applicant:</b> ATBAY Ltd	
<b>Case Officer:</b> Nanette Brown	<b>email:</b> <a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>

**Grid Ref:** 337923 - 305285



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Contact: Tim Rogers (01743) 258773

**Recommendation:- Grant Permission subject to the completion of a s106 agreement to secure affordable housing provision on site and the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks outline planning consent for a mixed use for the site, to include residential and business units with associated parking. All matters have been reserved for future consideration with the exception of access which is to be considered by this application.

1.2 The application form submitted states that 18 social houses are proposed along with 360sqm of B1(c) light industrial space which would equate to 12 fulltime jobs.

1.3 A site layout plan has been submitted with the application that shows the proposed site access located at the south eastern corner of the site. This drawing also gives an illustrative layout indicating the potential layout of the proposed housing at the front (south) section of the site and business units to the rear (north) of the site.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application is set to the north of the A488, the main road that passes through Minsterley. The western boundary of the site extends to the eastern edge of the adjacent Muller dairy site, with residential housing located to the east, including the recently built housing accessed off Linden Fields. To the south of the site and A488 are situated some further residential properties, Maple Drive.

2.2 This brownfield site is currently unused and is surrounded by a metal security fence. The site area is stated as being 5737sqm.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as Minsterley Parish Council has submitted a view that raises material planning considerations and requests that the application be considered by the planning committee. The application has also been referred by the Local Member, and the Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman agrees that the application should be determined by committee.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

SUDs – No objection

Comments dated 9 September 2019:

The Surface Water Management Plan in the submitted FRA is acceptable in principle. Our drainage comments No. 2: Condition and No. 3: Informative Notes

dated 3 September 2019 remained unchanged.

Comments dated 3 September 2019:

1. A FRA should be submitted for approval prior to the determination of the planning permission.

SC Highways – Comments

It is considered that the proposed development could be acceptable, from a highways and transport perspective, if the following conditions are imposed and subsequently met.

The proposed main access road to the prospective employment area should be designed and constructed to an appropriate specification and layout to adoptable standards, to accommodate the size/weight of vehicles (HGV) that could potentially service the work units. Including appropriate parking and turning facilities, junction radii and visibility splays on the A488.

Should these proposals include significant landscaping, specific care will need to be applied to ensure that any new and existing trees, or sizable shrubs, do not result in difficulties for highway/pedestrian safety, both internally and/or along the principal road (A488), (i.e. root growth, leaf litter, etc.)

Given the proximity of the site to local amenities and to promote travel sustainability. It is considered that the development should provide a footway along the entire A488 frontage of the site. As well as a pedestrian/cycle link to this footway from the termination of the private residential estate road.

Notwithstanding the above, the proposed parking layouts for the affordable properties, near the junction with A488, will need to be reconsidered, prior to any future submission. Currently, the potential reversing of parked vehicles into the path of turning traffic from A488, is not in the interests of highway safety.

Conditions – road design, access prior to other operations, visibility splays, footway and informatives.

SC Ecology – No objection

Have read the submitted Preliminary Ecological Appraisal (Arbor Vitae, n.d.). Am happy with the level of survey work and recommend that the following conditions and informatives are included on the decision notice: Landscaping Plan, Bird and Bat boxes, lighting plan, nesting birds & wildlife protection.

SC Regulatory Services - comments

As per application 18/03583/OUT, the applicant has answered Question 6 of the application form indicating that land at the site is known to be contaminated. However, again an appropriate assessment has not been provided. We therefore refer to our previous comments and advise that that should the application be granted, the below conditions should be applied:

The applicant has indicated in Question 6 (existing use) that the site is both known to be contaminated and contamination is suspected for all or part of the site.

However, no contamination assessment has been submitted with this outline application.

The site is a former bus depot that included fuel storage and vehicle maintenance. Previous on-site investigations that Regulatory Services and the Environment Agency are aware of have identified significant contamination (organics TPHs, PAHs, and inorganics cadmium, arsenic and lead) in both soils and groundwater that remain un-remediated. Previous site investigations were carried out more than 11 years ago and given the potential mobility of the on-site contamination, Regulatory Services recommends that further investigation is now required in order to support remediation objectives for this site. Therefore, if this outline application is approved, the following conditions in respect of contaminated land are to be included in the Decision:

#### Contaminated land

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.  
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in

Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

SC Affordable Housing team – No objection

The application site lies within the development boundary of Minsterley and as such Core Strategy Policy CS11 requires that the development contributes towards affordable housing. There would be a requirement for on-site affordable housing provision based on the prevailing target rate at the time of the Reserved Matters. The current prevailing rate for Minsterley is 15% and therefore for a development comprising 18 dwellings, would generate a requirement for 2 affordable dwellings together with a financial contribution for the remaining fraction, should the indicative layout be submitted as a Reserved Matters proposal. The current proposal relates to 100% affordable provision and is supported by the Housing Enabling team, subject to a S106 Agreement being in place to retain the affordable rented dwellings in perpetuity and to prescribe allocation in accordance with the Council's Allocation Policy.

Minsterley Parish Council – neither objecting to or supporting

The Parish council call for this application to go to committee and ask to speak at any such meeting.

1/ This majority of this land is covenanted land for business use. The portion allocated for housing exceeds the for residential land and all the covenanted land is given to residences.

2/ any footpath should be the length of the site

3/ adopted road to have highway lighting

4/ ensure exit has correct sight lanes

5/ requires relief drainage for culver for little Minsterley to avoid flooding which is currently under investigation by Shropshire council sponsored flood relief group

8/ there is a requirement on the parish plan for a nursery facility

#### 4.2 - Public Comments

One objection summarised as follows:

The adjacent Muller site currently operates with few planning restrictions and runs 24 hours a day, seven days a week; any granting of planning permission on the application site should not impede the existing and future use of this neighbouring site; previous appeal inspector considered that the development of the application site would be appropriate but with acoustic measures put into place including a site layout that places housing away from the boundary with the Muller factory; this proposed scheme and illustrative layout does not meet this previous appeal inspector requirement; given the close proximity of the site to the adjacent factory the issue of noise and disturbance should be dealt with at outline stage – no noise impact assessment has been submitted with this current application; the ownership and working patterns of the adjacent factory have changed since the previous/historic planning applications and any assessment of noise issues carried out at the time are no longer valid; NPPF para182 requires that new development should not result in existing businesses and facilities having unreasonable

restrictions placed on them as a result if development permitted after they were established with the applicant being required to provide suitable mitigation before the development is completed.

One support received summarised as follows:

Whilst no objections to the proposed development site due to the proximity of the adoptable road to neighbours boundaries would like to ensure there is a verge between adjacent properties and the road and that the existing boundary line (dwarf wall) is respected; trees that were previously removed when the land was cleared last November (2018) should be reinstated around the site; the location of any new street lighting needs to be respectful to neighbouring properties.

## 5.0 THE MAIN ISSUES

Principle of development & Site History  
Access  
Noise  
Drainage  
Ecology  
Affordable Housing Contribution

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development & Site History

- 6.1.1 Minsterley is allocated as a combined key centre along with the neighbouring village of Pontesbury. Policy CS3 sets out that Key Centres will maintain and enhance their roles in providing facilities and services providing focus for economic development and regeneration. Balanced housing and employment development, of an appropriate scale and design that respects each settlements distinctive character will also take place within the identified development boundaries and on sites allocated for development.
- 6.1.2 The whole of the application site is contained within the identified development boundary of Minsterley. Core strategy Policy CS14 seeks to identify and maintain a suitable portfolio of employment land and within SAMDev, policy S.12 encourages new employment opportunities on existing appropriate sites within the development boundary.
- 6.1.3 The site is brownfield land and the front, south western part of the site is shown covered by an allocation for protected employment land on the SAMDev plan policy maps. Schedule 12.c of policy S.12 also identifies that this allocation/commitment will amount to 0.3ha in area.
- 6.1.4 The illustrative layout plan for this application indicates the provision of business units to the rear, northern end of the site covering an area less than 0.3ha, with the proposed affordable housing (18 units) set to the front of the site fronting the A488.
- 6.1.5 Whilst the area shown for the business units is less than 0.3ha officers have considered this proposal in light of the criteria set out in SAMDev policy MD4.2 for

proposals for alternative uses on portfolio sites. In this instance Officers consider that the proposed development whilst providing new employment opportunity, will also provide a significant community benefit with all of the housing proposed offered as social housing, well above the 15% prevailing target rate currently required and is therefore acceptable in policy terms.

#### 6.1.6 Site History –

SA/08/1506/O – Outline application for the erection of twelve business units (consisting of eight B1(a) office units and four B1(c) light industry units) and thirteen dwellings together with a three metre and six metre high acoustic fence to include access and layout – granted at appeal.

13/03197/OUT - Renewal of Extant Planning Permission SA/08/1506/O – Outline application for the erection of twelve business units (consisting of eight B1(a) office units and four B1(c) light industry units) and thirteen dwellings together with a three metre and six metre high acoustic fence to include access and layout – Committee resolution to grant planning permission subject to a s106 agreement to secure affordable housing (s106 was not completed).

18/03583/OUT - Outline application for mixed use development for residential, retail and business units with associated parking (all matters reserved) – Appeal against non determination.

Planning Appeal – APP/L3245/W/19/3221394 - appeal under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission (18/03583/OUT) – appeal dismissed. The reasons for the dismissal related to it not being demonstrated that the proposal would not represent an unacceptable risk to flooding, with the conclusion to the appeal decision letter stating:

*“Whilst the proposal would provide adequate living conditions for future occupants and would not result in any significant harm to the living conditions of existing neighbouring residents, with regard to noise, these are neutral effects and therefore carry no weight in favour of, or indeed against, the proposal. Therefore, there are no material considerations that outweigh the harm I have found in respect of the unacceptable risk the proposal represents to flooding.”*

#### 6.2 Access

6.2.1 This outline application includes access for consideration. In response to SC Highways officers comments the applicants have agreed to provide a public footpath across the whole of the sites frontage and have submitted amended plans that show this provision as well as confirming the visibility splay that could be achieved at the access point.

#### 6.3 Noise

6.3.1 Existing housing is located to the east of the site accessed off Linden Fields as well as Meadow Brook, an existing property accessed separately off the A488 that is also used as the offices to the charity The Pontesbury Trust.

- 6.3.2 SC Regulatory Services previously requested that a noise assessment be carried out on site as part of the planning application that was submitted to the LPA last year – ref 18/03583/OUT. This was requested due to the time that had passed since the previous historic applications were submitted and approved and the factors raised by agents acting on behalf of Muller's that noted that since 2009 the Muller site has changed ownership with different resulting work patterns and new plant equipment and machinery used. The Central Planning Committee at their meeting in December 2018 confirmed their agreement to request this information. The provision and need for a noise report/assessment was therefore subject of consideration by the subsequent appeal inspector.
- 6.3.3 In their decision letter for the planning appeal (ref APP/L3245/W/19/3221394) the inspector considered that one of the main issues was that of noise and the impact on both the residents of the proposed development and existing neighbours. They concluded that given the size of the site, there was no evidence to demonstrate that any potential effects of noise on existing and future residents could not be adequately mitigated through appropriate siting of the proposed uses and the use of mitigation measures secured by way of appropriately worded conditions. They found that the proposal would provide adequate living conditions for future occupants and would not result in any significant harm to the living conditions of existing neighbouring residents with regards to noise.
- 6.3.4 The applicant and their agents previously confirmed as part of the 2018 planning application that they were willing to carry out a noise assessment on site the details of which would be submitted as part of the first submission of reserved matters, when any mitigation works identified as required as a result could then be designed and directly related to the proposed detailed reserved matters scheme. In light of the appeal inspectors conclusions officers consider that this approach is appropriate in this instance.
- 6.4 Drainage
- 6.4.1 The applicants have submitted a Flood Risk Assessment (FRA) with this application, to address the reason why the appeal referred to at paragraph 6.1.6 above was dismissed. The Council's Drainage Consultants and the Drainage and Flood Risk Manager have confirmed that the contents of the submitted FRA are acceptable and are supportive of the proposals, subject to the submission of additional information of both surface and foul water drainage at reserved matters stage.
- 6.4.2 Officers note that the site is located adjacent to an existing area of mapped and reported flood risk, and whilst the development proposals will not address the cause of the flooding, they should result in a betterment in terms of flood depth and frequency for properties at risk nearby in Linden Fields.
- 6.5 Ecology
- 6.5.1 An ecological report has been submitted in support of the application that concludes that although the site is within 350 metres of the Minsterley Meadows SSSI the proposed development does not constitute a risk to the SSSI. No evidence of badgers were found on site. The report recommends some ecological enhancements including hedge planting, erection of bat tubes and bird boxes. SC

Ecologists have confirmed their agreement to the level of assessment provided and have requested that conditions be added to any planning permission granted requiring details of landscaping to be provided as part of a first submission of reserved matters, and with details of the provision of bat and bird boxes and details of any external lighting be provided prior to occupation or lighting provision.

## 6.6 Affordable Housing Contribution

6.5.1 SA Housing Enabling Officers have confirmed that if this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%.

6.5.2 In this instance the applicant has offered up for the whole of the housing to be provided as affordable units. This approach is supported by SC Housing Enabling team, subject to a S106 Agreement being in place to retain the affordable rented dwellings in perpetuity and to prescribe allocation in accordance with the Council's Allocation Policy.

## 7.0 CONCLUSION

7.1 The whole of the application site is contained within the identified development boundary of Minsterley, a joint key centre with Pontesbury. Officers consider that in principle, the use of the site for mixed use of residential and business units will be acceptable and in line with current adopted policy aims. Officers are satisfied that issues of drainage details, noise assessment and mitigation and ecological enhancement can all be required and considered as part any first submission of reserved matters. This recommendation is subject to a s106 being completed to secure the provision of affordable housing.

## 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:  
NPPF

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing

CS17 - Environmental Networks  
 CS19 - Waste Management Infrastructure  
 MD2 - Sustainable Design  
 MD3 - Managing Housing Development  
 MD4 - Managing Employment Development  
 MD12 - Natural Environment  
 Settlement: S12 - Minsterley - Pontesbury

**RELEVANT PLANNING HISTORY:**

18/03583/OUT Outline application for mixed use development for residential, retail and business units with associated parking (all matters reserved) NONDET 10th June 2019

Appeal

19/02724/NONDET Outline application for mixed use development for residential, retail and business units with associated parking (all matters reserved) DISMIS 10th June 2019

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)
Planning File 19/03734/OUT
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Nick Hignett
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
4. The premises shall be used for Class B1(a) (b) and (c) only and for no other purpose including any other purpose in Class B of the Schedule to the 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 in the interest of the amenities of the area.
5. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

A Noise Assessment of the site carried out to BS4142 to determine to the potential of disturbance of the occupants of the proposed residential dwellings and for appropriate mitigation measures proposed to be identified and put forward;  
The landscaping reserved matters submission shall comprise of a landscaping scheme including planting plans, measures for the protection of planting while they become established and measures for the protection of any retained planting during construction works; creation of wildlife habitats and features and ecological enhancements (e.g. hedgehog-friendly gravel boards and amphibian-friendly gully pots)].

Reason: To ensure the development is of an appropriate standard and to address the potential issues of noise and disturbance and ecological enhancement.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

6. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.
- Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:  
<http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>
7. No development shall take place until a scheme of foul drainage, and surface 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.
8. No development shall take place until details of the design and construction of any new roads, footways, accesses, car/HGV parking & turning facilities, together with details of the disposal of highway surface water and street lighting, have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

9. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level and completed to adoptable standard as shown on the application drawings before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

10. Prior to the commencement of the development full engineering details of the proposed footway along A488 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any of the dwellings it would serve are first occupied.

Reason: To ensure a satisfactory means of access to the highway.

11. No development shall take place 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:

the parking of vehicles of site operatives and visitors;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control the emission of dust and dirt during construction;

a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

12. Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the approved visibility splay measuring 2.4 metres back from the nearside carriageway edge shall be provided to each side of the access and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

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

13. Demolition, construction works and associated deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

### **Informatives**

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

4. The use of soakaways should be investigated in the first instance for surface water disposal.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

5. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

6. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.
  
7. 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). Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

8. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
9. The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
10. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways and carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety. <https://new.shropshire.gov.uk/planning/faqs/>
11. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic (i.e. construction vehicles).
12. This planning permission does not authorise the applicant to:  
construct any means of access over the publicly maintained highway (footway/verge) or carry out any works within the publicly maintained highway, or

authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

13. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into  
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>
14. Should any proposed trees or shrubs be located in close proximity of any proposed or existing public highway infrastructure (>3 m), appropriate root protection systems will need to be submitted and approved prior to construction. In order to mitigate against any future root damage to roads, footways and the utility services beneath. Also, any other landscaping/planting adjacent to the future highway will require appropriate maintenance and service arrangements, in perpetuity. In order to maintain any required visibility splays and to keep leaf litter clear of footways and drains, etc., in the interests of highway safety.