

Development Management Report

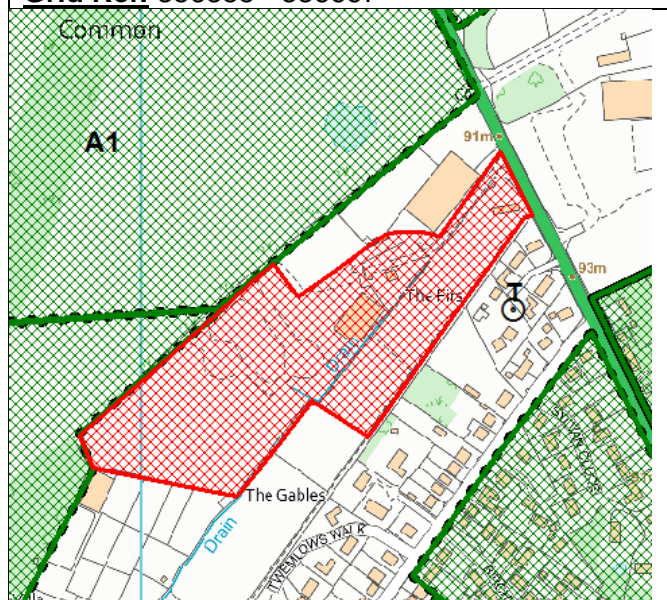
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Summary of Application

<u>Application Number:</u> 19/02796/FUL	<u>Parish:</u>	Prees
<u>Proposal:</u> Change of use of land to commercial vehicle and plant auction site to include provision of customer parking, erection of an office and preparation building; creation of bunding and landscaping (relocation of Existing Auction Site from the A49 Grain Store site) (resubmission)		
<u>Site Address:</u> Land and Buildings at The Firs Higher Heath Whitchurch Shropshire		
<u>Applicant:</u> Malcolm Harrison Auctions		
<u>Case Officer:</u> Sue Collins	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 356355 - 336667



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the use of an existing commercial site as a commercial vehicle and plant auction site. The application includes the provision of customer parking, the erection of an office and preparation building, the creation of bunding and landscaping to the site. The intention of the application is to allow the applicant to relocate from the current premises off the A49 to the north of the site as it is understood this location is now too small for the operation.
- 1.2 During the course of the application amended plans and additional information has been provided by the applicant. It is on the basis of the latest information and plans that this report has been written.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land lies on the south side of Prees Heath Common and is a strip of land that was utilised as part of the Tilstock Airfield. This is an area of open countryside and situated to the rear of a large hangar building on the A41. Nearby there are a number of other hangar buildings currently operating with commercial use.
- 2.2 The site currently has consent for use for storage purposed and has a newly built storage building on site, as well as for B1 light industrial uses.
- 2.3 To the south of the site the boundary is defined by an old disused track with trees and hedgerows along both sides of this. A strip of agricultural land then separates the buildings from the track with the Prees Heath to the north. Security fencing defines the boundary along the heath.
- 2.4 The majority of housing in the area lies to the south of the site at Higher Heath.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:
- (i) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and
 - (ii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee. In this instance the Vice Chair in conjunction with the Principal Officer considers Committee consideration of this application is appropriate.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

4.1 Consultee Comments

4.1.1 Prees Parish Council: Object

Response Received 21.06.20

Prees Parish Council notes the amendments but feels the small contribution they will make to reducing the impact of the site on the vicinity is of little significance when viewed against

the huge catalogue of reasons that the Parish Council sees for objecting to this application. It wishes its continuing objection to be registered.

Response Received 17.07.19

Prees Parish Council wishes to register its strong objection to this Application.

It is opposed to the increasing industrialization of an area of land so close to an area of Special Scientific Interest which is of national significance.

The impact too on nearby established housing will be detrimental to an unacceptable degree. The noise and smells generated by the site will very adversely affect local residents' quality of life. All local people are aware of the hazardous nature of the A41 and its history of accidents and near-misses and this makes the proposed relocation of the auction to this site extremely concerning. Most visitors will be approaching the site from the North and this will involve them turning right, across incoming traffic, to gain access to the site. This manoeuvre will be additionally dangerous due to its proximity to the brow of a hill. Parking at the 'old' site was always a problem: the A49 would be lined with parked vehicles on auction Saturdays. Is the area allowed for parking at the proposed new site sufficient to prevent a similar problem arising there?

An additional concern is the disposal of all the dirty, possibly contaminated water that will be generated by the washing-down of vehicles at the site. It is hard to see how the Applicant could guarantee that there will be no contamination of soil or local water courses in this ecologically important location.

4.1.2 **Whitchurch Rural: Object**

Response Received 30.06.20

The Parish Council maintains its original objection to the proposals and sees nothing in the amendment that alters its previous decision to object.

Response Received 11.03.20

The Parish Council strongly objects to the proposals outlined in this application.

The Parish Council has suggested that the designated sites for employment in Whitchurch as outlined in the Local Plan would be a more appropriate for this application. Councillors raised concerns over loss of residential amenity for the non related residential dwellings neighbouring the site. Serious concerns were raised over highways safety and access to and from the site – a nearby dip in the A41 in this location causes sight line issues which resulted in fatality in this location within the last 18 months. The Council has taken on board complaints from local residents and supports their concerns about the impact of noise light pollution causing loss of residential amenity. Concerns about the environmental impact of land which will be resurfaced for hardstanding for vehicles were raised. The Parish Council would like to request that, if it has not already been consulted, the Butterfly Conservation Trust is consulted for a potential impact assessment as the SSSI area is close to the proposed site.

In conclusion the Parish Council objects to this application on the grounds that it contravenes CS6 as the proposals will not protect, restore, enhance the natural, built and historic local environment (detrimental effect on the local environment and ecology); Nor will it contribute to the health and well being of the local community, in particular the residents of the neighbouring properties or safeguard their residential and local amenity. There are other, more suitable, specifically designated areas around Whitchurch which would be a more suitable relocation site for this business. This scheme would contravene CS17 due to the potential adverse affect upon the visual (light pollution) and ecological values of the immediate area.

In the event that it is agreed that this application should be recommended for approval, the Parish Council requests that it be taken to the Planning Committee for decision. This request has the approval of the Local Member, Cllr G Dakin.

4.1.3 SC Highways: No objection

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.

Observations/Comments:

3 points of information were requested in highways comments dated 09/07/2019 which have now been provided. The main risk to highway safety is vehicles awaiting to right turn into the development off the A41. However in the peak hour the number of right turners is predicted to be 49, less than 1 per minute, and the modelling shows that the junction performance will not be to the detriment of highways safety. Therefore a highways objection would be unsustainable.

Further detail has been received regarding the signage to be used for the site and the access layout, both of which are acceptable.

Clarification has been made to the days of operation of the auctions.

Conditions and informatives have been recommended for inclusion on any planning permission that may be granted.

4.1.4 Environment Agency: No comment

4.1.5 SC Regulatory Services: No objection

Response Received 01.05.20

Regulatory Services have reviewed the revised noise assessment Ref 19-10009-R01r1 dated 28th April 2020. The BS4142 assessment provided within this report indicates that there is likely to be a small adverse impact to some residential receptors due to normal operations of plant deliveries/collections and preparations and also due to auctions on Saturdays. The additional barrier on top of the earth bund provides some additional mitigation but it should be understood that noise from the operations on the site will be audible at the neighbouring residential properties, although the adverse impact of this is likely to be low.

Should the planning authority deem it appropriate to grant consent conditions are recommend for inclusion on any planning permission that may be granted.

Response Received 08.08.19

Regulatory Services have reviewed the application and have the following comments: The proposed site has residential properties along the southern boundary, the acoustic assessment provided with the application indicates that there will be no significant adverse effect on the neighbouring residential properties. Despite this I have concerns that the manoeuvring of heavy plant and potentially the PA system will be clearly audible at the neighbouring residential properties that may have a detrimental impact on the amenity. The predictions provided do not give an indication of the individual noise levels of specific activities it only provides an average noise level and hence it is difficult to interpret the impact of certain activities. I would expect the vehicle movements in the auction area and possibly the tannoy to be clearly audible in some of the neighbouring properties. Whilst the duration of these activities will be limited they are likely to have an impact on the amenity of the neighbouring properties. Whilst the proposed bund will provide significant mitigation to the carpark area it will have a minimal benefit to the auction area. I recommend that

consideration is given to incorporating a barrier on top of the bund to increase the effectiveness of the mitigation to reduce the impact.

The noise assessment has not considered the impact on The Firs as it is the managers property. The use of this building as residential should be linked to the commercial use, if it is not it needs to be assessed as a sensitive receptor.

The site is likely to require security lighting, such lighting can impact on amenity of neighbouring properties if not designed appropriately. When installing artificial lighting regard should be given to the impact of the light on surrounding properties so as not to cause a detriment to the amenity. No external lighting should be installed until a technical report has been provided and approved by a qualified competent person (e.g. Lighting Engineer) setting out the type of lights and the light levels to be achieved over the intended area, at the site boundaries.

4.1.6 **Butterfly Conservation: Objects**

Response Received 09.03.20

1. The comments below respond to the further information submitted by the applicant relating to the construction of a bund between the nature reserve and the development.
2. In summary Butterfly Conservation continues to object to the development subject to resolution of all of the concerns we raised in our substantive reply of 2nd July 2019.
3. The points of concern we raised in our 2019 response were, in summary:
 - Potential for litter generation from the development which we will have to clear up
 - Adverse effects on the public amenity of the reserve
 - The potential for groundwater contamination of the pond created by Butterfly Conservation and the Environment Agency from fugitive fuels and oils from stockpiled machinery that soaks into the light sandy soils and escapes from the development site
4. The proposal for a bund with a fence fixed on top we believe is likely to be sufficient to curtail significantly the spread of litter onto the nature reserve but we would expect the landowner to ensure that litter is collected within the development site regularly so that it doesn't build up and fragments blow into the reserve when it is exceptionally windy. We believe this would also resolve the adverse effects on the public amenity of the reserve.

We support the area of 1.12ha of land to be accommodate ecological enhancements associated with the bund, and the tree, shrub and wildflower species that have been selected. However, there are insufficient details of the construction and landscaping of the bund in the CEMP/Biodiversity Enhancement Plan for us to have any confidence that the wildflowers and planted heather will have any chance of survival for more than a few years after establishment. The wildflowers and heather require very low fertility soils to thrive and there is no indication that this requirement will be met. Section 5.1 refers to the handling of topsoil and topsoil is inappropriate for heather to grow. There is no indication of how gorse, broom or other species will be prevented from smothering the heather that is to be planted. Section 5.3 does not clarify one way or the other whether topsoil is to be used in wildflower establishment; it isn't required.

There needs to be a detailed landscape plan submitted to show the physical arrangement of the ecological areas, and the soils/subsoils that will be used for the formation and the

bund. There needs to be a 5-year aftercare plan submitted to show what measures are proposed to ensure proper establishment, and a long-term maintenance plan to show the measures that the landowner will put in place to ensure the biodiversity benefits are maintained in perpetuity.

We therefore require additional information to be submitted before we can withdraw our objection.

5. We note the measures outlined in Section 3.1 to deal with hazards and spills, which refer to containment once a spill is noticed. We consider that this is currently insufficient to prevent long-term low-level contamination of the sandy ground, and insufficient to prevent the potential for leaching of spills towards the pond. We consider that areas where machinery are to be stored should be within a constructed concrete containment area with positive drainage to an appropriately sized sump with oil interceptor

We therefore require further consideration of this matter to be considered by the applicant and planning authority to provide assurances to us before we can withdraw our objection.

Response Received 20.07.19

Butterfly Conservation owns and manages Prees Heath Common Reserve, the area of land between the applicant's existing auction site and the proposed new auction site. The reserve is Registered common Land under the Commons Registration Act 1965, parts of it is a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 as it is Access Land under the Countryside and Rights of Way Act 2000. It provides a sanctuary for the Silver-studded Blue butterfly, *Plebejus argus*, in its last remaining site in the Midlands, which is now increasing in number on the reserve, as well as supporting a range of heathland wildlife of conservation significance at county level. It provides a popular venue for visitors to enjoy walking in open countryside and appreciate such wildlife. Since Butterfly Conservation purchased the site in 2006 the reserve is undergoing a long term restoration of the heathland and associated habitats that were destroyed by ploughing and arable cultivations from the 1960s onwards, and this work has achieved interest nationally. Butterfly Conservation has a number of concerns regarding the proposed use of the application site affecting the reserve and its enjoyment by visitors.

Firstly the applicant's current auction site on the western side of the reserve already produces unacceptable amounts of litter on the reserve, despite the fact that there is a security fence between our land and the auction site. This litter consists mainly of polystyrene cups, crisp packets, paper and auction lot tickets containing the words 'Malcolm Harrison Auctions' which our volunteers have to regularly clear up. Mr Harrison and his staff have been asked to either prevent the litter coming onto the reserve in the first place or clear it up from the reserve themselves, but the situation has not improved. It would be unacceptable for such litter generation to also occur from the other side of the reserve. We are aware that the proposed auction site already has a mesh security fence, but as this may not be effective prevention we would not want this application to be approved without enforceable conditions on the applicant to control the litter generated and clear up any that appears on Prees Heath Common Reserve.

Another point of concern is the impact on the public amenity value of the reserve which is one of its primary functions. The site is already heavily affected by the presence of the busy major roads and we have planted screening alongside the A41 in an effort to counter the visual and noise impacts. Such measures should be a requirement on the development of uses on the application site which have already progressed considerably with new structure and equipment and machines in storage alongside the boundary fence.

The application's ecological report considered the possible impacts of the proposed use on reserve's pond, but only in terms of likely presence of Great Crested Newts. We note the ecological report's conclusions and that the developments on the application site that might have had impacts on its condition have already largely taken place (photograph below in 2018)

The pond was created in 2009 by Butterfly Conservation in partnership with the Environment Agency and has already developed naturally into one of considerable significance in being above national average levels for high quality ponds for the quality and diversity of its flora according to a 2017 survey by the Freshwater Habitats Trust. The reserve is already affected by traffic air pollution and the groundwater in these very permeable soils is highly vulnerable to pollution from oils, fuels, and contaminated surface water. These are all a high risk with the presence of stockpiled worn machinery, some partially dismantled. The applicant should be required to take all necessary safeguarding measures against pollution including the light pollution that would result from security lighting.



4.1.7 **Shropshire Wildlife Trust:** Object

We feel that the increasing industrialisation of the area is damaging to the nature conservation value of the area, the potential for tourism and the social/historical interest.

Of particular concern are the potential impacts on neighbouring land where there is significant wildlife interest including one of the last sites for the silver-studded blue butterfly, a nationally scarce species. Also with high ground water levels and a lack of clarity regarding drainage there are concerns regarding potential impacts on a nearby pond. While this pond may be considered poor in relation to its suitability for great crested it is believed to have a much greater invertebrate.

We would share the view of the Parish Council and would question why a site in a sensitive area should be developed when more suitable sites allocated have been allocated in the SADMDev

4.1.8 **Natural England:** No objection

Response Received 01.04.20

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. Natural England considers that the relocation of this activity from within the SSSI to be beneficial to the future management of that site for the features for which it is notified.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure provision of a buffer to the SSSI and the submission of a Construction Environment Management Plan outlining how the development will be constructed without causing harm to the site.

4.1.9 **SC Ecology:** No objection.Response Received 08.07.20

I have read the submitted Ecological Appraisal (Greenscape Environmental, May 2018) and the Construction And Environmental Management Plan And Biodiversity Enhancement Strategy (Greenscape Environmental, September 2019). I am happy with the level of survey work and recommend conditions to be included on any planning permission that may be granted.

Conditions have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Working in accordance with report condition

All demolition, conversion, site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Construction And Environmental Management Plan And Biodiversity Enhancement Strategy (Greenscape Environmental, September 2019) and the Proposed Site Plan Rev. G.

Reason: To ensure the protection of and enhancements for protected and priority species.

Lighting Plan condition

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

a) identify those areas/features on site that are particularly sensitive for wildlife, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and

b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK

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

4.1.10 **SC Trees:** No objectionResponse received 06.03.20

I support the addition of a 10m buffer zone and bund with additional planting. Further details on native planting species, numbers etc should be added to the plan details.

Example native plant / hedgerow specification:

The new hedgerow should be planted in a double staggered row at 5 plants per linear metre to create a dense and well-structured hedgerow network of value for wildlife.

Hawthorn *Crataegus Monogyna*
 Holly *Ilex Aquifolium*
 Crab apple *Malus Sylvestris*
 Hazel *Corylus Avellana*
 Blackthorn *Prunus Spinosa*
 Rose *Rosa Canina*
 Guelder Rose *Viburnum Opulus*

Response Received 03.07.19

There is a stand of semi mature trees crossing some of the site. It is understood that these are to remain, and a suitable buffer remain around them. Please apply the following tree protection condition to any approval:

All trees which are to be retained in accordance with the approved plan shall be protected in with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'.

The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

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

A 10m buffer is to be provided along the treeline to the south to provide access for maintenance of the boundary. I note that a bund is also to be constructed from topsoil removed from the site. This is to be planted to provide screening for local residents and the submitted Ecology report also recommended that the landscaping be improved with the inclusion of native species hedgerows and trees, particularly along the boundary with the heathland. Details of the species, sizes and numbers to be included should be added to the plan in line with recommendations in the Ecology report.

4.1.11 **SUDS:** No objection subject to the inclusion of the recommended condition and informatives being included on any planning permission that may be granted.

4.1.12 **Rights of Way:** No comment.

4.2 **Public Comments**

4.2.1 83 letters of representation have been received in response to the proposed development.

One of these is a letter in support of the proposal:

- The existing site is not a nuisance to them or their neighbours
- The staff are very considerate when an auction is taking place.

The areas of concern raised in the remaining comments relate to the following:

Principle and Policy

- The proposal is contrary to local and national adopted policies
- Industrialisation of this land is inappropriate.
- Commercial areas identified in SAMDev should be used and not this open countryside location.
- This is not a commercial site.
- The proposed building is not going to be an enhancement or benefit to local residents.
- The use is likely to increase over time from that outlined in the application.
- The existing site is not as close to the same number of residential properties and the new location.
- This is green belt and should not be developed.
- That fact it was previously an airfield does not give it permission for industrial use.
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Highways

- Increase in traffic will cause highway safety issues
- Access is too dangerous particularly for vehicles turning right into and out of the site.
- Other accesses in use in this area already cause issues with turning and slow moving traffic.
- The speed and amount of traffic using the A41 causes traffic safety issues at the moment without further traffic being generated,
- The A41 is extremely busy and is used as a diversion route for traffic from the M6.
- The A41 is busier than the A49 where the business currently operates from.
- Traffic using the A41 frequently travels faster than the speed limit of 50 mph.
- This is an area of frequent vehicle accidents including fatalities.
- People will park on the highway rather than use the allocated parking area.
- The traffic surveys carried out by the applicant are insufficient to assess the impact of the proposal on the highway network.
- A filter lane should be introduced into the site together with a right turn filter lane to allow traffic to continue to flow smoothly.
- A regulated traffic management system will be required to ensure that the site operates without causing hindrance to other road users.
- People do not obey the highway regulations in relation to no right turns at the relevant junction adding to highway safety issues.
- HGV's are breaking up the road surface of the A41.
- Traffic is prevented from turning right into Twemlows Avenue for highway safety reasons. It should be the same for the entrance to this site.
- Traffic safety needs to be addressed for the current traffic flows never mind the addition of the traffic using this site.

Residential Amenities

- Increase in air pollution from extra vehicles
- Increase in noise pollution. Auctions by their nature are noisy as well as the additional traffic generated and works being carried out to the vehicles and plant prior to sale.
- Additional noise is contrary to the NPPF.
- Security lighting will have an impact on the residential amenities of the local area.

- The proposed noise mitigation will not be high enough to provide any protection to neighbouring properties.
- Smells will arise from the proposed use due to the vehicles being transported to and from the site as well as visitor's vehicles on auction days.
- The site will not only be in use on auction days but in between with moving stock in and out as well as preparation for the sale days.
- There is no indication in the application of the hours of operation for the business on the site.
- Holding sales mid-week will still affect those who do not work or work from home.
- The proposed fencing and bunding will be on the mutual boundary with neighbouring residential properties. This will have an unacceptable impact of their amenity.

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Ecology

- Unacceptable impact on the nature reserve. The ecology of the area is a delicate balance
- Works already carried out may have caused damage to the heath.
- The existing use of the site for storage and the building is not commensurate with the heathland.
- The change of use will have an impact on the Silver-Studded Blue Butterfly.
- The proposed use will cause pollution to run-off into the heathland, and the underlying aquifer.
- The Ecology surveys submitted and the proposed mitigation are not good enough.
- The applicant has destroyed heathland in carrying out works to the site.
- Floodlights that are left on overnight are harming wildlife in the area.

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Trees and Landscaping

- The proposed bunding will be detrimental to the adjacent conservation area.
- Installation of fencing will be visually intrusive
- Trees have already been felled on the application site.
- The development will look like a scrapyard and be detrimental to the countryside character.

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Drainage

- No drainage details have been provided and as the site is close to the nature reserve/SSSI this is a potential pollution issue.
- Tarmacking over the whole site will cause flooding problems.

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Other Matters

- Loss of view from residential properties over the heath.
- The development will devalue the properties of local residents.
- The applicant does not appear to comply with conditions and permissions for his existing site. This does not therefore bode well if he were to operate from this location.
- Comments relating to other areas outside of the application site being used by the applicant without consent.
- Rubbish is allowed to pollute the area around the existing site used by the applicant.
- Building works on other sites in the area remain incomplete ie, buildings part constructed and landscaping not finished. In addition works have been carried out on this site and neighbouring properties without planning permission first being obtained.

- Works on the site will release contamination into the ground as has been found at Furber's Scrapyard.
- Due to the Covid 19 situation the use should not be approved as a risk to health.
- The proposal will impact on tourism to the area as visitors to the heathland will be dissuaded by the noise etc.
- Responses from Consultees have been made based solely on the information provided by the applicant and without site visits or independent reports being carried out.

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5.0 THE MAIN ISSUES

- Policy and Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Trees and Landscaping
- Drainage
- Other Matters.

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 Comments have been made in relation to the application that this use should not be approved in a rural location particularly where it is in close proximity to residential properties, the heathland, SSSI and where there are highway implications. It should be relocated to an allocated employment site as identified in the Shropshire Local Development Framework.
- 6.1.3 Areas of Prees Heath such as the application site became commercial in use due to the sale by Central Government of the former Grain Intervention Stores that had been erected. Other areas of the former airfield have been sold off over time and have been used for commercial activities.
- 6.1.4 Application 09/01600/COU allowed for the conversion of a dis-used military building to office use including the formation of an estate road and car parking area together with the installation of septic tank drainage.



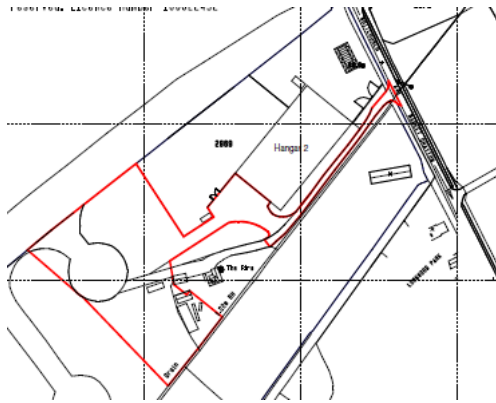
This includes part of the proposed car parking area as set out in the current application.

- 6.1.5 In 2011 planning permission 11/02471/FUL allowed for the turning circles to be used for B1 C use. This included the means of access from the A41. This was granted only for use by the applicant but indicates that the use of the premises for B1C use is acceptable.



This is part of the current application site as it includes part of the means of access and part of the land to be used for the auction site.

- 6.1.6 Application 14/01226/FUL gave approval for works to be carried out to the access on to the A41
- 6.1.7 In 2017 planning permission was granted for the erection of a portal covered store which included land around the building reference 17/02222/FUL. This was constructed but was not carried out in accordance with the approved plans. A subsequent application in 2019 reference 19/00312/FUL was approved for the amended design and size of the building.



As can be seen this includes part of the proposed site to be used for the new auction area and identifies that the area already has the benefit of commercial uses.

- 6.1.8 As demonstrated above while the site is located within open countryside it does have the benefit, in part, for commercial use. It should be noted that reference in some objections has been made to the area being in green belt which is incorrect.
- 6.1.9 The Shropshire Core Strategy identifies a number of objectives which provide the spatial vision for the County. Strategic Objective (SO) 1 supports the principle of sustainable communities which not only ensure inclusive and safe areas, but also housing, jobs, education and training among many other things. To meet the needs of communities. In this instance the business does employ people some of which would be in the local area. Buyers coming to the sales will need accommodation and refreshments which could be obtained nearby and as such it provides an economic benefit to the locality. SO3 requires the rebalance of rural community through local housing and employment opportunities. As previously indicated the business helps to support other local businesses which is in accordance with the aim of SO3. In relation to SO6 this is a sustainable location being close to areas where employees can be found for the business and its close proximity to a major road network.
- 6.1.10 The Shropshire Core Strategy also supports the principle of supporting rural vitality and the viability of the countryside. This is evident in policies CS5 which does allow for development in the countryside particularly where the development is for a relatively small-scale development which allows for diversification of the rural economy and also where it allows for the retention and appropriate extension of an existing established business. In this instance the business is existing on another part of the heath. However the business is now constrained and needs to expand and its current site does not allow for this being adjacent to the identified SSSI and any extension having an impact on it.
- 6.1.11 Also policy CS13 of the Core Strategy supports promoting Shropshire as a business investment location where a range of businesses are encouraged to start up, invest and grow. As such planning and managing a flexible supply of employment land and premises are required to meet the needs of businesses and be in appropriate locations.
- 6.1.12 In relation to policy CS14 of the Shropshire Core Strategy supports policy CS13 is identifying allocated land for development. However this does not mean that other “windfall” sites cannot be considered appropriate and it also allows for agricultural diversification provided it meets with other relevant policies.

- 6.1.13 As the land has been previously developed both through the more recent applications but also as it was one part of the airfield, the land has to be considered as brownfield and as such in line with government advice it is an appropriate area to consider the principle redevelopment. This is identified in para 19 of the NPPF.
- 6.1.14 While it is appreciated that the application area does include some agricultural land as well as previously developed land, it is considered that this will provide for a viable business which will be to the economic benefit of the area and nearby towns and settlements. It will see the redevelopment of some previously developed land and as stated in the NPPF this is to be encouraged.
- 6.1.15 As such from a policy point of view, it is the opinion of the case officer that the proposal is acceptable in principle. However other issues raised in relation to the proposal are discussed further in this report.
- 6.2 Design, Scale and Character**
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition, policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design. The site is located in open countryside and as such policy CS5 of the Shropshire Core Strategy is also relevant.
- 6.2.2 The proposed development encompasses land that had planning permission for commercial uses as well as some additional land that is currently agricultural in use. Since the submission in June 2019 the layout plan has been amended to include the buffer zones, landscaping and other changes as required by statutory consultees.
- 6.2.3 No new permanent structures are to be constructed on the site as a result of the development other than boundary fencing. The Auction area and the car park areas are to be surfaced. The Auction area is to be surfaced with type 1 MOT aggregate and plantings which is a permeable surface to aid with drainage of the site. The car park is to remain to grass with reinforcement allow vehicles to drive over the surface. This will enable the land to remain green for much of the year with a top dressing of bark chippings to be applied to maintain the rural appearance of the field. For the auctions a mobile booking and sales office will be brought to site together with mobile toilets to allow the auctions to take place.
- 6.2.4 It is understood that the auctioneer is driven around the auction lots carrying out the sales using a loud haler with the mobile booking and sales office being used for registration of bidders and to complete the sales. The mobile structures are removed from site within 2-3 days of an auction and as such have limited visual impact on the site.
- 6.2.5 The applicant has indicated that there would be no more than 12 auctions a year and that they are happy for this to be the subject of a planning condition. The condition would also be worded to require the dates of the auctions to be agreed with the LPA to ensure that they stay within the limit.

- 6.2.6 From the information provided the auction itself will only be held for a limited number of times a year and while vehicles and plant are on site for relatively brief periods of time their visual impact is limited. Similarly visitor vehicles and mobile office and toilets are most likely to be on site just before, during and briefly after the auctions these will have insubstantial visual impact on the rural landscape.
- 6.2.7 While larger vehicles and plant may be visible from outside the site, these views will be minimised through the construction of screen bunding and appropriate native landscaping. These matters are discussed further in this report.
- 6.2.8 As such much of the works proposed as part of this application could be removed to reinstate land back to agricultural use should the need arise. However, in terms of visual impact this will be much reduced by the amount and nature of the landscaping and bunding that is to be carried out as well as the temporary nature of the storage of sales lots and the use of the car parking area.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Comments have been made in relation to the potential impact the development may have on the residential amenities of properties in close proximity of the site. These relate to noise, lighting, odours and air pollution.
- 6.3.3 Along the rear boundaries of the nearest residential properties to the east of the site there is a track which is not in the ownership of the applicant. This is approximately 6 metres wide with trees or hedgerows along most of its length. The parking area that is to be used by visitors on auction days only lies to the west of the track. This field has an approximate width of 50 metres to the hedge that provides a boundary to the proposed auction area. The dwelling known as the Firs and its associated domestic garden which is occupied by the Manager of the site stretches along part of the hedgerow and the commercial building extends further along this boundary providing significant separation from the closest dwellings to the actual area of the auctions.
- 6.3.4 The application includes the provision of a bund that follows the eastern and southern boundaries of the site. The bund is to be set 10 metres into the field from the existing track boundary giving a separation of approximately 16 metres to the base of the bunds from the rear boundaries of the dwellings. The bund will spread 5 metres and have a height of 2 metres and will have a 1.8 metre high timber acoustic fence on top. The bund will also be planted with native trees/shrubs which will enhance the protection afforded by the fence and introduce additional screen planting. While some of the adjacent dwellings (to the car park area), are on slightly higher land the car park area will only be used on auction days for visitors.
- 6.3.5 The hedgerow and trees in the boundary hedge adjacent to the auction area will further reduce the visual impact of the auctions as well as providing additional barrier to any noise that may be produced. In addition, the Council's Regulation Services Officer has recommended planning condition that should be imposed if planning permission is granted. These include restricting hours of use of heavy plant etc and the limitations on the use of a public address system.

- 6.3.6 In terms of lighting the CEMP the applicant has set out some limitations on lighting to ensure protection for the wildlife of the area. However in addition to this, the Council's Regulatory Services Officer has made a recommendation for a condition to be included on any planning permission that may be granted requiring the details of any lighting to be submitted for approval prior to its erection.
- 6.3.7 Although comments have been made in relation to odours and air pollution no adverse comments have been received from Regulatory Services in relation to there being any issues on these matters. At present there are no policies within the Shropshire Local Development Framework to deal with air pollution and while there may be an increase in the amount of traffic currently using the site, there is planning permission in place for the site to be used for commercial purposes. As such this could result in an intensified use of the premises including the level of traffic using it. Therefore it would be difficult to differentiate the air pollution levels between the current authorised use of the premises and that proposed as part of this application.
- 6.3.8 While it is appreciated that there are concerns from local residents in relation to the impact the development may have on their properties, the application has identified that conditions and mitigation works can be put in place to overcome the majority of these to an acceptable level.
- 6.4 **Highways**
- 6.4.1 Many objections to the proposed scheme relate to the potential impact the development will have on highway safety given the existing usage of the Highway.
- 6.4.2 As previously identified there are uses authorised for both the existing unit at the entrance to the application site and for part of the application site which allow for commercial uses without any restriction as to the amount of traffic that is to use them. While at present the application site may be being under utilised it could be significantly increased above its current level without any planning permission required.
- 6.4.3 The proposed development would create two distinct areas. The area where the vehicles/machinery is to be auctioned and the car park area to be used by visitors.
- 6.4.4 Items to be disposed of will be brought to the premises and stored on the area ready for sale. After the sales the items sold will be removed from site and new stock brought in ready for the next sale. As such this element of the proposal will be rotational with no knowledge of how many vehicles will arrive or be removed from the premises at any time.
- 6.4.5 The car park to be used by visitors and staff will mainly be in use on sale days. While 227 parking spaces are to be created not all visitors will arrive at once on the day of sale. It is common for buyers to arrive only before the lots they are interested in are to be auctioned and leave soon after. As such it would not be expected that 227 vehicles will descend on the premises in one go but in rotation throughout sale days. As the number of sales in one year are to be no more than 12 this would leave a significant number of days per year where there would be no or very little usage of the car park. Pedestrians will access the auction area direct from the car park without need to walk along the highway.
- 6.4.6 The information provided with the application has been reviewed by the Council's Highways Development Control Manager as well as a site visit having been undertaken. The Transport Statement includes data obtained from both the existing auction site on the

A49 as well as traffic data from the A41 site that is the subject of this application. The observations of the Manager is that the main risk is for vehicles waiting to turn right into the site off the A41. The information indicates that at its peak it is predicted to be less than 49 turning right. These vehicles would be visible to southbound traffic for some distance given the long straight approaching the access. The site access is also within the 50 mph speed limit where vehicles should be moving slower. There is no dip in this section of the road to obscure the views of traffic approaching from the north. While there is a slight raised area to the south of the application access point, there will be sufficient visibility provided though the changes proposed to the access which are commensurate with the Manual for Streets to ensure highway safety. The amended details also include the provision of signage that will be installed on the A41 to advise road users of the junctions and that there will be turning traffic. From the information provided including the modelling and the requirements of the Manual for Streets issued as Government guidance it would be difficult to sustain an objection on highway grounds.

6.4.7 While reference has been made to numerous accidents and injuries in the area, the only information available to the Council indicates there have been four personal injury accidents in the stretch of the A41 from by the access to the application site and Twemlows Avenue in the last 3 years. Of these one was a fatality and one caused serious injury. The Highways Development Control Manager has indicated to the Case Officer that this is not sufficient to designate this area as an accident black spot. Although of course accidents are not acceptable, planning permission should not be refused due to the inability of drivers to adhere to the Highway Code in terms of obeying speed limits and allowing sufficient stopping distances which would appear from the comments made to be the main reasons for the accidents that occur.

6.4.8 From the information available and the comments received it is considered by officers that there is insufficient justification to sustain an objection to the proposal on highway grounds. Conditions have been recommended for inclusion on any planning permission that may be granted which will ensure that the access is appropriately designed and maintained, appropriate signage is put in place and all parking/turning/manoeuvring space for vehicles is put in place prior to the use commencing on site.

6.5 Ecology

6.5.1 Concerns have been raised by Parish Councils, local residents, the Butterfly Conservation Group and Shropshire Wildlife Trust in relation to the impact the proposal will have on the adjacent Heathland, SSSI and the wildlife of the area. Of particular concern is the impact the development will have on the Silver-Studded Blue Butterfly of which the heathland is the only area within the West Midlands where this butterfly can be found.

6.5.2 The application has been accompanied by ecology surveys and a Construction and Environment Management Plan (CEMP) together with plans. This has been undertaken on behalf of the applicant by a suitably qualified Ecologist and contains full details of proposed mitigation and enhancements that would be carried out should the application be approved.

6.5.3 The information submitted has been assessed by the Council's Ecologist and also Natural England. No objection to the proposal has been raised by Natural England subject to the inclusion of appropriate conditions on any planning permission that may be granted to secure the provision of the buffer to the SSSI and that any works are carried out in accordance with the CEMP. The Council's Ecologist has also assessed the information provided and has also recommended conditions be included. As with Natural England they

require the works to be carried out in accordance with the CEMP and also a condition relating to the installation of any lighting where it will need to be submitted for approval prior to installation.

- 6.5.4 From the information provided it is considered by officers that the scheme can be implemented without having a detrimental impact on the SSSI, the heathland or the wildlife of the area. If the application is approved, it will be a requirement for the user to implement and adhere to the CEMP to ensure that this remains the case.

6.6 Trees and Landscaping

- 6.6.1 A number of concerns have been raised regarding the loss of trees, that the applicant will not carry out the landscaping shown on the submitted drawings and that the impact on the landscape of the area will be unacceptable.
- 6.6.2 The site is a flat area of land which is bounded along the north eastern and eastern by mature hedgerows. Within the hedgerows and the landscape there are mature/semi-mature trees. There is a strip of land which is a former access track to Green Lane Farm which is outside the ownership of the applicant and this provides separation between the application site and the dwellings to the east. There are further trees and hedgerow along the eastern boundary of this track. There is also an existing hedge along the boundary between the auction area and the proposed car parking. This has also been planted with trees which in time will grow to provide additional landscaping.
- 6.6.3 None of the trees within the application site are protected and as such the applicant is able to work on them and the hedgerows.
- 6.6.4 The proposed scheme includes the provision of bunding along the majority of the site together with additional land totalling 1.12 ha which is to be used to provide ecological enhancements. The bunds are to be landscaped with a mixture of indigenous plants and as should would improve the green corridors from that currently on the land. While Timber acoustic fencing will be installed this will to some extent become screened by the planting and as it ages it will become less stark.
- 6.6.5 The car park area would only be used on auction days and as such this would be very limited as the intention is to have no more than 12 auctions a year. The car park area is to be left green with reinforcement placed on grass to allow vehicles to park. This will over time be reinforced with bark chippings and as such maintain a natural appearance when not in use.
- 6.6.6 The area for the storage of the vehicles and equipment for sale or sold will be on the opposite side of the existing commercial building and behind the hedgerow to the car parking area. Additional bunding will be in place along the boundary with the heathland. As such the majority of these will be screened from view from most public areas. As these will be moving in and out of the site they will be a fixed feature and as such their visual impact will vary. However it is the opinion of officers that the proposed screening will significantly reduce the visual impact to a satisfactory level.
- 6.6.7 Although the Council's Tree Officer has recommended a condition requiring full details of the planting to be carried out, it is noted that all the details of species and planting schedules are included in the CEMP. Therefore it is proposed by the Case Officer that a

condition will be imposed requiring the planting scheme to be carried out in accordance with the CEMP which would be between October and April.

- 6.6.8 In view of the above it is considered that the proposed development will not have an unacceptable impact on the existing trees or the landscaping of the area. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

6.7 Drainage

- 6.7.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

- 6.7.2 Concerns have been expressed that there is the potential for inappropriate drainage of the site to impact upon the adjacent Heathland and SSSI.

- 6.7.3 The site is of a size where a flood Risk Assessment is required as part of the application. This has been submitted and has been assessed by the Council's Drainage Engineer.

- 6.7.4 The site is located in a Flood Zone 1 on the Environment Agency mapping and as such has a low probability of flooding. Existing drainage facilities to the existing buildings is not to be altered. In relation to the drainage of the land it is intended that surface water will continue to permeate the impervious surfaces as currently and no increase will be made in non-permeable surfacing. The proposed car parking and storage areas will be overlain with timber chippings to create a more durable surface.

- 6.7.5 In terms of foul drainage no new fixed systems are to be installed. Customers will have access to portable toilet facilities which are delivered to site the day before an auction and removed the day after. All foul created as a result is removed from site and dealt with under licence by the provider.

- 6.7.6 The CEMP received on the 24th February 2020 includes details that all hazardous substances will be stored, handled and disposed of in accordance with their COSHH Assessment. Should a spill or leak occur a process is included to deal with situation. Hazardous waste is to be dealt with and removed from site as required by current legislation. The document further sets out that the bunding will provide protection to the SSSI post development and this will be checked.

- 6.7.6 However to ensure that all drainage requirements are adhered to, the Council's Drainage engineer has requested that a condition be included on any planning permission granted requiring full details of all drainage to be submitted for approval and installed prior to the use commencing. In addition informatives' have been recommended which advise the applicant on the type of information and method of drainage required to ensure that appropriate drainage systems are installed.

- 6.7.7 In view of the above it is considered by officers that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.8 Other Matters

- 6.8.1 A number of issues have been raised in relation to the application which do not apply to the above categories. These are raised and responded to below

6.8.2 Loss of view from residential properties over the heath and the development will devalue the properties of local residents.

While these issues are of concern to residents and understandable, they are not material planning considerations and cannot be used as reason to refuse a planning application. In addition there is no right for residents to have a view and as such this cannot be protected through the planning system.

6.8.3 The applicant does not appear to comply with conditions and permissions for his existing site. In addition, the applicant appears not to have applied for permission for works that have been carried out.

There is no requirement in planning terms for the length of time a developer undertakes works unless this is subject to a time limit within the conditions attached to a planning application. If there is a concern that conditions have not been complied with on other sites or that works have been carried out without planning permission, these should be reported and processed through the Council's Enforcement procedures. This will then allow investigations to be carried out and appropriate action taken. Whether or not the applicant has complied with conditions attached to planning permissions on other sites, this cannot be taken into consideration as a reason to refuse the current application before the Council.

6.8.4 Due to the Covid 19 situation the use should not be approved as a risk to health.

The exceptional circumstances regarding Covid 19 are a constantly changing situation. Recently lockdown measures have been relaxed and people are being encouraged to return to work. Provided the company complies with all Guidance and Regulations issued by Government there is no justification to recommend refusal of the application in planning terms in relation to Covid 19.

6.8.5 Works on the site will release contamination into the ground as has been found at Furber's Scrapyard.

Furber's Scrapyard was a breakers yard where the vehicles were broken up so that parts could be sold to the public. It was also sited directly upon the Whixall Mosses. Much of the debris there had been stored for years without having been properly dealt with. This is not the same purpose for this application. The site is to be for auctioning off vehicles and machinery as complete units. They are not being broken up on the site for the parts to be sold. In addition the site is next to the SSI and the Heathland and not on it. As such the two sites cannot be compared.

6.8.6 Responses from Consultees have been made based solely on the information provided by the applicant and without site visits or independent reports being carried out.

Consultees respond to the application as required by the Planning Regulations.

6.8.7 The proposal will impact on tourism to the area as visitors to the heathland will be dissuaded by the noise etc

While this is a consideration, part of the application site already has planning permission for commercial uses. These could be more intensive and potentially more noise than that being applied for at this time. Measures including bunding, landscaping and noise mitigation are being put in place to minimise the potential impact of the development.

6.8.8 Rubbish is allowed to pollute the area around the existing site used by the applicant.

Within the CEMP it is stated that the company will regularly remove litter from an area of 20 metres to the north of the site. It also stipulates that all waste will be dealt with as required by Section 34 of the Environmental Protection Act 1990. A condition can be included that this is carried out in accordance with the CEMP.

7.0 CONCLUSION

7.1 Overall, on balance, it is considered by Officers that whilst it is acknowledged there have been concerns raised in relation to the proposed development, it is considered that the applicant has provided mitigation measures which when used in conjunction with the recommended conditions would enable the business to operate without detriment to the residents of the area, the wildlife and the highway network of the area.

As such the proposed development is considered to be in accordance with the NPPF and policies CS5, CS6, CS13, CS14, CS17, CS18, MD2 and MD12 of the Shropshire LDF. Thus the recommendation is one of approval subject to the conditions as outlined in appendix attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS14 - Managed Release of Employment Land

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

09/01600/COU Conversion of dis-used military building to B1 Office Use; formation of estate road and car parking area; installation of septic tank drainage system; GRANT 12th March 2010

PREAPP/10/01124 Affordable housing site REC

11/02471/FUL Change of Use of turning circles to B1C (Light industrial) following approval of temporary change of use (09/02457/COU). GRANT 9th February 2012

18/04298/FUL Change of Use to Provide Commercial Vehicles and Plant Auction Use to include Office, Auction Area, Preparation Building, Customer Parking along with 2m high Earth Bund around perimeter and 10m Landscaping Strip to SE Boundary (relocation of Existing Auction Site from the A49 Grain Store site) WDN 10th January 2019

19/02796/FUL Change of use of land to commercial vehicle and plant auction site to include provision of customer parking, erection of an office and preparation building; creation of

bunding and landscaping (relocation of Existing Auction Site from the A49 Grain Store site)
(resubmission) PCO

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member

Cllr Paul Wynn

Appendices APPENDIX 1 - Conditions

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

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

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

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

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

3. All demolition, conversion, site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Construction and Environmental Management Plan and Biodiversity Enhancement Strategy. (Greenscape Environmental, September 2019) and the Proposed Site Plan Rev. G.

Reason: To ensure the protection of and enhancements for protected and priority species.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

5. No development shall take place until the full details of necessary auction signage and its location on the A41 have been submitted to and approved in writing to the Local Planning Authority, the signage shall be implemented fully in accordance with the approved scheme prior to the use hereby permitted being first brought into use and the signage shall thereafter be maintained for the lifetime of the development. Reason: In the interests of highway safety.

Reason: In the interests of maintaining highway safety.

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

6. 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.

7. The development hereby permitted shall not be brought into use until the improvements to the existing access have been completed. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To provide a safe access to the development in the interests of highway safety.

8. All hard and soft landscape works shall be carried out in accordance with the Construction and Environment Management Plan received on the 24th February 2020. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, 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, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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

9. All preparation of plant and vehicles that requires the use of automated or electrical equipment shall be carried out within the existing building edged in green on the plan attached to this decision notice, with all doors and windows closed during the operations.

Reason: To protect the residential amenities of the area.

10. Prior to the installation of any external lighting on the site full details of a proposed lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information:

- a) A technical report shall be provided by a qualified competent person (e.g. Lighting Engineer) setting out the type of lights, performance, height and spacing of lighting columns;
- b) The light levels to be achieved over the intended area, at the site boundaries;
- c) Identify those areas/features on site that are particularly sensitive for wildlife, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- d) Show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK

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

11. Any public address system operating on the site shall not be audible at the boundary of any neighbouring residential property.

Reason: To protect the residential amenities of the area.

12. No machinery shall be operated or heavy plant, lorry movements or deliveries permitted, on the premises before 0700 or after 1900 on weekdays nor before 0800 or after 1300 on Saturdays and not at any time on Sundays or Bank Holidays.

Reason: To protect the amenities of the area.

13. All hazardous materials shall be stored, handled and disposed of in accordance with their COSHH assessment and any spillage or leakage shall be dealt with as set out in the Construction and Environment Management Plan received on the 24th February 2020.

Reason: To protect the SSSI and the surrounding area.

14. As detailed in the submitted Construction and Environment Management Plan received on the 24th February 2020 the company using the site shall regularly patrol and remove litter from a 20m buffer to the north of the site on the area of open space. This will be undertaken on a weekly basis and will include further clean-up sessions during times of Auctions. All waste will be dealt with in accordance with Section 34 of the Environmental Protection Act 1990 and its subsequent amendments and regulation.

Reason: To protect the amenities of the adjacent open countryside, SSSI and heathland.

15. The LPA and the Parish Council shall be notified of the calendar of events for each 6 month period as soon as practicable and at least by 31st January and 31st July respectively of each year. A notice at the entrance to the site shall also be put up advising of the calendar of events for the forth-coming 6 month period. No auctions will be permitted unless at least 28 days notice has been given as described above.

Reason To safeguard the residential amenities of the locality

16. No more than 12 auctions shall be carried out per calendar year on the site hereby approved.

Reason: to protect the amenities of the locality.

Informatives

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

2. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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.

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.

Mud on highway

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.

3. 1. 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 25% 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 5.0 l/s 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 + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

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

If main foul sewer is not available for connection, full details, plan and sizing of the proposed septic tank/ package sewage treatment plant including percolation tests for the drainage field should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the septic tank/ package sewage treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

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 25% 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 5.0 l/s 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 + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to

ensure that no surface water runoff from the new access run onto the highway.

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

If main foul sewer is not available for connection, full details, plan and sizing of the proposed septic tank/ package sewage treatment plant including percolation tests for the drainage field should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form).

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