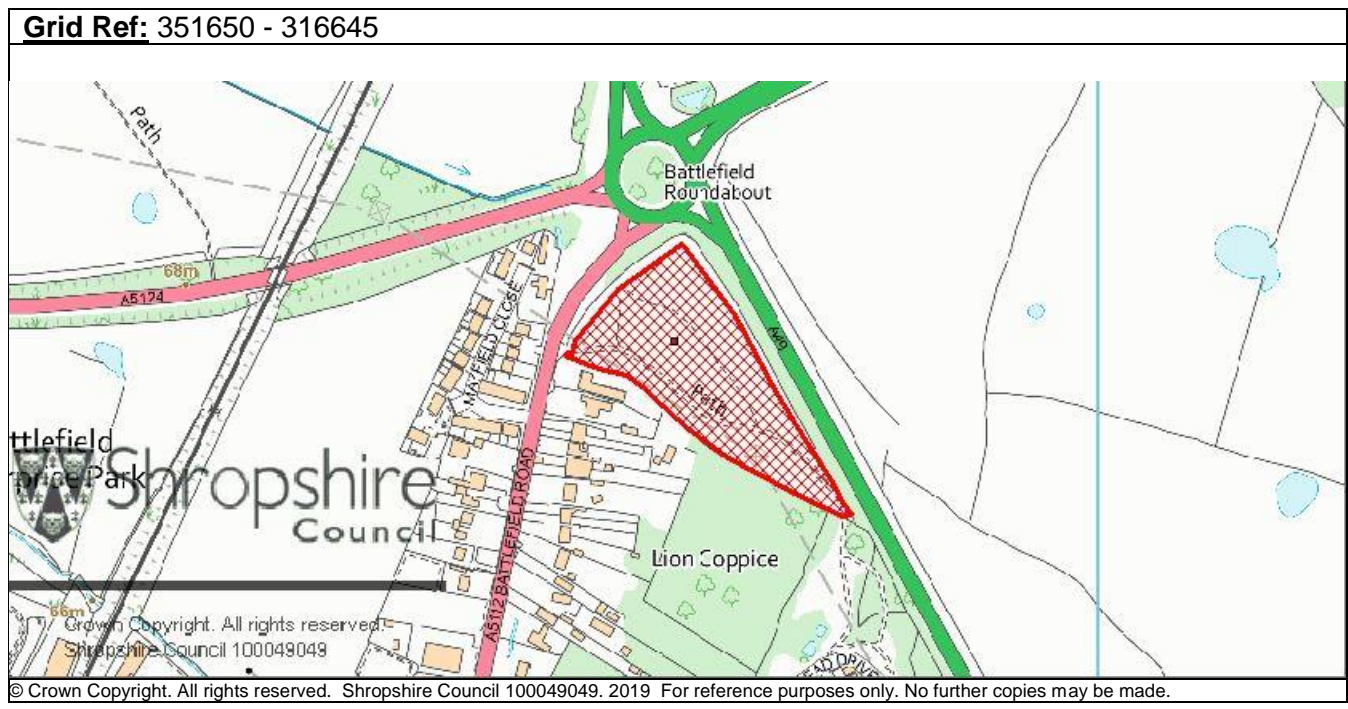


Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place
 Email: Tracy.Darke@shropshire.gov.uk Tel: 01743 254915

Summary of Application

Application Number: 21/01374/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a new foodstore, associated car parking, access, landscaping and a substation		
Site Address: Proposed Development Land South Of Battlefield Roundabout Battlefield Shrewsbury Shropshire		
Applicant: George Brown		
Case Officer: Mike Davies	email	: mike.daves.planning@shropshire.gov.uk



Recommendation:-

Approval subject to the conditions set out in Appendix 1 and the signing of a Section 106 agreement as set out in paragraph 1.6 of the report.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for a food store (Use Class E) (1,880 sq.m Gross External Area; 1,804 sq.m Gross Internal Area; 1,332 sq.m net sales area) to be operated by Aldi Stores UK Limited. The development will include 148 on site car parking spaces, including 8 disabled bays, 9 parent and child spaces and 4 spaces for electric vehicles with a charging point. There will also be space for 12 bicycles to be accommodated outside the store.
- 1.2 The proposals also include the creation of a new access into the site from Battlefield Road, a service yard for deliveries and landscaping treatment around the site. If planning permission is granted, Aldi intend to vacate its current store at Arlington Way, prior to the commencement of operations in the new store. This site will then be marketed as an employment site as a direct trade off for this site which is allocated for employment purposes.
- 1.3 The proposed site layout is informed by the design parameters of the site, such as the direction of principal views into the site, a fixed access position along Battlefield Road, an existing footpath through the site, a veteran tree and a pylon with overhead cables.
- 1.4 The proposals integrate the veteran oak tree as the green centrepiece of the development. The proposed store is located to the East of the site, running alongside Eastern boundary to allow maximum customer and occupier visibility into the scheme from Battlefield Roundabout.
- 1.5 The parking spaces included as part of the proposed development will be laid out in a regular pattern to the north and west of the application site. Accessible parking spaces will be located to the west of the store entrance. Cycle parking will also be located adjacent to the store, offering maximum security by means of natural surveillance.
- 1.6 As part of the applicants offer they are proposing to enter into a S.106 Agreement with the Council to market their current site for employment purposes only for a specified period of 5 years. Effectively, the applicant is proposing a land swap in relation to the employment site allocation.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located between the A49 and A5112 to the south of Battlefield Roundabout. The site extends to 2.13 hectares (5.27 acres) and is predominantly greenfield land with naturally regenerated scrub along its north-western and north-eastern boundaries.
- 2.2 There is an existing tarmacked 6 metre wide footpath/ cycleway runs adjacent to the southern boundary of the site and connects the site to a recent development of

230 dwellings to the south-east of the site (15/00673/REM).

- 2.3 There is an existing high voltage electricity pylon located within the south east part of the site. The site is crossed by the National Grid's high-voltage electricity pylons, which run along the south-western boundary.
- 2.4 The site is located on the edge of the Shrewsbury, around 4.5km north of the town centre.
- 2.5 Beyond the immediate boundaries of the application site, the surrounding area is characterised by residential and industrial uses.
- 2.6 The site lies south of Battlefield Roundabout on the northern edge of Shrewsbury. The site is bounded to its east by the A49 trunk road/ Shrewsbury bypass, to its west by the A5112 Battlefield Road and to its south by residential properties and Lion Coppice woodland. There is also a veteran Tree in the middle of the site which is proposed for retention as a centre piece feature.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Town Council objects to the proposals as does the ward member. The officer recommendation is contrary to the views of the Town Council and Ward Member. The matter was referred to the Chair/VC who determined that the application should be determined by the Northern Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **Cllr Dean Carroll (Ward Councillor)** - As the local Councillor for this area I wish to formally object to this application, I previously objected to application 20/02631/FUL and the substantive objections to that application remain valid for this application too. I shall summarise below the material planning grounds on which this objection is based.

1. Planning Policy: In Shropshire Council's SAMDev Plan 2006-2026 this site, identified as ELR007, was allocated as employment land. According to Core Strategy Policies CS14 and MD4 employment land is for uses of Class B, where other uses should only be considered in exceptional circumstances. The proposed new supermarket would fall into use Class E. The principle of protecting sites for employment use is well established and a legal requirement for setting a Local Plan. More than that, it is vital economically for the growth and relocation of businesses locally that will supply job and learning opportunities for the local workforce. The claimed net increase of 10 posts does not justify the loss of this promising employment site of over 5 acres. The applicant proposes to swap land use with the site of the existing Aldi store on Arlington Way, a smaller site with existing buildings on that would need to be fully cleared before any redevelopment could commence. Given the lower margins inherent with developments for employment uses I would seriously question the viability and sustainability of this offer and request it be discarded from consideration for this application. If a

greenfield site on a strategic gateway location into Shrewsbury from two trunk roads is not a viable or attractive proposition, how are we meant to believe that the complex redevelopment of a brownfield site surrounded by other uses would be any more viable or attractive? This is a strategic employment site, regardless of size, because of its location at the northern entrance to Shrewsbury from the A49, A53 and should it be constructed also the North West Relief Road, it will be a marker for what visitors and even potential investors in the town should expect from Shrewsbury so we should be demanding the highest standards of both use and design in this location; a well planned employment site offering good job opportunities and built to the latest standards would do that, a carbon copy supermarket would not.

2. The original consideration of access to this site in the SAMDev Plan 2006-2026 was on the basis of the site as employment land of B Class uses, there is no reference in the applicants transport assessment to what the difference in generated vehicle movements would be between the envisioned Class B uses of the site and the proposed application. The development of a popular and enlarged supermarket on this site would create far more vehicle movements and throughout the day compared to Class B uses on a site of this size. In determining a separate application further down Battlefield Road for a small housing development Highways Development Control accepted that Battlefield Road was already at or over capacity when taking in to account sites already granted planning permission so the net increase in this application compared to the originally envisioned use would also take Battlefield Road over capacity. I contend that this would have a materially adverse impact on the operation of the adjacent highways network.

3. Account needs to be taken of both the comments of the Ramblers Association and the presence of an ancient oak tree in the centre of the proposed development. Whilst the plans do show retention of the oak tree the aspect of an ancient oak should also be taken into consideration. Attention should also be taken to the line of the Right of Way to ensure its enduring protection.

On these grounds I believe this application should be rejected. This site was allocated for employment uses and I believe that it has the capability to deliver small scale, high quality employment opportunities in this part of Shrewsbury and enable the expansion of local businesses which would be lost should this application be approved. If it is the intention of officers to approve this application then I formally request it be brought before the North Planning Committee for determination on the basis of the material planning reasons above

4.1.2 **Shrewsbury Town Council** - The Town Council object to this application. If this proposed store is agreed it will increase the traffic on an already congested Battlefield Road and cause disruption for the neighbouring properties. There is too much development in this area at present. Members also wanted to state that this area does flood, the most recent being within the last year, where the whole road by the roundabout was cut off. Battlefield is a green area and the visual impact of the proposed store will affect the area.

4.1.3 **Astley Parish Council** - objects on the following grounds that should this

application be approved:

- There will be more congestion, restricting access to any point of Battlefield Roundabout.
- Safety issues on entering or exiting the site.
- Doubtful that 2017 data used for assessment of figures is valid.
- The North West Relief Road had not been taken into consideration.
- There will be an increase in litter.

4.1.4 **Highways England** - No Objections

4.1.5 **SC Highway Authority** - At the outset, the proposal relates to an allocated site in the SAMDev and therefore the principle of developing this site has been established through the local plan process and examination. However, whilst it is acknowledged that the identified use proposed for this site is employment land, it is understood that Aldi are prepared by Section 106 Agreement to offer the existing site off Arlington Way from retail to employment land as compensation for the current application proposal to proceed favourably.

The current application is supported by a Transport Assessment (TA) and following further discussions additional information has been submitted in respect of concerns raised regarding traffic generation and access to the site off Battlefield Road in proximity of the Battlefield Roundabout entry and exit. Further sensitivity assessments have been carried out, a Stage 1 Road Safety Audit of the junction onto Battlefield Road and parking accumulation information which relates directly to the existing Aldi store off Arlington Way in 2018 and 2019 i.e. pre-Covid times. The latter parking accumulation details are interesting as they show the arrival and departures throughout the day and demonstrate how customer vehicle movements are fairly steady throughout the day, though this is not untypical of how Aldi stores operate in Shropshire. When considering how the smaller and older Aldi stores operated a number of years ago, although the new stores are larger and the spend and dwell time of customers has increased, they do not exhibit traffic problems and all the new sites now operating in Shropshire function without difficulties in relation to parking demand and traffic.

As might be expected, the TA does not raise any fundamental traffic related concerns and considers that the development traffic can be accommodated on the network. Locally however we know that Battlefield Road does suffer from congestion at peak times with queuing back from the Battlefield Road Roundabout towards the Shillingston Drive access. Notwithstanding the conclusions reached in the TA, the position of the highway authority is that this development would have a negative impact at peak traffic periods. The test however in planning terms is whether the cumulative traffic impact of the development would be severe and the view of the highway authority is that the 'severe' impact threshold would not be triggered to justify a highway objection on capacity or safety grounds. The Northwest Relief Road planning application is currently under consideration and at present has assessed that minimal highway mitigation is considered necessary on the A49 southern approach to Battlefield Roundabout. That however is still under review at this stage.

The access has been safety audited and indicates no fundamental road safety concerns. However, in discussions with the applicant's transport consultant it has been acknowledged that the right turn out of the site onto Battlefield Road represents the more difficult movement, particularly at peak times. The revised access drawing now shows greater vehicle stacking for the left turn and right turn out manoeuvre and this is considered a positive amendment to the access. A 'Keep Clear' marking is also shown on the northbound lane of Battlefield Road to assist the right turn out of the site, though the difficulty will be at peak traffic periods along Battlefield Road when there is queuing traffic. What is likely to happen in practise is that customers will adjust their shopping habits to the prevailing peak traffic periods but again the parking accumulation information sets out the pattern of arrivals and departures throughout a Friday period in 2018 and 2019 and show how those movements are relatively steady throughout the day..

Overall whilst there are negative aspects to this development, the highway authority acknowledge that this is an allocated site in the SAMDev and that to a large extent the access position is defined by the available frontage onto Battlefield Road. This is a more unusual Aldi store application as in general the site areas are quite constrained but in this case more space is available for landscaping and the car parking provision and servicing arrangements are considered adequate. As set out above, whilst it is considered that this development would have a negative traffic impact upon Battlefield Road at peak times, it is not considered that a highway objection based upon the planning tests of 'severe' is warranted. In addition the access works will be dealt with under a Section 278 Agreement and subject therefore to technical review..

Based upon the above, the highway authority do not wish to raise a highway objection to the development but would ask that the following Conditions are imposed upon any consent granted:-

- Prior to the development hereby permitted being brought into use/open to trading, the access onto Battlefield Road shall be laid out in accordance with the approved plans and in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.
Reason; To ensure a satisfactory access to the site in the interests of highway safety.
- Prior to the development hereby permitted being brought into use/open to trading, the internal access roads, car parking and servicing areas shall be fully laid out and constructed in accordance with the approved plans.
Reason: To ensure an adequate provision of on site car parking and servicing arrangements to serve the development.
- Prior to the development hereby permitted being brought into use/open to trading, a Travel Plan shall be implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority; thereafter the Travel Plan shall remain in force for the lifetime of the development. **Reason:** To reduce carbon emission and promote active travel and health benefits.

- Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority: the CTMP shall remain in force for the duration of the construction period. **Reason:** In the interests of highway safety and to protect local amenity.

4.1.6 **SC Public Rights of Way** - FP 101 Shrewsbury runs through the proposed development and not along the walked track that has at some point in time been put in place. The footpath will require a legal diversion under the terms of the Town and Country Planning Act 1990 and the applicants will need to apply to the Mapping and Enforcement Team for such a diversion.

In the meantime, the route will need to be temporarily closed before any works commence at the site. The Mapping and Enforcement Team can provide the necessary information and application forms for both orders.

4.1.7 **Shropshire Ramblers Association** - This is to inform the Applicant that the current tarmac footpath on the south side of the site is NOT on the legal line of Public Footpath 0443/101/1 and that the legal line needs to be properly diverted by a Diversion Order to correct this anomaly in the Planning Application. Footpath 101 actually legally crosses the A49 and heads towards the farm Albrightlee, the tarmac footpath forms a link into the recent housing development off Shillingston Drive, but as yet none of the roads or footpaths on the development have been adopted as public.

4.1.8 **SC Historic Environment** - It is understood that the proposed development site has been allocated for employment under the SAMDev component of the Local Plan (Site Ref. ELR007).

The proposed developed site is located c. 265m east, and within the setting, of the Registered Battlefield for the Battle of Shrewsbury (NHLE ref. 1000033). Given its proximity to the battlefield, and the fact that the majority of the site remains undeveloped,

it is considered that the low-moderate potential for archaeological remains associated with the battle, in the form of portable objects, to be present on the proposed development site.

The following advice is provided on behalf of the Historic Environment Team as a whole. Because the site has allocated within the Local Plan we confirm that we have no objection in principle to the proposed development.

In response to the requirements set out in Policy MD13 of the Local Plan, Paragraph 189 of the NPPF, and the guidance contained on Shropshire Councils Shrewsbury Registered Battlefield Standing Pre-Application Advice Note, the Applicant has submitted a Heritage and Visual Impact Statement by JLL and an Archaeological Desk Based Assessment by Bear Archaeology.

Notwithstanding this, and without prejudice in relation to any impacts upon the significance of the Registered Battlefield and any advice Historic England provides in this respect, it is advised that the proposed development site itself is considered to hold archaeological interest. It is therefore advised at this stage, in relation to Policy MD13 of the Local Plan and Paragraph 189 of the NPPF, that a programme of archaeological work should be made a condition of any planning. This should comprise an archaeological metal detector survey and watching brief.

Historic England - Declined to offer comment on the application.

4.1.9

SC Economic Growth Service - supports the proposal which will safeguard

4.1.10 existing and create additional jobs, increasing the retail offer with a slightly larger store.

The applicant is seeking to relocate from the present site at Arlington Way on Sundorne Retail Park and is willing to accept a planning obligation restricting marketing the site to specified employment uses . A range of employment opportunities will be provided with staff recruited locally and training schemes for apprenticeships and graduates .

The Lichfield Economic Development Needs Assessment study has indicated that there is an over-provision of employment land. The key issue, however, is the viability of the development of employment sites and workspace and loss of employment land to higher value uses . Whilst sites may be allocated there is no guarantee that they will be developed. The existing building however is capable of being converted or the site ,which is serviced, can be redeveloped.

The planning obligation indicates that the landowner will only market the site for employment (Use Class E) , Storage and distribution (Use Class B8) Care Home (Use Class C1), Trade Counter Use and under the suitable Sui Generis uses including but not limited to Car Showroom and fuel stations. The agreement however is limited to a period of five years and if no lease has been entered into for one or more of the uses then the building and its land can revert back to its permitted use class (Use Class E (a))

There is a widening gap between the level of economic growth value added (GVA) in Shropshire compared to the national average, in addition average pay levels are lower than the regional average. The Economic Growth Strategy and the March LEP Strategic Economic Plan seeks to facilitate opportunities to increase economic potential and activities including increasing GVA.

The existing store is located on the Sundorne Retail Park and there may development interest for further retail uses which are permitted under the proposed planning obligation (Class E). In the light of this and the aspirations of the Marches LEP SEP and Councils Economic Growth Strategy, it is proposed that the obligation is amended to exclude retail uses Classes (E(a)) in the first five years of the agreement to facilitate economic development.

SC Regulatory Services - Noise : The report suggests that plant equipment would

- 4.1.11 be inaudible above the competing L90 (lowest 10% background noise) at the nearest noise sensitive properties, esp 124a Battlefield Road.

The noise report states that the times of delivery would be between 0600 to 2300 and hints that 2200-2300 will be the likely time, or the most quietest time in the 0600-2300 monitoring. The Delivery noise period is based on the LAeq of 60 dB(a) at 10 m, this is by definition an average noise level which realistically takes into account the peaks, for which distance attenuation and Predict software modelling show it to be 35-40dBA at no. 124 (White Lodge) and a further impulsivity penalty has been modified by an extra 3dB for the BS4142 assessment to make it 39dB(A). I have measured that it is around 80m from the proposed location of the delivery area to White Lodge, (My cruder and basic distance attenuation of 60dB at 10m from the delivery area make it to be around 42 dB at 80m though so I presume that absorption and topography have taken out around 5dB.)

I would note that the delivery period is quoted to be 50mins to 1hr 20 mins hours long, and it could be the case that the 2300hr arrival would extend the delivery period well past midnight, where the L90 is 37dBA whereas the predicted dB is 39dB, notwithstanding the noisier vehicle arrival and departure and the duration of unloading I would suggest that the delivery time be conditioned as such for deliveries between 0600hrs and 2230hrs to account for this.

Contaminated land Response: A Report by GIP; Ground Investigation for a Proposed Commercial Development at Battlefield, Shrewsbury; Report Ref. KCD/29232, 21st August 2020; FINAL has been submitted in support of this planning application.

The results of the site investigation has not identified any potential risks to human health, controlled waters or from ground gas and therefore Regulatory Services has no comments to make in respect of this application from a contaminated land perspective.

- 4.1.12 **County Arborist** - Overall the arboricultural impact is low. The two veteran Oak trees are to be retained and given full protection in accordance with BS 5837 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection" Apply the tree conditions listed below to any approval.

Report

This is an open grass site with curtilage scrub and thicket hedges (some recently cleared) with a protected veteran Oak tree and a second Oak tree on the SW boundary of the site.

The veteran Oak (T1) is protected by the Shropshire Council "Land south of Battlefield" TPO 2020 and has been retained and described as the "Green centrepiece of the development". As a veteran the correct maximum root protection area of 15m radius has been applied with the tree retained in open space. The root protection area (RPA) is shown as wild flower meadow with scrub cleared. This has the potential to damage the RPA – any clearance of scrub should only be done by

hand with no machinery used in the RPA and this area treated with an organic mulch as an alternative to grass/ meadow proposed. There should be no changes in levels around the tree or within the RPA by the addition of soil for example. This work should be supervised by a qualified arboriculturist as stated in condition 2 below.

Protective fencing for a second Oak tree in the SW corner and a barrier 15m from the edge of Lions Coppice (the adjacent priority habitat deciduous woodland) is shown on the submitted ACS Tree Protection Plan.

Loss of G4 – thicket of hawthorn and Blackthorn to form an access has been mitigated with 19 heavy / extra heavy standards new trees including large canopy specimen oak and Lime

Conditions

- 1) All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the ACS Tree Protection Plan Arb/4261Y/300 and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and temporary ground protection 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.

- 2) Prior to the commencement of the development a suitably qualified tree specialist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted ACS arboricultural method statement and submit to the LA a satisfactory completion statement to demonstrate compliance with the approved tree protection measures. Supervision of scrub clearance in the root protection areas of the 2 veteran trees is also required.

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

- 3) All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

- 4) Watering of new trees shall be carried out as follows: Trees shall be watered in with 25 litres each and then a further 25 litres every week during dry periods

during the first 12 months of establishment 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.

4.1.13 **County Ecologist** - There is a large veteran oak tree (Tree 1 in the arboriculture survey) which has been identified as having moderate potential to support roosting bats after aerial inspection. This tree is to be retained within the proposed development, however, it will be isolated by built infrastructure with the potential for any bat roost present to be impacted indirectly by loss of commuting routes, foraging and commuting habitat and lighting impacts. In addition, the tree was noted as likely supporting roosting tawny owl, with potential for it to be used by barn owl, for breeding.

I have read the Bat and Barn Owl Survey of Tree report, dated June 2021, compiled by CES, and am happy with the methodology and survey effort undertaken. This covered T1 (as per the AMS), a mature oak in the middle of the proposed development.

I am in agreement with the conclusion of the report that roosting bats are likely absent and that there is no current evidence that the tree is utilised as a nesting site for barn owl.

A stock dove (amber listed BoCC) was recorded breeding with the cavity of T2, and it is likely that the breeding site may be lost through development proposals (indirectly through disturbance). It is therefore recommended that a box, suitable for stock dove, is erected elsewhere on the site, on a suitable trees. A condition is recommended to secure this.

Conditions are recommended for a pre-commencement check for barn owl and the following of RAMS, if the tree is subject to any arboricultural works.

Recommended conditions

Any arboricultural works to T2 (oak) shall be undertaken in accordance with section 7 of the Bat and Barn Owl Survey of Tree report dated June 2021 by CES.

Reason: To protect bats, European protected species.

No more than two weeks prior to the commencement of development, an appropriately qualified and experienced ecologist shall undertake an inspection of the cavity of tree 2 for the presence of nesting barn owl. Within one week of undertaking the check, a brief notification to the Local Planning Authority of the results of the pre-commencement check for barn owl shall be submitted including details of any required mitigation in the light of the check.

Reason: To protect barn owl, a Schedule 1 species (W&C Act).

Prior to the first use of the development, a nest box suitable for use by stock dove, shall be erected on tree 2 (as per the AMS). The box shall be sited at least 2m from the ground on a suitable tree on a northerly or shaded east/west aspect with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF

4.1.14 **SC Landscape Consultant** - The LVIA has been written as an outline study and is not fully compliant with national guidance, although it is noted that the application is for a site that is allocated in the Local Plan. We have a number of concerns in respect of the assessment of landscape and visual effects.

No beneficial landscape or visual effects are predicted, with all effects predicted to be slightly adverse or neutral.

The proposals have the potential to comply with Local Plan policies CS6, CS17, MD2, & MD12 in relation to landscape character and visual amenity, and the consultant is now in agreement over the visual assessments, however, although the landscape of the site itself has been included as a receptor, there has been no assessment of effects which may have demonstrated a more positive outcome.

4.1.15 **SC Local Lead Flood Authority** - The initial response from the LLFA requested the submission of a detailed drainage scheme for the site. The applicants subsequently submitted this and the LLFA is now satisfied with the drainage details of the site subject to appropriate conditions being imposed.

- Public Comments

Objections

- 4.2
- 4.2.1
- Increased traffic generation and congestion
 - Detrimental to highway safety
 - Road infrastructure proposed cannot be accommodated within existing highway
 - Impact on residential amenity
 - Increased Litter
 - Existing site more accessible to those without a vehicle
 - Increased noise, traffic and light pollution
 - Will make it more difficult for existing residents to access Battlefield Road
 - Detrimental impact on wildlife
 - Site allocated for employment uses proposal will not generate sufficient jobs
 - Loss of open space
 - Existing store nearby no need for another store
 - Site is too far away from town centre
 - Site drainage concerns as flooding already occurs
 - Increased difficulty for pedestrians crossing Battlefield Road
 - Existing trees already removed
 - The extra traffic on Battlefield Road would require a light controlled cycle crossing to connect the track along the southern edge of the site to the cycle

path on the west side of Battlefield Road

- Traffic calming required to keep vehicle speeds down
- A further supermarket is not required area already has significant provision

Support

- 4.2.2
- Will replace an outdated existing store
 - Existing store is too small for number of customers it attracts
 - New store will be more environmentally friendly
 - New store is near existing site so still within easy reach for existing customers

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

Residential Amenity

Highways and Transportation

Ecology

Historic Environment

Economic Development and Employment

Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); Developers Contributions SPD (July 2011) and National Planning Policy Framework (NPPF) (2019). Those of relevance to the proposal are considered below as part of the appraisal.

6.1.2 The site is a designated employment site (ELR007) within the adopted development plan and the allocation covers an area of 2 hectares. The allocation identifies Class B1, B2 and B8, plus some sui generis uses as being appropriate on the site. This allocation supersedes the changes to the use classes order which now mean former B1 uses are within the new Class E along with a host of other uses including retail which was previously class A1.

6.1.3 A key objective of both national and local planning policy is to concentrate new development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1 and CS2 set out the spatial policies for Shrewsbury. This site is an allocated employment site with the SAMDev Plan. Policy S16.1b

6.1.4 The applicant currently has an existing store at Arlington Way which they intend to vacate should planning permission be granted for the new store on the application site. As the site is allocated for employment use in the Development Plan the applicant has offered to enter into a legal agreement to ensure that its current site is marketed exclusively for a 5 year period for certain specific employment uses

rather than being occupied by another retailer. Clearly, the changes to the Use Classes Order in September 2020, mean that retail and light industrial are now grouped together under Use Class E and as such it is considered that it is likely to be much more difficult to resist retail uses on employment land than in the past. This is particularly true on existing developed sites which have a Class E use.

Therefore, the exclusive marketing period is seen as a significant opportunity to test the market in terms of attracting other types of employment to the site, besides retail as it provides a sustained period of exclusivity in relation to the marketing of the current site.

6.1.5 The revised NPPF (July 2021) is explicit at paragraph 54 that planning conditions should not be used to restrict permitted development rights unless there is clear justification for doing so. Paragraph 55 continues that planning obligations can be used to make otherwise unacceptable development acceptable and it is considered expedient in this case to facilitate the allocation swap through a S.106 agreement to secure employment uses on the current site, given the changes enacted in the recent changes to the use classes order.

6.2 Siting, scale and design of structure

6.2.1 The site is situated to the south east of the Historic Battlefield and as such any proposals to develop the site need to be considered in the context of the battlefield and the impact they will have in terms of views and the appreciation of the battlefield site as a heritage asset.

6.2.2 The store building will be located towards the rear of the site towards the A49. It is a single storey structure so height wise it will not be particularly prominent in the context of the site.

6.2.3 Signage to the site is likely to be closer to the battlefield being situated around the site entrance on Battlefield Road and towards the roundabout.

6.3 Visual impact and landscaping

6.3.1 The perimeter of the site is surrounded by mature landscaping, which acts as a screen to inner development area. Part of this is in the ownership of the Council as Highway Authority and this has recently been cut back. The proposals for the site envisage existing landscape being bolstered and better managed than in the past.

6.3.2 Landscaping is likely to be a key component of the development and provide important mitigation in relation to the how the proposals impact on the interpretation of the historic battlefield in the future.

6.3.3 Significant consideration has been given to the landscaping around the periphery of the site and the visual impact of the development on the wider landscape. There is a delicate balancing act between mitigating the impact of the development on the historic battlefield, whilst accepting that the applicant will require a degree of visibility to allow customers to easily locate the store and its access. It is considered that the scheme now achieves the right balance between the applicants needs and the requirement to minimise impacts on the wider landscape setting.

6.4 Residential Amenity

6.4.1 There are a number of residential properties that back onto the site that front Battlefield Road. The site is an allocated employment site and as such the principal of its future development has already been established through the development plan process. Mitigation of any impacts arising from the proposed store however are of paramount importance to protect the amenities of existing residents from any noise and disturbance which may arise as a result of development.

6.4.2 Clearly, late night and early morning activity associated with deliveries is a primary source of concern and as such it is proposed to limit deliveries to between the hours of 0700 to 2300 with a condition that delivery vehicles are not on site outside of these hours.

6.4.3 The boundary of the site with adjoining residential properties along Battlefield Road will also be provided with an acoustic fence to further reduce noise and disturbance from activity on the site and in front of this will be a planted buffer zone.

6.4.5 The light pollution has been raised as an issue but it is not considered that on site lighting will have an unacceptable impact on adjoining neighbours as there is a considerable distance between the backs of residential properties and the car parking and service area. A condition requiring a lighting plan is however recommended but this is in relation to ecology matters.

6.5 Highways and Transportation

6.5.1 The site will be accessed from Battlefield Road with a left hand filter lane for traffic entering the site from the north (Battlefield Roundabout) and a right hand turn lane being created on Battlefield Road for those coming from a southerly direction.

6.5.2 Traffic queuing back from Battlefield Roundabout on the carriageway heading north is a particular concern, especially with the introduction of a right hand filter lane for traffic entering the site from the south. Vehicles exiting the side and turning right to head towards the roundabout will have to traverse the south bound lane on Battlefield Road and then negotiate the right hand filter lane for traffic turning into the site to join the carriageway heading north into the roundabout.

6.5.3 This potentially could create some conflict in relation to highway safety as drivers may find it difficult to exit the site in a northerly direction which in turn could lead to frustration resulting in vehicular manoeuvres which may put other road users at risk. As a result of these concerns the applicant has been requested to provide a Safety Audit of the access and egress to the site.

6.5.4 Whilst, it is acknowledged that queuing already takes places along Battlefield Road at peak times, experience of how other Aldi stores operate in the county suggests that customers will adjust their shopping habit to avoid peak periods and whilst their may be increases in traffic these will not meet the NPPF threshold of 'severe' so as to justify a refusal on highway grounds.

6.6 Ecology

6.6.1 The site contains a veteran tree in the centre of the site which is to be retained to

form a focal point within the development. There is a mature landscape buffer around the perimeter of the site. It is considered that any adverse impacts arising from the proposals can be adequately mitigated against by the imposition of appropriate conditions.

6.7 Historic Environment

6.7.1 The impact of the proposals on the Registered Battlefield and how it is viewed and interpreted is a significant consideration in the context of the development of this site. Whilst, the site is allocated for future development, it is also important that any development that takes place is sympathetic to its surroundings and has regard to its context in relation to the Historic Battlefield and its appreciation/interpretation.

6.7.2 Views to and from the battlefield are an important consideration, but the design of the main building and its location towards the rear of the site mean that its impact is minimised. Clearly, there is a tension between the applicants desire for visibility to attract customers and the need to minimise any visual impact on the setting of the battlefield. It is considered that in this case the right balance has been achieved and that the impact of the proposals will cause less than significant harm to the heritage asset. When this is weighed against the other benefits arising from the development it is considered that on balance the proposals are acceptable.

6.7.3 Following on from the comments received from the County Archaeologist, the applicant has subsequently submitted a programme of archaeological works, which have been agreed and this will be conditioned as part of any approval granted.

6.8 Economic Development and Employment

6.8.1 The site is allocated for employment uses in the development plan which at the time the plan was adopted consisted of Class B1 (offices, light industrial and research & development), Class B2 (general industrial) and Class B8 (Storage and Distribution). With changes to the Use Classes introduced in September 2020, Class B1 uses have been subsumed into the new Class E which includes a much wider set of uses including retail (formerly Class A1).

6.8.2 The ability to protect employment sites from other uses within Class E which might previously have been deemed contrary to planning policy has been significantly undermined by these changes to the Use Classes Order and as such the fact that the applicant is prepared to enter into a Unilateral Undertaking in relation to the marketing of their existing site for an exclusive period for uses formerly classed as employment uses is seen as a positive step in terms of safeguarding sufficient employment land to meet future need in Shrewsbury.

6.8.3 The applicant states that a new Aldi stores generally employ circa 40 staff comprising full-time and part-time positions. The proposal is for a relocation and therefore intends to retain and relocate all existing staff from its Arlington Way store and recruit a further ten additional staff to the new store from the local area.

6.8.4 Aldi operates successful apprentice schemes and graduate programmes in the UK. Apprentices are trained to work in all parts of the business including at store, distribution, logistics and management level, as well as progression through to the

Store Management Team. The graduate scheme secures an annual intake for the Area Management Programme. Trainee Area Managers spend a year shadowing an Area Manager before they take on three to four stores of their own to manage. The training covers the entire spectrum of running a retail operation and is a UK-wide programme.

6.8.5 The construction of a new store requires the services of local building trade contractors which provides employment opportunities during the build-out period. Further employment opportunities also exist for the ongoing maintenance of the site and landscaping.

6.8.6 Whilst, concern has been expressed at the delivery of employment opportunities as a result of the existing store relocating, there will be an increase in employment opportunities arising from the development. The same is also applies to the future reuse or redevelopment of the existing store site.

6.8.7 The proposed legal agreement which will be attached to any consent granted means that the existing site will be marketed for an exclusive period for specified employment uses.

6.9 Drainage
The LLFA requested the submission of a site drainage scheme via a pre-commencement condition. The applicants have expressed a reluctance to accept pre-commencement conditions as they wish to be on site in September. With this in mind the applicants have submitted a drainage scheme recently. The LLFA subsequently expressed some concerns in relation to the details, but these issues have now been resolved.

7.0 CONCLUSION

7.1 The site is allocated for employment use within the Development Plan. However, with the introduction of the revised use classes order last September, the new Class E encapsulates a whole raft of uses which were previously within different uses classes. This has created a bit of a policy vacuum as the development plan is out of step with these changes and we are now only just beginning to see how the Planning Inspectorate are dealing with this conundrum in planning appeal decisions. The early appeal decisions suggest that unless there is strong justification the Planning Inspectorate will not support local planning authorities imposing limitations on the uses with Class E via condition. Such an approach has significant implications for designated employment sites in the county and as such future policy formulation.

7.2 In terms of this particular site, the applicant has offered to enter into a legal agreement with the Council in relation to the future marketing of their existing site exclusively for employment purposes for a set time period subject to planning permission being granted. This will mean that the existing Aldi site at Arlington Way will only be marketed for certain specified uses within Class E which will specifically exclude retail amongst other uses. Therefore, this will ensure there is no loss of employment land as effectively the designation of the two sites will be swapped.

- 7.3 The other major consideration in relation to the development of this site relates to the impact of the proposals on the setting and interpretation of the historic battlefield. Careful consideration has been given to this issue throughout the application process, however it also needs to be remembered that this is an allocated development site in the local plan. Therefore, the principle of the future development of the site is already established and this application is primarily concerned with its form. It is considered that the proposals incorporate sufficient mitigation to ensure that any impact on the heritage asset will be less than significant and when this is balanced against the other benefits of the scheme such as employment opportunities, etc; it is considered that on balance the negative impacts are outweighed by the benefits.
- 7.4 The proximity of the site to the Battlefield Roundabout has been a source of some concern particularly in relation to impacts on peak time traffic flows. However, the NPPF is clear that development should only be refused on highways grounds where the impacts are 'severe' and the highway authority are satisfied that given this is an allocated employment site that the network can cope satisfactorily accommodate the development. The Highway Authority are therefore of the opinion that a highways objection to the development is unsustainable.
- 7.5 The applicant has requested that no pre-commencement conditions be attached to any planning permission granted as they are looking to make an immediate start on site once the decision is issued. As any approval will be subject to a planning obligation in relation to the marketing of the existing site for employment purposes it is considered that in the intervening period between the Committee decision and the signing of the legal agreement the applicant can use this period to submit the information required under the pre-commencement conditions and these can then be substituted for compliance conditions on the decision notice thus negating the need for pre-commencement conditions in line with the applicants wishes.
- 7.6 The offer of a S.106 Agreement to secure a 5 year exclusivity period for marketing the current site for employment uses only is considered to be a positive trade off in terms of the site allocation as this will allow the market's appetite to be thoroughly tested without the distraction of other higher value uses driving up the value of the existing site to levels where it is no longer sustainable for employment uses.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS15 - Town and Rural Centres

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD4 - Managing Employment Development

MD10B - Impact Assessments for Town and Rural Centres

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

PREAPP/18/00368 Outline application for employment units (B1/B8), car showroom (Sui Generis) and coffee drive through (A4) with all matters reserved except access PREAIP 31st August 2018

PREAPP/20/00051 Mixed commercial development to include 4 buildings (A: restaurant with bar 650sqm, B: coffee drive thru 168sqm, C: 80-bed hotel and D: sui generis use 929sqm)

PREAMD 5th March 2020

20/02631/FUL Mixed commercial development comprising industrial building (B1c, B8) with trade counter uses; 80-bed hotel; restaurant and bar; coffee shop with drive-through facility; associated access, parking, drainage and landscaping scheme to include diversion of public right of way WDN 10th March 2021

PREAPP/20/00478 Erection of a new foodstore, car parking, access, landscaping and a substation PREAMD 13th November 2020

21/01057/FUL Erection of a new foodstore (Use Class E), substation, access, associated car parking and landscaping REC

21/01374/FUL Erection of a new foodstore, associated car parking, access, landscaping and a substation PDE

11. Additional Information

[View details online:](#)

Contact: Tracy Darke (01743) 254915

Northern Planning Committee – 31 August
2021

Proposed Development Land South Of
Battlefield Roundabout Battlefield Shrewsbury
Shropshire

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 Ed Potter

Local Member

Cllr Dean Carroll

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. The programme of archaeological work for the development approved by this permission shall be carried on in complete accordance with the Written Scheme of Investigation by Bear Archaeology dated August 2021.

Reason: The site is known to hold archaeological interest.

4. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority: the CTMP shall remain in force for the duration of the construction period.

Reason: In the interests of highway safety and to protect local amenity.

6. No more than two weeks prior to the commencement of development, an appropriately qualified and experienced ecologist shall undertake an inspection of the cavity of tree 2 for the presence of nesting barn owl. Within one week of undertaking the check, a brief notification to the Local Planning Authority of the results of the pre-commencement check for barn owl shall be submitted including details of any required mitigation in the light of the check.

Reason: To protect barn owl, a Schedule 1 species (W&C Act).

7. Prior to the commencement of the development a suitably qualified Arborist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-

commencement stage and throughout the construction period as outlined in the submitted ACS arboricultural method statement. The commission shall also include for the supervision of scrub clearance in the root protection areas of the veteran tree.

On completion of the works and prior to occupation a satisfactory completion statement should be submitted to the LPA to demonstrate compliance with the approved tree protection measures.

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

8. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the ACS Tree Protection Plan Arb/4261Y/300 and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and temporary ground protection 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.

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

9. The proposed surface and foul water drainage schemes shall be installed in accordance with the approved drainage plan and details submitted on 9 August 2021 prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

10. Watering of new trees shall be carried out as follows: Trees shall be watered in with 25 litres each and then a further 25 litres every week during dry periods during the first 12 months of establishment 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.

11. Any arboricultural works to T2 (oak) shall be undertaken in accordance with section 7 of the Bat and Barn Owl Survey of Tree report dated June 2021 by CES.

Reason: To protect bats, European protected species.

12. Prior to the first use of the development, a nest box suitable for use by stock dove, shall be erected on tree 2 (as per the AMS). The box shall be sited at least 2m from the ground on a suitable tree on a northerly or shaded east/west aspect with a clear flight path, and thereafter maintained for the lifetime of the development.

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

13. Prior to the development hereby permitted being brought into use/open to trading, the access onto Battlefield Road shall be laid out in accordance with the approved plans and in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure a satisfactory access to the site in the interests of highway safety.

14. Prior to the development hereby permitted being brought into use/open to trading, the internal access roads, car parking and servicing areas shall be fully laid out and constructed in accordance with the approved plans.

Reason: To ensure an adequate provision of on site car parking and servicing arrangements to serve the development.

15. Prior to the development hereby permitted being brought into use/open to trading, a Travel Plan shall be implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority; thereafter the Travel Plan shall remain in force for the lifetime of the development.

Reason: To reduce carbon emission and promote active travel and health benefits.

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

16. The premises shall not be open for customers and no customers shall remain on the premises outside the following hours: -

[0800 - 2200], Mondays - Saturdays and [0930 - 1630] Sundays.

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

17. No construction works shall take place before 8 am on weekdays and 8 am on Saturdays nor after 6 pm on weekdays and 1 pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

18. No Deliveries vehicles shall be present on site outside of the hours of 0700 - 2300 daily.
Reason : In the interests of residential amenity.

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. This planning permission does not purport to grant any consent under the Town and Country Planning (Control of Advertisement) Regulations 1992 for the advertisements shown on the deposited plans. A separate consent will be needed in this particular respect and this permission is granted without prejudice thereto.

3. 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.

4. The applicant is reminded that confirmation of a Diversion Order for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.

5. By virtue of the Town and Country Planning Act 1990, your attention is drawn to the following statutory provisions and Code of Practice relating to the needs of disabled people: Sections 4, 7 and 8A of the Chronically Sick and Disabled Persons Act 1970, Disability Discrimination Act 1995, BSI Code of Practice BS5810:1979 relating to Access for Disabled to Buildings, and the Building Regulations 1992 Approved Document M. Please ensure that you are taking account of these requirements.

6. General site informative for wildlife protection

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

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

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

October) when the weather is warm.

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

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

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

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

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

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

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

[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.]

7. Nesting birds

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

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

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] 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 and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

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

8. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant ensure that the finished floor level is set above any known flood level or at least 300mm above the ground level.

9. Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided to ensure that the drainage system remains in good working order throughout its lifetime.

10. Highway Gully Spacing calculations should be submitted for approval.

Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Shropshire Councils Surface Water Management: Interim Guidance for Developers,
paragraphs

7.10 to 7.12 (Local Standard D of the SUDS Handbook) requires that exceedance flows for
events

up to and including the 1% AEP plus CC should not result in the surface water flooding of more
vulnerable areas (as defined above) within the development site or contribute to surface water
flooding of any area outside of the development site. Exceedance flow path should be
provided.

11. 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.

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