

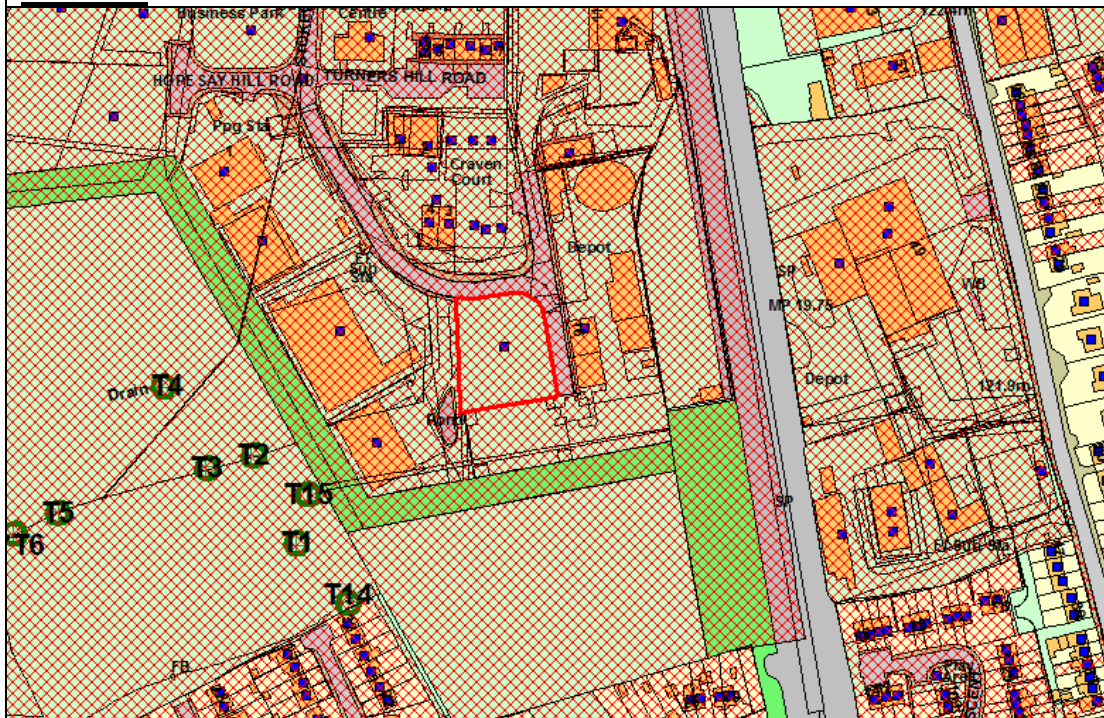
## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b><u>Application Number:</u></b> 22/01576/OUT	<b><u>Parish:</u></b>	Craven Arms
<b><u>Proposal:</u></b> Outline application for the erection of steel commercial/industrial building, vehicular access and yard, parking facilities (all matters reserved)		
<b><u>Site Address:</u></b> Proposed Industrial Building To The South Of Stokewood Road Craven Arms Shropshire		
<b><u>Applicant:</u></b> Tough Furniture Ltd		
<b><u>Case Officer:</u></b> David Jones	<b><u>email:</u></b> david.jones@shropshire.gov.uk	

**Grid Ref:** 342992 - 283304



**Recommendation:- Grant outline planning permission subject to the conditions set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This is an outline planning application with all details reserved for future consideration. The proposal is described in the submission as portal frame steel building of around 900-meter square, being 6 metres to the eaves having a vehicular access yard and parking facilities. An indicative block plan accompanies the application which shows the footprint of the of a building (36 metres by 23 metres) a 6-metre-wide vehicle access leading to a 9 metre tarmac hardstanding along the frontage of the building. A 2.4-metre-high palisade type fence is annotated along the southern and western boundary positions.
- 1.2 It was clarified in the course of processing the planning application that the use being applied for is furniture manufacturing which would fall within a B2 (General Industrial Use) under The Town and Country Planning (Use Classes) Order 1987 (as amended). The applicant has confirmed that the development would be used for the storage of materials, assembly of furniture and their distribution from the site. Working hours would be 06.00 until 22.00 weekdays and 06.00 to 14.00 on Saturdays.
- 1.3 The submission states that surface water will be disposed of either by way of soakaways or the public sewer.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is a greenfield site having an area of 0.211 hectares located on an established industrial estate.
- 2.2 There are existing residential areas to the south the nearest of which is around 100 metres from the application site.
- 2.3 The mainline railway is located around 80 metres to the east of the application site.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 This is a third-party planning application for an industrial development on Council owned land and on the basis that this is not a statutory function of the Council under the scheme of delegation it is considered that the application should be determined by the planning committee.

### **4.0 Community Representations**

#### **4.1. Consultee Comment**

#### 4.1.1    **SC Archeology (Historic Environment)**

23.05.2022 The proposed development site lies adjacent to a cropmark enclosure of prehistoric to Roman date (PRN 02046). It also lies a short distance to the east of the route of Watling Street (PRN 00108) and in the area of several roman occupation sites (PRN 02041 & PRN 00620).

A geophysical survey by GSB Prospection in 1991 (ESA 7457), and an archaeological evaluation, by Birmingham University Field Unit in 1992 (ESA 2490), revealed the presence of Roman occupation associated with the enclosure. Within the development site itself, a number of linear anomalies were identified, and trial trenching (Trench 5) identified two ditches, two possible post holes, and a number of pit features. Issues during these investigations has meant that the exact location of these features is unclear.

Archaeological excavation by SLR consulting (ESA 7777) immediately to the south of the proposed development site identified the northern extent of the cropmark enclosure (PRN 02046), associated with external activity which spanned approximately 200 years. A late prehistoric V-shaped ditch, comprising a timber stockade running parallel to the western side of the enclosure, and a later Roman ditch overlying/ replacing part of the earlier ditch, were found to continue north beyond the excavated area, and are therefore likely to extend into the proposed development site. The later ditch may have been for drainage, allowing water to flow southwards, and/or it may have demarcated different zones of external activity, perhaps related to the use of the land to the east for ovens and structures, while to the west lay a more open area.

Given the above, significant archaeological remains associated with this site may be impacted on by the proposed development. The development site is therefore deemed to have high archaeological potential.

#### RECOMMENDATION:

In view of the above and in line with Policy MD 13 of the Local Plan and Paragraph 205 of the NPPF, it is advised that a phased programme of archaeological work should be made a condition of any planning permission for the proposed development. This should be in the form of a strip, map and record exercise, initially covering the eastern half of the site (c.25m N/S x 20m E/W), with further mitigation thereafter depending on the results. This may include further extensions to the pre-commencement area excavation and/or a watching brief during groundworks, as well as an appropriate level of post-excavation analysis and reporting of any features and deposits that are encountered.

An appropriate condition of any such consent would be:

Suggested Conditions:

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

Reason: The development site is known to have archaeological.

#### 4.1.2 **Severn Trent Water Ltd**

23.05.2022 Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

#### 4.1.3 **SC Ecologist**

13.05.2022 Standing Advice

#### 4.1.4 **SC Regulatory Services**

24.05.2022 Given the proximity of unit to a residential area I would recommend the following condition is applied to any permission given.

No operational use of manufacturing or extraction equipment shall take place until a noise assessment of proposed activities with appropriate noise mitigation scheme if required has been approval by the Local Planning Authority. The approved scheme shall be completed prior to the first manufacturing operation of the building and shall thereafter be retained.

14.07.2022 Confirmed that there are no concerns that the use of the site for woodworking as part of furniture manufacture would be unacceptable in principal at the site , there are already similar uses being undertaken at neighbouring units. Would fully expect noise control; from the activities to be easily controlled.

#### 4.1.5 **Network Rail**

30.05.2022 Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk).

#### LEVEL CROSSINGS

As there is a level crossing in the vicinity then no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing, This stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.

#### 4.1.6 **SUDS**

22.04.22 All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

##### 1. Condition:

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

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

##### 2. Comment:

2.1. Surface water and foul drainage schemes for the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

2.2. Appendix A2 - Surface Water Drainage Proforma for Minor Developments must be completed and together with associated drainage details, must be submitted for approval.

#### 4.1.7 **SC Highways DC**

19.02.22 The Local Highway Authority want to reiterate that, even though the applicant has provided a detailed site layout plan, the conditions outlined below are based on the fact the application is 'Outline - All Matters Reserved' and that access arrangements and the yard/parking facilities will be subject to Highway's approval at the 'Reserved Matters' stage.

Based on the above the Local Highway Authority in turn ask for the following conditions;

##### Means of Access

Development shall not take place until details of the means of access, including the layout and construction, have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

##### Parking/Turning/Loading

Development shall not take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area, in the interests of highway safety.

##### Informative and Note

###### Drainage Scheme (Informative)

Details of a drainage arrangement scheme to ensure that surface water from development does not discharge onto the public highway, will need to be provided at the reserved matters stage. 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.

###### Note

The site layout proposals are purely indicative at this stage and aren't subject to Highway's approval. The applicant will need to provide a tracking exercise at the 'Reserved Matters' stage which shows that the largest vehicle associated to the site can manoeuvre accordingly and leave the site in a forward gear. The parking arrangements associated to the commercial/industrial building also need to be clearly outlined, showing enough spaces have been provided to accommodate the

proposals.

## **4.2 Public Comments**

- 4.2.1 The application was publicised with a site notice and the publicity period expired on the 16.05.2022, no representations were received within this period.

## **5.0 THE MAIN ISSUES**

Principle of development  
Siting, scale and design  
Residential Amenity

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 Policy CS1 (Strategic Approach) of the Core Strategy identifies that accommodating investment and new development will contribute to meeting the County's needs and to make its settlements more sustainable. The Market Towns and other Key Centres will maintain and enhance their traditional roles in providing services and employment.
- 6.1.2 Policy CS3 (Market Towns and Other Key Centres) of the Core Strategy lists the Market Towns and other Key Centres and states that these will maintain and enhance their roles in providing facilities and services to their rural hinterlands.
- 6.1.3 Policy CS13 (Economic Development, Enterprise and Employment) seeks to support enterprise and deliver sustainable economic growth and prosperous communities. The policy also seeks to ensure that the business investment recognises the economic benefits of the County's environment and quality of life as unique selling points which need to be valued, conserved and enhanced. There is a need to promote a sustainable pattern of development in line with the spatial strategy means that much of the economic development takes place in Shrewsbury and the Market towns.
- 6.1.4 Policy CS14 (Managed Release of Employment Land) states that a strategic supply of employment land and premises will be identified and managed to release 290ha of employment development up to 2026 which will be distributed in accordance with Policy CS1.
- 6.1.5 Policy MD1 (Scale and Distribution of Development) of the SAMDev sets out where the pattern of employment land will be within the County; namely Market Towns and other Key Centres such as Craven Arms where sustainable development will be supported.
- 6.1.6 Policy MD4 (Managing Employment Development) states that employment development will be managed in accordance with spatial strategies CS1 – CS5 and

economic and employment strategy CS13. As part of the management of a portfolio of employment land and premises (CS14 and CS19) and to maintain a reservoir of available sites

1. Employment land and development will be delivered by permitting proposals that are sustainable development and:

- I. are on committed or allocated sites (portfolio sites) identified in Policy area S2 and on the Policies map; or
- II. are other suitable development sites; and
- III. comprise Class B or sui generis uses which include industrial or commercial employment opportunities;
- IV. are operations which are compatible with adjoining uses;
- V. satisfy the relevant settlement policy and accompanying development guidelines.

6.1.7 The proposal is located within the settlement boundary of a market town under the settlement strategy. It is considered that the redevelopment of this site for the purposes being applied for would align with the development plan's spatial strategy and would meeting policy aims in terms of sustainability and in safeguarding and bringing forward employment land in accord with the economic aims of the policies listed.

## 6.2 **Siting, scale and design**

6.2.1 Policy CS 6 (Sustainable Design and Development Principles) of the Core Strategy (2011) seeks to create sustainable places by ensuring that development will be designed to a high quality using sustainable design principles to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. Policy MD2 (Sustainable Design) of the SAMDev (2015) contains similar provisions.

6.2.2 The planning application is submitted in outline form but parameters are provided with an indicative plan provided illustrating the footprint of the building measuring 36 by 23 metres a 6 metre wide vehicle access leading to a 9 metre tarmac hardstanding along the frontage of the building. The submission also indicates that the building would have a height of 6 metres to the eaves and that palisade type fencing would demarcate some boundaries. The application site is located on an established industrial estate and the proposal is considered to be appropriate in this context and on this basis aligns with the material planning policies above.

## 6.3 **Residential Amenity**

6.3.1 There are existing residential areas to the south the nearest of which is around 100 metres from the application site. A B2 (General Industrial) use is being applied for which has the potential to impact on the residential amenities of the occupant's of adjacent properties. The council's SC Regulatory Services have confirmed that the use of the site for woodworking as part of furniture manufacture would be acceptable in principle as there are already similar uses being undertaken at



neighbouring units. A planning condition reflective of that recommended by SC regulatory Services requiring details of any manufacturing or extraction equipment installed in the development and a further condition regulating the working hours (06.00 am to 10.00 pm weekdays and 06.00am to 14.00 pm Saturdays) of the development have been recommended to mitigate impacts on the residential amenities of the area.

#### **6.4 Other Matters**

6.4.1 The council's SC Highway in recognition that the planning application is in outline form recommend planning conditions requiring details of the means of access, parking and turning.

6.4.2 Foul and surface water would be disposed of to the public sewer and this is considered acceptable subject to the condition recommended by both SUDS and Severn Trent Water Ltd both of which essentially require a detailed scheme of foul and surface water drainage.

6.4.3 Given the archaeological potential described in the comments of SC Archeology (Historic Environment) a planning condition is recommended requiring that a written scheme of investigation in relation to archaeology is approved prior to the commencement of the development. Planning conditions have also been recommended in accord with the standard advice of SC Ecology.

6.4.4 The mainline railway line is located 80 metres to the east of the application site and the matters listed by Network Rail have been included as an informatives which would likely require agreement with the developer.

#### **7.0 CONCLUSION**

7.1 The proposal is policy compliant and is considered appropriate on this industrial estate location in terms of detailed assessment. Given that the application is in outline form a number of planning conditions have been recommended to ensure that reserved details would be acceptable. Conditions have also been recommended to protect the residential amenities of the area.

#### **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:

RELEVANT PLANNING HISTORY:

22/01576/OUT Outline application for the erection of steel commercial/industrial building, vehicular access and yard, parking facilities (all matters reserved) PCO

11. Additional Information

View details online:

[22/01576/OUT | Outline application for the erection of steel commercial/industrial building, vehicular access and yard, parking facilities \(all matters reserved\) | Proposed Industrial Building To The South Of Stokewood Road Craven Arms 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 David Evans  
Cllr Hilary Luff

Appendices  
APPENDIX 1 - Conditions

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

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

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

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

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

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

Reason: The development site is known to have archaeological significance.

5. 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.

6. No development shall not take place until details of the means of access, including the layout and construction, have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

7. No development shall not take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area, in the interests of highway safety.

8. No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall be constructed with the approved slab levels.

Reason For the avoidance of doubt and to ensure a satisfactory form of development.

9. No development shall take place until descriptions and colours of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason To ensure a satisfactory appearance to the development.

10. No development shall take place until full details of a scheme indicating all of the proposed means of enclosure around and within the site whether by means of walls, fences or hedges has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed, erected or planted prior to occupation of the development hereby approved.

Reason To ensure that the details and appearance of the development are acceptable to the Local Planning Authority.

11. No development shall take place until a scheme of landscaping and tree planting for the site has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or shrub which forms part of the approved

landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason In the interests of the visual amenities of the locality.

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

12. A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to the occupation of the development. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

13. A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on the site prior to the occupation of the development. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) 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.

14. Prior to the installation of any external lighting a lighting scheme shall be submitted to and approved in writing by the local planning authority.

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

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

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

15. No operational use of any manufacturing or extraction equipment "Equipment" shall take place until a noise assessment for the proposed Equipment with an appropriate noise mitigation scheme has been submitted to and approved in writing by the Local Planning

Authority “Approved Scheme”. The Approved Scheme shall be completed prior to the first operation of the Equipment which shall thereafter be retained and maintained in accord with the Approved Scheme for the lifetime of the operational use of the Equipment in the development hereby approved.

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

16. The use hereby permitted shall not be carried out before 06.00 am Monday - Fridays and 06.00 am on Saturdays nor after 22.00 pm on weekdays and 14.00 pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

-