



Committee and date

10th October 2023

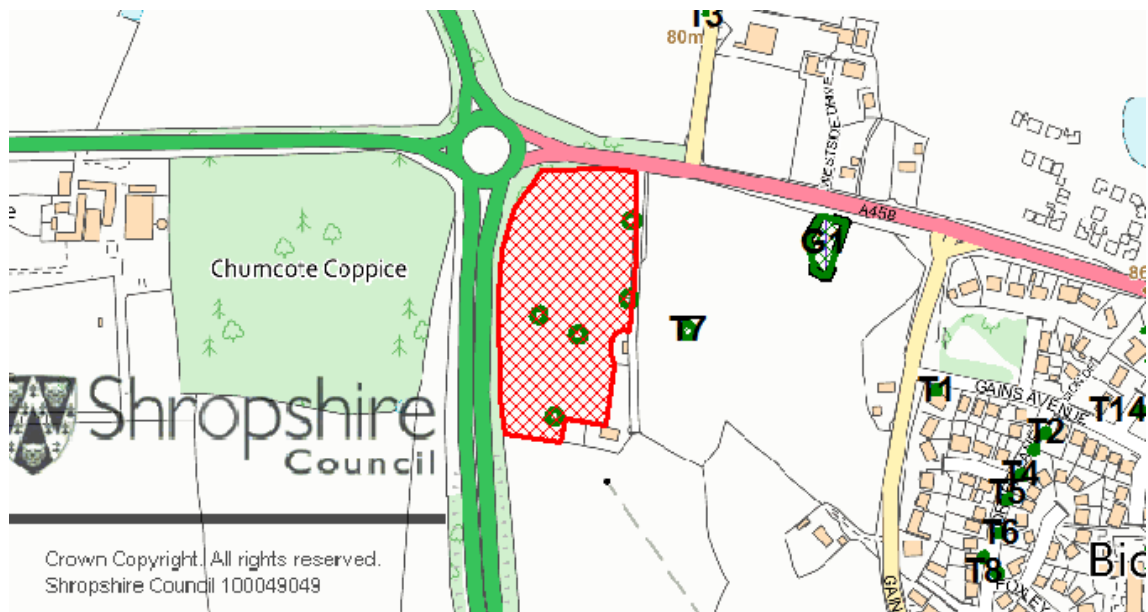
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 22/02464/FUL	<b>Parish:</b>	Bicton
<b>Proposal:</b> Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E)		
<b>Site Address:</b> Land Adjacent To Churncote Island, Welshpool Road/A5 Welshpool Road Bicton Heath Shrewsbury Shropshire		
<b>Applicant:</b> Monte Blackburn Ltd		
<b>Case Officer:</b> Mike Davies	<b>email:</b>	mike.daves.planning@shropshire.gov.uk

**Grid Ref:** 344827 - 313402



**REPORT****1.0 Committee update.**

1.1 This application for the erection of a mixed-use development for the erection of a roadside services consisting of a Petrol Filling Station and shop with a separate drive-through coffee shop was granted by Planning Committee at their meeting held on 23<sup>rd</sup> May 2023 subject to a S.106 agreement. The S.106 agreement secured a financial contribution from the developer towards the cost of the North West Relief Road.

1.2 At the meeting there was a discussion around the need for the contribution to be indexed linked. The original S106 agreement which accompanied the original outline approval (14/00246/OUT) for the SUE West apportioned fixed sums to each parcel of development land which were not index linked at the time and it was considered that it would not be appropriate to index link this contribution given that others had not been.

1.3 The applicant had offered a contribution of £80,000 towards the cost of the NWRR on the basis that they could only develop the northern part of the site due to being unable to gain access to the southern element as a result of two veteran trees on site. The committee report and the streamed recording of meeting confirm that approval was granted subject to the payment of this sum. The minutes of the meeting refer to a payment of £88,500.

**1.4 Conclusion.**

The previously approved minutes should be read in conjunction with this report with regard to the correct amount and it is recommended that the decision can accordingly be granted on the basis of what was actually approved at the previous Committee meeting along with the amendment as set out above. (The financial contribution towards the NWRR as £80,000. Attached as appendix 1 is the previous report to Committee and recommended conditions.

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 **Chris Schofield**

Local Member

10<sup>th</sup> October 2023

Land Adjacent To Churncote  
Island, Welshpool Road/A5

Cllr Lezley Picton

**APPENDIX 1**



Committee and date

23rd May 2023

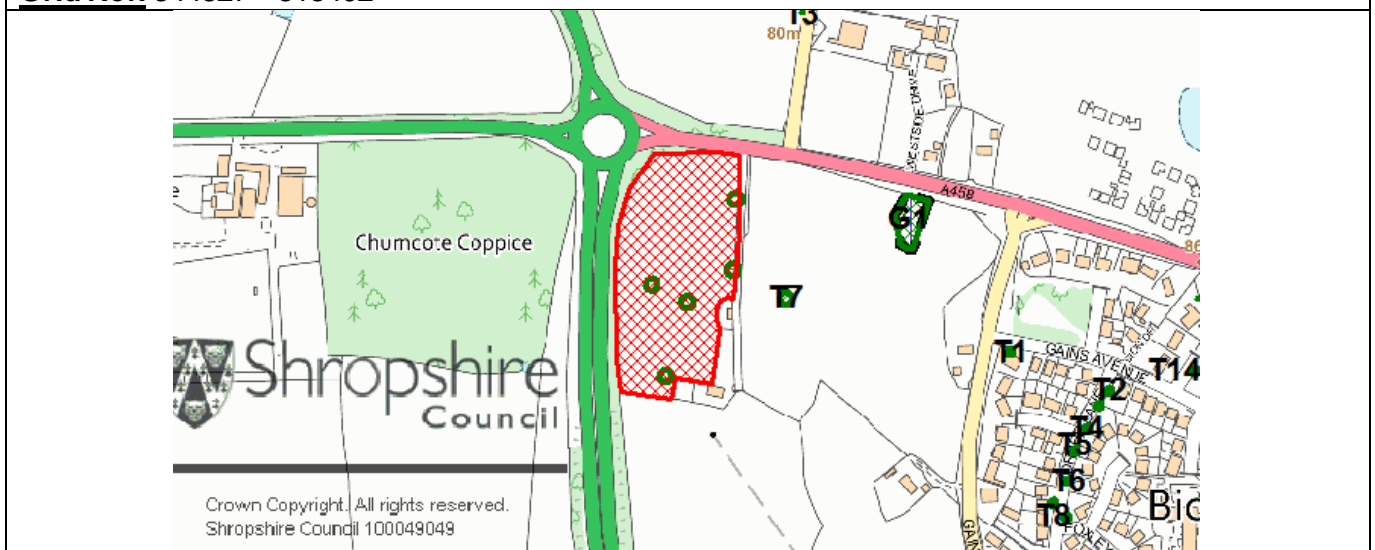
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**Recommendation:- Grant Permission** subject to the conditions as set out in Appendix 1 and the signing of a Section 106 agreement to ensure a financial contribution towards the North West Relief Road in accordance with detail as set out in Section 6.10 of the report copied in below.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application was previously deferred by Northern Planning Committee at the meeting on 4<sup>th</sup> April 2023. The reasons for this were to secure an index linked contribution to the NWRR, a footway to the southern side of Welshpool Road, to investigate alternative access arrangements from the A5, seek dedicated staff parking provision.
- 1.2 This is a full application for the erection of a mixed-use development for the erection of a roadside services consisting of a Petrol Filling Station and shop with a separate drive-through coffee shop.
- 1.3 Outline planning permission for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure was granted under 14/00246/OUT.
- 1.4 Two previous applications for a mixed-use development which included outline consent for offices and one for 4 starter units have been refused over the last couple of years or so, due to concerns in relation to the remove of veteran trees from the site, impact on residential amenity and non-compliance with the SUE West Masterplan.
- 1.5 The new submission seeks to address the issues raised by previous refusals through changes to the site layout and a much-reduced scheme which now only covers the northern part of the site as opposed to the full site which the previous iterations of the proposals included. The revised proposals contain no details of how the southern portion of the site will be accessed or developed in the future or indeed if it will be. The southern element still remains an employment allocation in the development plan but accessing it has proved challenging with the need to retain the veteran trees on the site amongst other issues.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is part of the Shrewsbury SUE West allocation. It is situated to the east of the A5 and south of Welshpool Road. It sits immediately to the south-east of the roundabout at Churncote.
- 2.2 The application site extends to 1 hectare as it only covers the northern part of the site allocation E1 in the SUE West Masterplan and currently comprises agricultural grazing land. The immediate area predominantly comprises a mix of strategic road networks (the A5 runs along the site's western boundary), areas of open pasture fields.
- 2.3 The site forms part of the Shrewsbury West Sustainable Urban Extension, (SWSUE) and specifically falls within an area designated for a mix of commercial and employment uses.
- 2.4 The site is located adjacent to the A5, which is a major routeway that runs from London to Holyhead, via Shrewsbury. Shrewsbury town centre lies approximately 5.2km to the east of the site.
- 2.5 The site is not within an area identified by the Environment Agency's flood risk map as being subject to flooding nor is it identified as being located within a mineral safeguarding area. The site does not contain any listed buildings, nor does it lie within a designated Conservation Area.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have objected to the application along with the Local Member. The officer recommendation differs from the views of the Parish Council and Local Member and these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Team Manager (Planning) in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.
- 3.2 The application was previously deferred by Committee to allow the applicant in conjunction with officers to address concerns that members had in relation to the proposals. The concerns in particular related to the following items.
- The contribution to the NWRR being index linked
  - Policy S16b – Design having regard to the SUE West Masterplan and the site being identified as a gateway to Shrewsbury
  - Highway Layout on Welshpool Road (Access/Egress)
  - Footway Provision on south of Welshpool Road
  - Adequate Car parking for Staff
  - Electric Vehicle Charging Points

#### **4.0 Community Representations**

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

##### **4.1.1 Bicton Parish Council** - objects to this proposal for the following reasons;

1, It is not substantially different from the previous two applications. One of which was withdrawn the other refused.

2, The access from the Welshpool Road will cause congestion and danger. Traffic entering the site, at busy times will back up on to Churncote Island. If the North West Relief Road is built and the island is made a five leg then this will be a nightmare. There will also be extra traffic from the Shrewsbury West Sustainable Urban Extension and if a lorry needs to turn in to the site across all of this traffic it is difficult to see how this will not cause mayhem.

3, At present, at busy times, traffic backs up towards Bicton Heath. An access to this site so close to the island will make safe entering to this site almost impossible.

4, It is contrary to the agreed development principles, of Shropshire Council and Bicton Parish Council, for this site. The agreement was for small scale business development which would create local employment with minimum of traffic flow.

5, The issue with the high-water table, which Severn Trent objected to, remains the same as before.

##### **4.1.2 National Highways** - Based on our independent assessment, we note that the likely trip generation from the revised development proposal would result in lesser number of vehicular trips as compared against the previous proposal. As such, the applicant has not undertaken any junction capacity re-assessment in the Technical Note (TN dated 19 August 2021) provided and we consider this to be acceptable.

In line with the above, we have no concerns to raise, and the conditional response previously issued by National Highways remains the same.

##### **4.1.3 SC Highways** - Both National Highways (NH) and Shropshire Council Highways raised no objection to the previous application scheme and access details submitted and indeed planning conditions were imposed by both in the event that planning permission were granted. The previous application was of course subsequently refused on grounds, which did not include any highway related reasons.

The current application significantly reduces the scale of the development to simply the provision of a PFS with shop and Coffee Shop Drive-thru. The application is submitted with a Technical Note but makes reference to the Transport Assessment and access details that were previously submitted as part of application reference 21/04495/FUL which was refused. Those access arrangements were the subject

of a Road Safety Audit and aligned with the current NWRR scheme of works proposed to be implemented along Welshpool Road.

Whilst from a highway perspective it is acknowledged that the proposed scheme has been reduced in scale but includes the access proposed previously supported, it is not considered appropriate to impose conditions upon the current application based upon details that were submitted as part of the previous application, but not included with the current application. Those access details previously supported by Shropshire Council Highways and NH therefore should be included within the application submission. I would be obliged therefore if you would request that the access details are submitted and I will be in a position to recommend the imposition of highway conditions as previously was the case.

4.1.4 **County Arborist** - No objection to the proposed development subject to the impositions of tree protection conditions.

There are a number of significant trees on this site, a number protected by a Tree Preservation Order and registered as veteran or notable trees. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified six individual trees, two groups of trees and two hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree with the categorisations for H1, H2 T4, G8 and G10 but consider that the remaining trees T3, T7 – T7 & T9 are substantial elements of the landscape and are veteran or future veteran notable trees and should be category A2,3.

4.1.5 **Environment Agency** - Have no objection to the proposed development and would offer the following comments for consideration at this time.

This site is located above a Principal Aquifer, Source Protection Zone (SPZ3), WFD groundwater body, WFD drinking water protected area and is within 225m of a surface water course. The site is considered to be sensitive, and the proposed filling station and underground storage could present potential pollutant/contaminant linkages to controlled waters.

We have reviewed the applicant's Fuel Storage Feasibility Assessment /qualitative risk assessment and comment from a Protection of Controlled Waters perspective. You should consult your Regulatory Services team in relation to Human Health matters.

It is noted that the Fuel Storage Feasibility Assessment issue 3 dated August 2021 was previously submitted with application 21/04495/FUL and commented upon by us at that time. To ensure consistency our comments reflect those previously issued.

Position Statement D2 – Underground Storage (and associated pipework): We would have no objection to above ground tanks. The facility must comply with the Oil Storage Regulations. Refer to our standard pollution control comments below. Where underground storage is proposed, such as in this instance, we recommend that the applicant mitigates the risks by changing to above ground storage.

However, we will not object to underground storage on principal and secondary aquifers outside SPZ1 if there is evidence of overriding reasons why:

- (a) the activity cannot take place on unproductive strata, and
- (b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated, including partially above ground tanks.

The applicant has provided confirmation of the above in the submitted feasibility assessment. We acknowledge there is a balance to be struck between consideration of comments by your Petroleum Officer.

Position Statement D3 – Sub Water Table Storage: For all storage of pollutants underground (hazardous substances and non-hazardous pollutants), operators are expected to adopt appropriate engineering standards and have effective management systems in place. These should consider the nature and volume of the materials stored and the sensitivity of groundwater, including the location with respect to SPZs.

We will normally object to any redevelopment scheme involving retention of sub water table storage of hazardous substances unless it can be demonstrated that risks to groundwater can be adequately mitigated.

We note the applicant has considered our objections raised under application 20/03570/FUL and undertaken an area specific, qualitative risk assessment. Having reviewed the submitted information we would accept, based on the BGS map and the borehole logs presented, that the site is situated on cohesive Glacial Till, to a proven depth of 13.8mbgl in the northwest. This will provide significant natural protection to the



underlying Principal aquifer. Moreover groundwater, where encountered, only seems to be perched and discontinuous / pocketed as a result of the low permeability of this stratum. We also note the intention to install high spec double skinned tanks with interstitial monitoring and alarms, continuous wetstock reconciliation. Moreover, with the Blue Book ruling out the bunding of above-ground petrol tanks, any such storage in case of losses would have to be accommodated within the site's drainage system, putting enormous risk on the surface water environment locally instead.

It should be noted that in accordance with Government Policy detailed in the latest 2021 National Planning Policy Framework (paragraph 184), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Furthermore, as per

NPPF paragraphs 174 and 183 respectively, '...development should, wherever possible, help to improve local environmental conditions such as air and water quality...' and '... after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990...'. Therefore, should any significant contamination not assessed by virtue of this project subsequently become apparent responsibility remains with the developer and/or landowner.

Pollution control: All areas within the curtilage of a filling station should be positively drained on an impervious surface. Any joint in the surface must be adequately sealed and those sealants must be resistant to attack from petrol and oil products.

Surface water drainage from all areas, except uncontaminated roof water, must discharge through a full retention oil / petrol separator. It must be designed to receive flows from storms of 50mm / hour intensity from the connected area, with minimum 6-minute retention. The capacity of the separator should be adequate to contain at least the maximum contents of a compartment of a road tanker likely to deliver petrol at the filling station. Gullies draining to the separator should be of the trapped type to prevent the spread of fire. Oil separators require regular maintenance to ensure they remain effective.

Routine inspections should be undertaken at least every six months and a log maintained of inspection date, depth of oil and any cleaning that is undertaken. Access to the separator should be kept clear and not used for storage.

A separator will not work properly for dissolved (soluble) oils or if detergents or degreasers are present. Such discharges should be drained to the foul sewer.

Other effluents - Vehicle wash waters should not be discharged to surface water drains, watercourses or soakaways, but may be discharged to the foul sewer, subject to the consent of the local sewerage undertaker. In the absence of a suitable foul sewer, such effluents should be contained in a sealed storage vessel and either recirculated or disposed of off-site. A dedicated area, graded to ensure wash waters are directed to the effluent collection point, should be provided.

Forecourts that drain to either foul or combined sewers which discharge to a treatment plant, degreasing or steam cleaning of the forecourt shall not take place unless:

- i) Any liquid is soaked up using absorbent material which is suitably disposed of off-site at an appropriate waste facility. Sealing of gullies will be necessary during these operations to prevent liquid or absorbent entering the drainage system, or
- ii) A closure valve is fitted at the oil separator outlet, which is closed during the cleaning operation and all accumulated washings removed for suitable disposal off-site. An alarm should be installed to indicate that the closure valve is in the 'shut' position.

Fuel Storage - Where pollutants are stored underground we would expect operators to adopt appropriate engineering standards. For petrol stations, systems should meet the specifications within the 'Blue Book' (APEA, 2011) as a minimum requirement with monitoring systems.

- 4.1.6 **Local Lead Flood Authority** - 1. Reference should be made to Shropshire Councils SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/> Appendix A1 - Surface Water Drainage Proforma for Major Developments must be completed and together with associated drainage details, be submitted for approval.
2. Shropshire Council will generally not accept a pumped solution due to the obvious risks of flooding as a result of pump failure. It is assumed that the drainage systems will not be offered for adoption, but in order to reduce flood risk, Shropshire Council would require the safeguards as stated in the guidance (SewerSector Guidance Design and Construction for foul and surface water sewers Appendix C paragraph D5.5). This states that additional attenuation is required for pumped systems.
3. No further comment can be made due to the lack of levels and drainage design and a pre-commencement condition requiring the submission of further details to ensure satisfactory drainage of the site and to avoid flooding is recommended.

- 4.1.7 **Regulatory Services** - Should permission be granted then the construction of the petrol site must be in accordance with the 4th Edition of the Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (The Blue Book) and it is requested that plans should be submitted to the Petroleum Enforcement Authority at least 28 days prior to commencement of any works, in order that any queries can be clarified and ultimately to ensure that a Petrol Certificate can be issued.

Previous comments in relation to the safety of above ground and below ground tanks detailed in the appendix of the Fuel Feasibility Report still stand.

However it is noted that the plans submitted do not identify the proposed tank location on the site and as such no comments can be made on any possible issues relating to the tanker access and egress routes, the location of the tanker stand and the tankers exit in case of emergency, there may be safety issues caused by traffic use/conflicts in the HGV area or public utilising the site during fuel tanker deliveries and ensuring the tanker escape route is being maintained. It is further noted that the proposed petrol forecourt layout plan in the aforementioned study is a different layout to that detailed on the OS map design submitted.

- 4.1.8 **County Archaeologist** - Currently the Shropshire Historic Environment Record (HER) contains no records of designated heritage assets or known non-designated heritage assets with archaeological interest within the boundary of the proposed development site. However, a Desk Based Heritage Assessment was prepared by RPS Group as part of a previous outline application (14/00246/OUT) that included the proposed development site. This concluded that in overall terms there is low-medium potential for archaeological remains to be present and we concur with this assessment.
- 4.1.9 **County Ecologist** - Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.1.10 **Planning Policy** – There is a recognition that this proposal raises several planning policies issues in relation to the delivery of the SUE West Masterplan. Clearly, there are both positive as well as negative connotations arising from the proposals. The ability to deliver the business park envisaged in the Masterplan has been severely impacted by the pandemic and the market appetite to develop speculative office accommodation is non-existent at the present time with little prospect of any confidence returning anytime soon. The policy context of the

application is therefore discussed in greater detail within paragraph 6.1 The Principle of Development of this report.

4.1.11 **CPRE** Shrewsbury District – Objects to the proposals on the following grounds:

- Archaeology - since this is a known site of potential archaeological interest, the land should remain undisturbed.
- Removing ancient hedgerows would endanger wildlife corridors. CPRE Shropshire is carrying out hedgerow repair and replacement to sustain and encourage the wildlife in our county.
- There is no strong case for yet another petrol station and associated retail businesses.
- The UK is moving away from petrol/diesel use.
- How would the proposed staff access the site - by car? Shropshire Council should be promoting the use of buses, cycles and pedestrianisation for working people to travel to and from their place of employment.
- There is no proper footpath planned on either side of the road alongside the proposed development.
- As in the case of the approved Meole Brace development and the new Aldi store at Battlefield, this proposed development again is so close to a major roundabout on the A5 road, which links south and west Wales, that serious road accidents could occur.
- There is also the issue of the planned drainage system being inadequate which, in turn, could cause flooding and pollution of the water table.

**4.2 Public Comments**

4.2.1 18 objections to the proposals have been received from members of the public. The reasons for objecting can be summarised as followed.

- Traffic congestion will be exacerbated further by development
- Highway Safety concerns
- Far too many road junctions close to the site
- Increased Air and Noise Pollution
- Concern at pollution of water table and aquifer
- Would change the semi-rural character of the town approaching from Welshpool
- Existing trees have been acknowledged as exceptional and siting development next to them will adversely impact them with additional air and water pollution
- Existing wildlife which uses the site will be displaced and adversely affected
- There is a climate change emergency covering everything in tarmac and concrete will only make this worse
- Residential amenity concerns arising from 24/7 use
- Increased littering

- Will contribute to unhealthy lifestyles and eating habits
- Will encourage more car journeys
- No impact assessment on existing local businesses
- No benefits to local residents
- Design does not meet the high-quality expectations expressed in SUE West Masterplan for gateway employment site
- Roadside services were not envisaged on this site in SUE West Masterplan therefore proper mitigation is required to ensure future adjoining residents amenities are protected.
- Proposals contrary to SUE West Masterplan and policies CS6, MD2 and MD12 of the Development Plan and the paras 8 and 170 of the NPPF.
- Under the new Environment Act are required to demonstrate Biodiversity Net Gain and therefore the whole site should be set aside for future generations to enjoy wildlife
- Loss of 40m of hedgerow damaging to biodiversity and irreplaceable irrespective of compensatory planting
- No detail about what will happen to the southern portion of the site
- Site of archaeological interest
- Whilst the application is an improvement on previous proposals it does not go far enough

4.2.2 A number of non-material planning objections were also raised which are summarised below, however these are not considerations in the decision making.

- The applicant will have a disproportionate share of the fuel market in Shrewsbury
- Prices are high in comparison to others
- Already two existing PFS nearby which will suffer
- Poor record of employee satisfaction
- A more suitable provider should be found to run the PFS.
- No need for further PFS
- Development should be put on hold till new houses built on adjoining site
- Site should be used for sports pitches and outdoor recreation

4.2.3 At the previous Committee when this matter was deferred the applicants agent spoke in support of the application. With Bicton Parish Council and a local resident speaking against the application.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Highways and Transportation

- Residential Amenity
- Employment
- Ecology
- Drainage
- Archaeology
- NWRR Contribution
- Sustainability
- Environmental Information Assessment

## 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) (2021). Those of relevance to the proposal are considered below as part of the appraisal.

6.1.2 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 forms part of the Shrewsbury West Sustainable Urban Extension (SUE West) and is an allocated employment site within the SAMDev Plan. Policy S16.1b.

6.1.3 Development to deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE Land Use Plan (Figure S16.1.2) and adopted masterplan. Development to include the provision of a new Oxon Link Road and facilitation of the improvement of the A5 Churncote Island, sustainable transport measures, an enhanced local centre at Bicton Heath, and major landscape buffers and public open space, linked with additional employment land extending Oxon Business Park and on the gateway land by the Churncote Island, and land for additional health/care development/expansion of existing businesses off Clayton Way. Some land of Clayton Way is within groundwater Source Protection Zones (SPZ) 1 and 2 so development there must be carefully designed to take account of this, in consultation with the Environment Agency. A site-specific flood risk assessment is required for this site.

*The SUE West Masterplan vision states "Shrewsbury West will create a distinctive, high quality place which maintains and enhances the qualities and character of Shrewsbury, linking with and consolidating existing development and facilities and providing a new gateway commercial area off the A5 Churncote Island. New exciting and distinctive places to*

*live, work and play will be created which do not copy older neighbourhoods and instead embrace contemporary approaches to high quality design."*

- 6.1.4 The application site is part of the western area of the Shrewsbury West Sustainable Urban Extension (SUE West). SUE West is allocated in the SAMDev Plan (2015) for mixed use development and considered suitable for housing, retail in a local centre, office and business uses, light and general industry, health/care facilities, hotel and pub/restaurant. This site forms part of the Churncote Business Area in the Masterplan (Site E1). The masterplan envisages Business and office space with potential for a hotel use and pub/restaurant on this site with a high-quality design appropriate to gateway location.
- 6.1.5 Policy CS1 seeks to ensure Shropshire will flourish by accommodating investment and new development to meet Shropshire's needs and to make its settlements more sustainable. Policy CS1 promotes Shrewsbury as a sub-regional centre in the West Midlands and the principal growth point in the County. This application reflects these strategic objectives by recognising that Shrewsbury is the preferred location for significant development and the main centre for employment and services.
- 6.1.6 Policy CS2 promotes the strategic role of Shrewsbury through the provision of 9-12 hectares of employment land at SUE West for good quality, balanced and sustainable employment growth, that respects the natural, built and historic environment, to improve prosperity in Shrewsbury and Shropshire. However, the proposed development is not considered to make a significant contribution to the economic growth objectives in Policy CS2 and so, requires further detailed consideration in relation to Policies S16.1 and MD4.
- 6.1.7 Policy CS13 sets out the strategy for economic development in the County. This seeks to address the key issues and challenges of the Shropshire economy to further develop its strengths and opportunities. It provides a positive framework for sustainable economic development that seeks to promote the growth of existing businesses, foster new enterprise and to help make communities more prosperous and resilient. In relation to Policy CS13, the proposed development would contribute to the role of Shrewsbury as the principal growth point of the county and the main business, service and visitor centre for its communities and visitor economy.
- 6.1.8 Policy CS14 further expresses the positive, planning policy framework in Policy CS13 to support sustainable economic development. Furthermore, Policy CS14 seeks to ensure the portfolio of employment

land and premises in the Local Plan will be sufficient to deliver other significant land uses that meet the needs of businesses and communities in the county. This includes land uses that help to create or maintain sustainable communities as indicated by Policies CS6 and CS8. These are material considerations that should be taken into account in assessing 22/02464/FUL in relation to Policies MD1(1)&(2), S16.1 and MD4(2)(ii).

- 6.1.9 Policy CS6 states that development likely to generate significant traffic will be located in accessible locations. This will also help promote active travel and public transport use to contribute to the health and wellbeing of communities. These developments should also be designed to a high quality as safe and accessible buildings with appropriate landscaping and car parking provision and protect the natural, built, and historic environment. These matters are addressed in detail in Policy MD2 that seeks to ensure development is sustainably designed. It is considered that the revised scheme has sought to address these policy objectives, by retaining the veteran trees, including an acoustic fence and moving development away from existing residential property. These are material considerations to be taken into account in determining the proposals.
- 6.1.10 Policy CS8 seeks to ensure that development will preserve and improve access to facilities and services wherever possible. In particular, Policy CS8 seeks to positively encourage the provision of infrastructure and additional facilities in a timely manner to meet identified needs in a locality. It is also recognised that these developments should manage any impacts on recognised environmental assets. These matters are addressed in detail in Policy MD8 that seeks to ensure the sustainable provision of infrastructure. It is considered that the revised scheme has addressed these policy objectives, and these are material considerations to be taken into account in determining this application.
- 6.1.11 In relation to Policy CS8, the revised scheme may be regarded as an appropriate and timely provision of strategic and local roadside services to meet anticipated increases in demand from the A5 Shrewsbury bypass, the potential delivery of the North West Relief Road connection with Churncote Island and the growth of the residential community on the SUE West urban extension.
- 6.1.12 This is consistent with the SUE West Masterplan Vision to ensure the urban extension delivers a distinctive, high-quality place that enhances the services, character and community of Shrewsbury. The early provision of services at Churncote South for SUE West and the NWRR might have a short-term impact on existing services within the west of Shrewsbury and in villages close to Shrewsbury. However, strategic and local demands for the proposed services at Churncote South are



expected to significantly increase with the ongoing development of SUE West and the potential provision of the A53 North West Relief Road connection with the A5 by-pass which is the subject of a current planning application.

- 6.1.13 The revised scheme has a reduced development footprint that makes a significant contribution to the objectives of Policies CS17 and CS6 which seek to protect the natural environment. The revised scheme recognises the constraints on the application site due to its location in the landscape on the edge of Shrewsbury and the presence of significant and veteran trees on the site, now protected by a TPO. It is recognised that the revised scheme has relocated development away from the area of the TPO to safeguard the root protection zones of these important trees.
- 6.1.13 Policy MD12(2) recognises that the protection of our natural assets contributes to the quality and sustainability of the Shropshire environment. Policy MD12 also recognises that the benefits of maintaining a healthy, sustainable environment also contributes to the promotion of a thriving economy, in paragraph 3.107. Policy MD12(3) encourages development that conserves, enhances or restores natural assets and to maintain local distinctiveness, biodiversity and to contribute to the character of development, settlements and their settings.
- 6.1.14 The proposals seek to contribute to the sustainability of the environmental network around the west of Shrewsbury by protecting the veteran trees. The proposed layout of the development contributes to the local landscape and may facilitate the movement of wildlife between the townscape and rural landscape through the retention of these veteran trees which provide irreplaceable habitat. These objectives of the revised scheme are consistent with the design principles of the SUE West Masterplan.
- 6.1.15 Policy S16.1(5) requires the type of development to support the principles of the SUE Masterplan. It has been recognised under Policy CS1, that the revised scheme supports Shrewsbury's role as the preferred location for significant development and the main centre for employment and services.
- 6.1.16 In Policy CS8, the revised scheme would support the SUE West Masterplan Vision by ensuring SUE West delivers a distinctive, high-quality place that enhances the services, character and community of Shrewsbury. Further, the revised scheme might be regarded as an appropriate and timely provision of strategic and local roadside services to the SUE West and the potential A53 North West Relief Road and Oxon Link connection with Churncote Island.

- 6.1.17 Policy S16.1 provides no further significant support to the recognition in Policies CS1 of its strategic location in Shrewsbury and Policies CS13, CS14 and CS8 of its contribution to the role of Shrewsbury as the main urban centre, the principal growth point and main business, service and visitor centre for Shropshire.
- 6.1.18 Policy S16.1(5) requires the proposed development to deliver the type of employment development required in Policy CS2 and the SUE Land Use Plan Figure S16.1.2. It has been recognised that roadside service uses would not make a significant contribution to these economic growth objectives.
- 6.1.19 The proposed roadside service uses would prevent the delivery of the preferred type of employment development for the new gateway commercial area on employment allocation ELR064 Churncote South. The SUE West Masterplan provides detailed guidance on the requirement for Churncote South to provide a new gateway business area with business units and office space with an exclusive access off the A5. This requirement for a gateway business park is a significant issue for the suitability of the revised scheme.
- 6.1.20 Policy MD4 establishes the policy tests for employment development arising from the positive planning framework to support sustainable employment development in Policies CS13 and CS14. The revised scheme in 22/02464/FUL is located on allocated employment site ELR064 in Shrewsbury and considered to be partially consistent with MD4(1). In particular, the proposals offer a scheme within a sustainable location in our county in the context of Policies CS1 and CS2 which outline the strategic approach of the Local Plan Policies CS13, CS14 and CS8 further help to strengthen the role of Shrewsbury as the main centre for employment and services, support significant new development and infrastructure and maintain sustainable communities.
- 6.1.21 However, the application still conflicts with Policy MD4(1) as the revised scheme is not for business, industrial or related sui generis uses but provides retail services to visiting members of the public. These circumstances are further evidenced by the conflict between the proposed development and the detailed land use requirements of Policy S16.1 and the SUE West Masterplan.
- 6.1.22 The flexibility provided by Policy MD4(2), in relation to Core Strategy Policies CS13 and CS14, does recognise that proposals for alternative land uses on allocated employment sites may be considered. Policy MD4(2) recognises these alternative proposals where (i) it can be demonstrated that there are no other suitable development sites, (ii) the proposed development may provide significant employment opportunities or significant benefits to the sustainability of the community and the (iii)

proposed development will not adversely affect the range and choice of available employment sites should the proposed development be permitted.

- 6.1.23 In relation to MD4(2)(i), the applicant does not appear to address the matter of alternative locations for the proposed roadside services. The application site at Churncote South would still appear to be an appropriate location for such uses, particularly with the intended provision of the A53 North West Relief Road and Oxon Link connection with the Shrewsbury A5 by-pass at Churncote Island.
- 6.1.24 In relation to MD4(2)(ii), the benefits of these proposals for the sustainability of the community of Shrewsbury have been addressed, with a specific focus on the retention of the veteran trees on site, and the proposed integration of the site into the wider SUE West.
- 6.1.25 In relation to MD4(2)(iii), the proposals for SUE West in Policies CS2, S16.1 and supported by the SUE West Masterplan set out an overall requirement for the development of 9 – 12 hectares of employment development. This anticipates that a minimum of 9 hectares would be developed to satisfy the requirements of Policies CS1 (strategic approach), MD1(1)&(2) (scale and distribution of development) and MD4 (managing employment development). It is considered that 9 hectares of employment development may still be provided on the remaining employment land at Churncote North (excluding the application site) and on employment land in the east of the SUE around the existing Oxon Business Park. It should be noted that Oxon Business Park already has an established reputation for good quality employment floorspace and a proven record of business investment. The revised scheme with around 1 hectare of built development may be considered as part of the residual 3 hectares (for the full 12 hectares required) to broaden the range of land uses on SUE West.
- 6.1.26 The alternative land uses on the revised scheme might reasonably be considered to support the community of the SUE West and the other communities and visitors in Shrewsbury. The revised scheme also offers 'service' uses to support the strategic road network through Shropshire. This is recognised in the SUE Masterplan which regards Churncote Island as suitable for a range of business and commercial uses and appropriate service uses at the junction with the A5 bypass.
- 6.1.27 Turning to the emerging local plan, Policy SP13 contributes to the economic vision and strategy for Shropshire by providing certainty in the delivery of economic growth and the strategic land supply. SP13 identifies those land uses taken to be 'employment generating uses' following changes to the Use Classes Order in 2020. This change combined some of the Class B uses recognised in Policy MD4 for

offices, research and development and light industrial uses along with other land uses into a new class of 'service' uses known as Class E. Whilst the petrol filling station with ancillary retail use is not part of Class E and is considered separately, the coffee shop with drive through facility is a Class E(b) food and drink use. Policy SP13 will regard the coffee shop as an 'ancillary' employment use offering an 'essential' service for the daily needs of other land uses in the locality. This policy change would mitigate to some degree the loss of 4 No. business starter units following the refusal of the larger scheme in 21/04495/FUL.

- 6.1.28 Policy SP14 promotes the strategic road network through Shropshire as a focus for the strategy in the Local Plan. Policy SP14 supports the revised scheme along the Shrewsbury A5 by-pass in addition to Policy CS1. It should be noted that, at this stage of plan preparation, only very limited weight should be attached to these draft policies.
- 6.2 Siting, scale and design of structure
  - 6.2.1 The size and scale of this proposal is significantly reduced when compared to the two previous proposals. The latest proposals only cover the northern portion of the site and no longer extend beyond the veteran trees in the centre of the site to the southern part of the allocation. The issue around the retention of the veteran trees as well as amenity impacts on the dwelling on the south-eastern corner of the site have resulted in the applicants scaling their proposals back considerably.
  - 6.2.2 The development will now consist of a drive through coffee shop and the Petrol Filling Station (PFS) with shop, with the southern portion of the site remaining undeveloped at the present time. Assuming the development goes ahead in this form, it is unlikely that the remainder of the allocated site to the south would be developed as gaining access to the remainder of the land from the north in future would be very challenging given the central location of the veteran trees on the site and other constraints. Therefore, the proposals as set out probably offer the optimal development of the site whilst not impacting on the long-term health of the veteran trees and the amenities of the residential property in the south-eastern corner of the southern portion of the site.
  - 6.2.3 Clearly, the development of the southern part of the site is going to be dictated by the ability of a future developer to gain access to it, as the position of the veteran trees in the centre of the site and their root protection zones mean that vehicular access from the north is going to be very difficult to achieve in future. The current application is considered to sit well within the northern part of the site and is considered acceptable in terms of siting, scale and design for a development of this type.
- 6.3 Visual impact and landscaping

- 6.3.1 The site is currently a greenfield site situated on the south-eastern corner of the Churncote roundabout with the A5 running down its western boundary and Welshpool Road forming its northern boundary. The site acts as a gateway to the county town and as such the form any future development takes is important in terms of the image it portrays to visitors to the town.
- 6.3.2 The original proposals envisage the site being cleared despite the presence of veteran trees on the site that were flagged up at pre-application stage as being important and needing to be retained as part of any development of this site.
- 6.3.3 The new proposals are significantly scaled back and retain the veteran trees on site, which is considered extremely important as these are a finite resource which are irreplaceable. A high-quality landscaping scheme will also be required via condition to mitigate the impacts of the proposals and provide appropriate screening of the site.
- 6.3.4 The visual impact of the development is considered to be acceptable and with a high-quality landscape scheme it should blend into its surroundings.
- 6.4 Highways and Transportation
- 6.4.1 Access to the site will be from the north of the site off Welshpool Road. Concerns have been raised by objectors to the access/egress arrangements, however neither Highways England nor the Highways Authority have raised objections to the proposals. A right-hand turn lane on Welshpool Road will accommodate visitors to the site approaching from the west and this will ensure the continued free flow of traffic off the Churncote Roundabout heading towards Shrewsbury.
- 6.4.2 The revised internal site layout features a higher level of connectivity between each of the proposed elements of the scheme, for vehicles, cyclists, and pedestrians, to ensure that all users of the site are not prejudiced, with safe and convenient access into each part of the site as necessary, with secure bicycle storage provided across the site. Pedestrians access the site from the northeast, with designated pathways and crossing areas between each of the proposed units to ensure high levels of interconnectivity.
- 6.4.3 Six bays within the provided parking area will be allocated to staff, which was a concern of members when the application was previously considered, it is anticipated that the majority of site staff will be part time, and as such not all members of staff will be utilising the car park at the same time. Therefore, the parking provision is considered adequate to serve the staff anticipated at the site required for the PFS and coffee shop operations. An additional condition has now been suggested to

control the future use of the coffee shop on site to ensure any future use does not adversely impact the highway network or result in increased parking demand.

- 6.4.4 A public footpath will be provided along the northern perimeter of the site with Welshpool Road which will provide a pedestrian link on the southern side of the A458 between the Churncote Roundabout and the recently approved residential development on Site R2 of the SUE West Masterplan which also has a footpath running the length of its frontage with Welshpool Road. The Committee previously requested that provision of this footpath link be investigated.
- 6.4.5 When the application was previously considered members expressed concerns about the access to the site and requested that the possibility of an access only from the A5 be explored with egress only onto Welshpool Road. The A5 is managed by National Highways, and they have indicated that they would not support an access point off the A5 to the south of the Churncote Roadabout. A review of NH Policy has also previously been undertaken, which confirms that new junctions should not be sought on the Strategic Road Network (SRN) for roads of this standard.
- 6.4.6 Turning to the Right Hand turn ingress from Welshpool Road. A similar development (ref. 20/0350/FUL) was supported by a Transport Assessment (TA), which presented junction capacity assessments. The quantum of development proposed at that stage was for a larger scheme than is now included in the current application. The capacity assessments, undertaken using industry standard software, which have subsequently been accepted by both the Highway Authority and National Highways, forecasted a worst-case scenario of just one queuing vehicle as the average maximum queue result over the peak hours at the proposed priority-controlled site access junction based on this larger development quantum. The Ratio of Flow to Capacity (RFC) results for the future assessment year for the right turn are less than 0.25, meaning that the anticipated demand of the earlier, larger, scheme would be less than 25% of the overall capacity of the new access in the busiest peak hours.
- 6.4.7 Notwithstanding the negligible potential queuing of vehicles accessing the site, the right-hand turn lane the site allows approximately 50m of storage space before which any queue would exceed the dedicated right turn lane, with a further 40m available to the roundabout beyond this. Furthermore, as evidenced in previously submitted TA documents, assessment scenarios have shown low levels of opposing traffic flows, relative to the capacity of the link (around one third of capacity), further minimising any potential impact of the site access on the highway

network and that this arrangement would be fit for purpose to serve the development proposals.

- 6.4.8 In relation to the site egress the proposed egress arrangements for the site have been assessed and agreed with both authorities, as set out above in relation to the access movements.
- 6.4.9 The egress from the site has sufficient width to allow vehicles to still turn left whilst there are vehicles waiting to turn right out of the site, as the right turning vehicles will not impede the movements of vehicles turning left from the egress of the site. Given the location of the site in relation to the adjacent roundabout and the SRN this means a clear majority of the traffic exiting the site would be turning left, as set out in the submitted TA and TN reports and agreed with the Highway Authority and National Highways. In summary, the road safety issues in relation to the proposed access and egress to the site have been carefully assessed using accepted industry modelling and the assessment demonstrates that the highway arrangements are acceptable.
- 6.5 Residential Amenity
- 6.5.1 The development of the northern part of the site as proposed is unlikely to impact the amenities of the residential property located on the southeast corner of the southern portion of the site as the development is much further away than the previous iterations. This has always been a concern in relation to the two previous proposals put forward by the applicant which envisaged the development of the whole site.
- 6.5.2 The revised scheme also incorporates a 2.5m high acoustic fence around the southern and eastern boundaries of the site; this will help to minimise any potential noise issues upon future and existing neighbouring development. This is confirmed within the revised noise assessment, which states that the “potential impact of noise from the proposed development is not predicted to be significant and no additional mitigation is required” following the installation of the acoustic fencing.
- 6.6 Employment
- 6.6.1 The site is allocated for future employment development in the development plan and is included in the SUE West Masterplan. The onset of the coronavirus pandemic saw a shift in the way people work with many companies switching to a home working model. As things return to normality there has been a shift towards a hybrid working model between the home and office. Research suggests that workers are now spending about half as much time in the office as they previously did, and this has seen demand for new office accommodation shrink dramatically.

- 6.6.2 The application states that the proposals will create the equivalent of 21-Full Time jobs on site with the majority being part time. The scale and type of jobs the development will create do not necessarily align with the original vision for the site. Clearly, both the quality and quantity of jobs has significantly diminished in relation to the Masterplan vision and this is a concern in relation to these proposals. Equally, there needs to be degree of reality about the future prospects of this site coming forward as a business park given that the veteran trees on site place a major constraint on the ability to gain access to the southern part of the site from the north.
- 6.7 Ecology
- 6.7.1 An ecology report has been submitted in support of the application and the County Ecologist accepts the contents and recommendation. Appropriate conditions are recommended to be attached to any permission granted to ensure compliance with Development Plan policies MD12 and CS17, as well as the NPPF.
- 6.7.2 The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework. This proposed development site lies within the Environmental Network. As such, the proposed scheme is considered to assist in 'promoting the conservation, restoration and enhancement of priority habitats and ecological networks' as required by paragraph 174 of the National Planning Policy Framework and provide a net gain in biodiversity which will be secured via condition. At present as long as a net gain can be demonstrated no matter how small this is sufficient to meet current requirements.
- 6.7.3 The applicants have indicated that due to the root protection zone around the two veteran oak trees in the middle of the site, providing a vehicular access to the southern portion of site from the north is not achievable. It has therefore been decided that it is not practical to develop this part of the site and instead it will now be left as a wildflower meadow. Clearly, this has benefits in terms of biodiversity and is welcomed.
- 6.8 Drainage
- 6.8.1 A site-specific flood risk assessment has been submitted, and conditions are recommended by the LLFA to mitigate against any impacts of the development. The Environment Agency have no objections to the proposals subject to appropriate mitigation measures being incorporated into the design. There are no watercourses in the immediate vicinity of the site which could be adversely impacted by surface water run-off. The detail design of the site drainage will be secured via conditions.



- 6.8.2 The development will be subject to the groundwater protection code of practice on how to prevent pollution from petrol, diesel and other fuel tanks. This code has advice and good practice on how to protect groundwater when storing liquid fuels in USTs. This code offers the best environmental options for facilities. The Environment Agency monitor that the code is being followed.
- 6.9 Archaeology
- 6.9.1 The Desk Based Heritage Assessment by RPS Group dated February 2013 continues to provide sufficient information regarding to archaeological interest of the proposed development site in relation to the requirements of Policy MD13 of the Local Plan and Paragraph 194 of the NPPF (July 2021). The County Archaeologist continues to concur with its findings regarding the archaeological potential of the proposed development site.
- 6.9.2 There is no objection in principle to the proposed development from an historic environment perspective. However, it is advised, in line with Policy MD13 of the Local Plan and Paragraph 205 of the NPPF (July 2021), that a phased programme of archaeological work be made a condition of any planning permission. This would consist of an initial geophysical survey and targeted trial trenching, followed by further mitigation as appropriate.
- 6.10 NWRR Financial Contributions
- 6.10.1 Under outline planning permission 14/00246/OUT, landowners and the Council agreed an apportionment of cost contributions towards the NWRR from each site in the SUE West. The contribution apportioned to Site E1 was £177,000, which was based on this being an employment allocation and on the size of the site.
- 6.10.2 The proposals which have now come forward envisage a very different type of development on the site. It also needs to be noted that the proposals only cover the northern portion of the site, with the southern part being left undeveloped as a wildflower meadow. The applicant on purchasing the site would have been aware of the employment allocation and the expected financial contribution that the site was expected to make to the NWRR. The applicant has indicated that they are prepared to make a contribution towards the costs of the NWRR and offered a sum of £80,000 based on traffic modelling they have undertaken. This is considered to be acceptable given the reduced scale of development and will be secured via a planning obligation.
- 6.10.3 At the last meeting, members expressed concern about the contributions in the original planning obligation being fixed and not index linked given that this had originally been signed several years back. The applicant

has agreed in principle to the idea of the contribution being index linked as requested by the elected members.

6.11 Sustainability

6.11.1 The proposals include for Rapid EV charging points on site. The EVCP (to be installed at the site) are the top end ultra-rapid chargers, which can fully charge vehicles in roughly 20 mins. Rapid EVCP typically take between 30-60 mins, there are currently 3 rapid chargers in Shrewsbury Town Centre, one at Morrisons and two at the Bannatyne Health Club. Therefore, these proposals will significantly enhance the EVCP in the town thus encourages more vehicle owners to switch to electric vehicles in the future.

6.12 Environment Information Assessment

6.12.1 The EIA Regs in Schedule 2 identify that Motorway Service Areas over 0.5 hectares may need to undertake an EIA assessment. The development here no longer impacts the veteran trees and only covers around half the site allocation. It is therefore deemed that an EIA assessment is not necessary in this case as impacts are not considered to warrant such an approach.

**7.0 CONCLUSION**

7.1 The application should be determined with due regard to the adopted development plan policies outlined above, as well as the adopted SUE West Masterplan as a further material consideration. In addition, planning judgement should clearly reflect upon the material considerations for the revised scheme. Of particular consideration in this context is the constraint placed upon the wider delivery of the site through the presence of the veteran trees, and protection of the TPO in the proposal is welcomed.

7.2 The policy considerations including the locational support for the role of Shrewsbury, the timely provision of service infrastructure to support the strategic road network and SUE West community and protection of the environmental network in the west of Shrewsbury would 'on balance' support the suitability of the proposals.

7.3 A determination that this scheme is considered acceptable, would engage the S106 agreement under outline proposal in permission 14/00246/OUT, for this site to contribute £176,867 to support the delivery of the Oxon Link element of the North West Relief Road connecting with the A5 Shrewsbury by-pass.

7.4 The current proposals only envisage half of the site allocation being developed under this application and this potentially will result in the southern part of the site which forms part of the employment allocation of the site remaining undeveloped in the future as access to this part of the

site will become even more problematic than it has already proven to be from the north.

7.5 The landscape in terms of demand for employment sites and in particular office accommodation has shifted significantly as a result of the pandemic and the move towards permanent home or hybrid working arrangements. This site was originally envisaged in the SUE West Masterplan as a business park, but the prospect of this being delivered within the current economic climate and with the changes in working practices highlighted above mean that such a development is unlikely now.

7.6 Clearly, the proposals will deliver employment opportunities, however these are not of the calibre originally envisaged when the SUE West Masterplan was drawn up, however the applicant has agreed to make a financial contribution towards the NWRP with this being written into a standalone S.106 agreement.

## **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  
CS7 - Communications and Transport  
CS8 - Facilities, Services and Infrastructure Provision  
CS9 - Infrastructure Contributions  
CS13 - Economic Development, Enterprise and Employment  
Economic Development, Enterprise and Employment  
CS14 - Managed Release of Employment Land  
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  
Settlement: S16 - Shrewsbury  
SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

19/05247/DIS Discharge of condition 4 (Full Arboricultural Impact Assessment) 11 (CMS) 13 (Ecology) 17 (Materials) 18 (Drainage Details) 22 (Drainage - Surface Water) 23 (Foundations) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 20th May 2020

20/01667/AMP Non Material Amendment to previously approved (19/05386/DIS) Condition 12 (Construction Environmental Management Plan) to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 5th May 2020

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7th January 2021

21/00425/DIS Discharge of condition 16 (Contamination) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 1st March 2021

22/02464/FUL Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E) PDE

14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 13th September 2019

PREAPP/17/00351 Proposed development of a petrol filling station with ancillary retail store, drive through cafe, hotel and pub/restaurant together with access, parking and landscaping works PREAMD 17th August 2017

PREAPP/19/00374 Erection of new foodstore, employment unit, car parking, access and ancillary landscaping NPW 1st October 2021

19/05247/DIS Discharge of condition 4 (Full Arboricultural Impact Assessment) 11 (CMS) 13 (Ecology) 17 (Materials) 18 (Drainage Details) 22 (Drainage - Surface Water) 23 (Foundations) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 20th May 2020

20/01667/AMP Non Material Amendment to previously approved (19/05386/DIS) Condition 12 (Construction Environmental Management Plan) to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 5th May 2020

20/03570/FUL Hybrid application for a mixed-use development - FULL consent For formation of roadside services including a petrol filling station, a drive-through restaurant; drive-through coffee shop; creation of new vehicular access (off A458); on-site roads and parking areas; landscaping scheme; and, OUTLINE consent (access for consideration) for the erection of offices (Use Class B1) WDN 3rd June 2021

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7th January 2021

21/00425/DIS Discharge of condition 16 (Contamination) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 1st March 2021

10<sup>th</sup> October 2023

Land Adjacent To Churncote  
Island, Welshpool Road/A5

21/04495/FUL Roadside Services development to include Petrol Filling Station with ancillary retail; drive-through coffee shop, drive-through restaurant and the erection of 4 no. Business Starter Units REFUSE 25th March 2022

22/02464/FUL Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E) PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCGA2LTDG9V00>

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 Richard Marshall

Local Member

Cllr Lezley Picton

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

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, drawings and documents as listed in Schedule 1 below.

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

3. 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 site is known to hold archaeological interest

4. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

5. Prior to the commencement of development on site details of the means of access, including the location, layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (which ever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.



6. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

7. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

8. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. 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 upon written notification from the local planning authority 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

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

10. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

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

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

12. Prior to commencement, an Ecological Impact Assessment shall be submitted, together with any required phase 2 surveys. The assessment will i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result. Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (or commencement of the next phase). Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up-to-date ecological information and that ecological mitigation is appropriate to the state of the site at the time development/phases of development commences.

13. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

14. Prior to the commencement of the construction works for the development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure that the A5 and A458 trunk roads continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

15. Prior to the opening of the development, the proposed mitigation works as shown in Drawing no. DTP/3700318/SK101 - Rev F shall be implemented in full. The detailed design works shall be submitted to and approved in writing by the Local Planning authority, in consultation with National Highways.

Reason: To ensure that the A5 and A458 trunk roads continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

16. The Coffee Shop (Class E) hereby granted approval shall not be used for any other purpose with Class E of the Town & Country Planning (Use Classes) Order 1987 (As Amended) with the approval of the Local Planning Authority.

Reason: To ensure that any future change of use of the coffee shop does not result in potential queuing that would be detrimental to highway safety and the free flow of traffic along Welshpool Road.

### **Informatives**

1. Operators of petrol filling stations should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers to take action where groundwater pollution occurs or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers the Environment Agency to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater.

- undertaking remedial action following a pollution of surface waters or groundwater.

Should the EA be required to undertake such work we would be able to recover these from the company or person responsible.

Where the EA consider that other forms of control or voluntary action do not give sufficient protection to groundwater, we will serve EPR groundwater activity notices to avoid or restrict inputs of pollutants to groundwater including from, for example, underground storage and distribution facilities

2. 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.

3. 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.

4. 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.]

#### 5. 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.]

**10<sup>th</sup> October 2023**

Land Adjacent To Churncote  
Island, Welshpool Road/A5