



Development Management Report

Responsible Officer: Mark Barrow, Director of Place

Summary of Application

Application Number: 19/02749/FUL	Parish:	Broseley
Proposal: Erection of four bay warehousing/manufacturing/assembly unit with associated loading bays and service yards; formation of car park and vehicular access; landscaping scheme		
Site Address: Former Oakley Arnold Site Cockshutt Lane Broseley Shropshire TF12 5NE		
Applicant: Syspal Properties Ltd		
Case Officer: Sara Jones	email:	planning.southern@shropshire.gov.uk

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This full planning application proposes the erection of a new warehouse unit for Syspal Ltd, who design, manufacture and supply stainless steel products and services to the food, pharmaceutical and health industries.
- 1.2 The proposal is for a 4 bay warehouse, bay No.1 is proposed to be used for warehousing (Use Class B8) and bay 2, 3, and 4 area for load testing of goods lifts (B2). The development would total 5,545 square metres and occupy a site area of 15,946 square metres (1.59 hectares / 3.94 acres).
- 1.3 The proposed building would be divided into 4 bays which are identified as Bay No.1, Bay No.2, Bay No.3 and Bay No.4 from east to west across the site. The finished floor levels of the for bay No.1 to 3 are proposed to be 134.50 m AOD and 136.00 for bay 4 which reflects the rising land levels from east to west across the site. A retaining wall is proposed along the majority of the southern site boundary as the land rises sharply to the adjoining land to the south. A small section of retaining wall is also proposed for the north western corner.
- 1.4 It is noted that much of the proposed building, service yard and car parking is proposed to be constructed at a level similar to existing levels however there would need to be a general reduction in the site levels along the western side (1 – 1.5 metres) across part of the proposed Bay No. 4 and the north western service yard; and the removal of the mound at the southwestern corner and a smaller mound

across the northern boundary of the site. The scheme also involves elements of fill, such as the rectangular silt lagoon, the existing watercourse and the pond.

1.5 The accommodation includes:

Bays 1, 2 and 3

Ground Floor – open plan warehouse / factory area; entrance area, office, locker room, and toilet facilities.

First floor – Landing area, open plan office.

Bay 4

Ground Floor – open plan factory area, entrance area, open plan office, toilet facilities, canteen, and locker room.

First Floor – Landing area, open plan office.

1.6 Externally the proposed building includes facing brickwork at low level to offices, plastisol colour coated steel cladding to factory area and polyester coated composite panels to office elevations. Also polyester powder coated doors, and window frames and plastisol colour coated vehicle access doors and personal doors to factory area. A range of muted tones of Merlin Grey are proposed for the upper part of the cladding and a Goosewing Grey for the lower sections.

1.7 The scheme includes 64 car parking spaces (including 4 disabled spaces and 3 electric vehicle charging points). There are also 3 motorcycle parking spaces. There is also proposed to be 36 cycle parking spaces located within a secured, covered area at the north east rear corner of Bay No.1. A travel Plan has also been submitted with the application which aims to reduce single occupancy car driver trips to and from the site by encouraging the use of sustainable modes of transport.

1.8 In support of the application the applicant states that the development is required to enable the expansion of the existing business and for it to remain commercially competitive.

1.9 *Essentially, the expansion of the plant requires sufficient 'economies of scale' in order for the company to be able to invest further in the business. A small expansion would not be financially viable and the scheme, as proposed, is the minimum size the business needs to be able to meet its expansion requirements. Other alternative allocated sites would not have the benefit of the proximity to the existing established business, and its associated workforce and other established links: the site is sequentially the most preferable location.*

1.10 It is understood that the development would provide 60 full time employment positions and would generate jobs within the building industry during construction phase. The need for the development has been driven by an expansion requirement of the applicants business and a desire to remain in Broseley.

1.11 During the course of this application a separate application (19/01998/FUL) for a perimeter fence has been withdrawn and the perimeter fence now forms part of this application.

1.12 The scheme proposes a 2.1 metre high dark green (RAL : 6005) powder coated steel palisade fence which is proposed to be erected around the site. The details submitted with the application confirm that proposed fence would follow the profile of the existing land.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located directly adjacent to the existing Syspal Factory to the east, beyond an access road which also serves two dwelling houses and extends to approximately 1.5 ha. To the south the site adjoins other industrial units which front Cockshutt Lane and beyond Cockshutt Lane existing residential development. The site adjoins a landscape buffer to the west beyond which are the gardens to residential development in Cherry Orchard Drive. There is existing woodland to the north and a culverted water course crosses the site diagonally from southwest to north east.

2.2 Previously a recycling and waste transfer use occupied part of the site which is included in the Development Plan as a Protected Employment Site, the remainder of the site is classed in planning terms as “countryside” lying outside the Development Boundary for Broseley.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The Town Council has not expressed a view contrary to the Officer recommendation; there has been no call-in of the application by the Shropshire Ward Member. The application may therefore be determined in accordance with the Council’s adopted scheme of delegation.

4.0 Community Representations

- Consultee Comments

4.1 Broseley Town Council

Committee noted the development was within the Broseley HGV restriction area but resolved to request a condition which requires all HGV traffic to this site to use a designated route from the east, via Ironbridge Road, Dark Lane and Cockshutt Lane and not to travel through the town centre. Committee also resolved to submit a request that site lines at the entrance be maintained by parking restrictions and, where necessary, pruning of vegetation.

4.2 SC Economic Development

The Economic Growth Service support the proposed expansion of Syspal Ltd. The site is a brownfield site, a former scrap yard, located adjacent to the company premises, close to town centre and residential areas, and within reasonable walking and cycling distance. The company based in Broseley designs and manufactures stainless steel products to the food, pharmaceutical and health industries, which are key growing sectors in the Shropshire economy. The proposals will provide up to 60 local jobs and associated opportunities for training and apprenticeships as well supporting the local supply chain with demand for goods and services. The

increase in employment will also potentially increase local spend in the town supporting and underpinning the role of Broseley as key service centre, serving local population and the rural hinterland.

4.3 SC Regulatory Services

As a result of the initial comments made by SC Regulatory Services in respect of contaminated land a revised report 'GIP Ltd; Ground Investigation and Test Report For a Proposed Commercial Unit at Land Adjacent to Syspal, Cockshutt Lane, Broseley, Shropshire; Ref. DAP/28227/Rev1, Dated 12th September 2019' has been submitted.

This report has corrected some errors highlighted by Regulatory Services in respect of asbestos.

However, the following comments are still relevant:

The site was previously occupied by Oakley Arnold who held a Waste Management Licence (EAWML 47080) as a scrap metal recycling business. The site has been investigated and remediated by TRM on behalf of the previous owner to a standard that allowed for the surrender of the waste management licence by the Environment Agency.

Following remediation works the site was considered suitable for its existing use, i.e. open space land and it was made clear that if the site were to be redeveloped further investigation would be necessary as buildings and hardstanding remained on-site where no investigation had been undertaken.

In addition, in Area A4 that in the southern part of the site to the rear of the former workshop building, PCB contamination remained above the screening value of 0.24mg/kg in locations W11 (<0.244 mg/kg) and B-28 (0.554 mg/kg) and in the sides of the slope within the development boundary at W5 (<0.287 mg/kg), W6 (0.503 mg/kg), W9 (2.67 mg/kg), W14 (2.198 mg/kg) and W15 (0.65 mg/kg).

At the time, further excavation to remove this unacceptable PCB contamination was not feasible without significant alternations to the site layout. Therefore, there remains a potential unacceptable risk in this part of the site and given that cut and fill operations (Drawing No.2 on page 79) are to be undertaken in this area, further assessment is needed to assess the risks and to ensure that PCB contaminated soils are not spread to other areas of the site.

GIP Ltd have identified a risk from ground gas, most likely associated with post mining activities and localised superficial made ground and are suggesting that appropriate gas protection be incorporated into buildings to achieve a gas protection score of 2.5 (BS8485 2015).

However, as this proposal is based on limited gas monitoring, it is recommended that an extended gas monitoring period is undertaken to further characterise the gas regime at the site and an additional 6 visits over a 3-month period is initially suggested and the findings reviewed, and the design of the remedial measures re-assessed if deemed necessary.

Table 8 of BS8485- 2015 (Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings) and Sections 3 and 5 of CIRIA C735 (Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases) provide details of what is required in respect of the installation and verification phase and a report will be required.

There is a mine shaft in the north west of the site which may be untreated and therefore this needs to be investigated and Nolan Associates advise a suitable license is required from the Coal Authority. Regulatory Services is unable to comment on any matters relating to ground instability and other geotechnical matters associated with this mine shaft as they are outside of our area of expertise.

Therefore, if planning permission is granted the following must be attached as conditions:

Contaminated land

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Amenity

The amended noise report indicates that noise mitigation is required for bays 3 and 4 and that the roof is the main breakout path. Yet the mitigation measures specified only include lining of the west wall of bay 4. Given the topography of the site I would recommend that the applicant is required to ensure that noise mitigation also includes lining of the roofs of bays 3 and 4.

At the time of the initial consultation response from SC Regulatory Services they stated that There is a mine shaft in the north west of the site which may be untreated and therefore this needs to be investigated and Nolan Associates advise a suitable license is required from the Coal Authority. Regulatory Services is unable to comment on any matters relating to ground instability and other geotechnical matters associated with this mine shaft as they are outside of our area of expertise.

Recommend conditions (with respect to amenity).

4.4 SC Archaeology (03.07.2019 & 16.09.2019.)

The proposed development site lies partly within the site of former mine workings at Barnets Leasow and Stocking Mound (Shropshire Historic Environment Record [HER] No. PRN 32861 & PRN 07283). The proposed development site can therefore be considered to have some archaeological interest. In particular, the proposals include landscaping in the north-westernmost corner of the development site which would appear to entail the removal of part of the Stocking Mound, a spoil tip associated with an 18th early 19th century iron mine. If this earthwork feature cannot be preserved in situ, then we would recommend that it be recorded prior to its removal.

RECOMMENDATION:

In the light of the above, and in relation to Paragraph 199 of the NPPF (Revised 2018) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a Level 1 photographic record (as defined in Historic Englands Understanding Historic Buildings: A guide to good recording practice, 2016) of the mound in the north-westernmost corner of the development site and a watching brief during the ground works in this location.

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 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.

4.5 Coal Authority (24.09.2019) withdraws its objection to the proposed development subject to the imposition of a condition.

We welcome the submission of an amended report (Mine Risk Assessment, ARW/2019-078 Revision A, 6th August 2019, prepared by Nolan Associates) who re-iterates the comments previously made by GIP Ltd that the site will require stabilisation works (drilling and grouting programme) and the mine shaft will be located and treated (filled with grout / reinforced concrete cap). We are pleased to note that the applicant is aware that the Coal Authority's written consent will be required from our Licensing and Permitting Team as part of the permitting process for these treatment works.

A plan has also been submitted which identifies that approximate location of the mine entries and the standard 20m no build area (which included the current plotted position, any known departure and zone of influence). However, this plan illustrates that built development is within this 20m zone. It is noted that Nolan Associates have identified that the foundation design will provide adequate protection to the building associated with the shaft treatment works.

Nevertheless, once the exact location / condition of the mine entry has been established and the calculated zone of influence has been confirmed, this will inform the extent of remedial / mitigatory measures required to ensure that in the event of catastrophic failure of the mine entry there will be negligible impact to the safety and stability of this development. Gas protection measures are also to be incorporated.

The Coal Authority Recommendation to the LPA

In light of all information that has been submitted we consider that an adequate assessment of the risks due to coal mining legacy has been undertaken as required by the NPPF paragraph 178 - 179.

As further site investigations are required, to confirm the location / condition of the mine entry, we recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for the mine entry for approval;
- * The undertaking of the approved scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations including the submission of a layout plan which identifies the location of the mine entry and the calculated zones of influence (no-build' zones);
- * The submission of a scheme of remedial works for both shallow workings and the mine entry, including details of the shaft cap for approval; and
- * Implementation of those remedial works.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

4.6 Coal Authority (01.08.2019.)

The Coal Authority Response: Substantive Concern – Layout

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is likely to have been subject to unrecorded underground coal mining that may have been historically worked at shallow depth that could be attributed to the thick coal seam (SULPHUR) conjectured to outcrop within the site. In addition, our records identify that within, or within 20m of the planning boundary, there are 2no. recorded mine entries (one on-site mine shaft: 367302-026 and one off-site mine shaft: 367302-011). The Coal Authority hold no treatment details for the on-site mine entry however for the off-site mine entry our records state that this was filled by the National Coal Board in 1972. We have no record of any treatment having been afforded to the mine entry. Due to plotting inaccuracies, there could be some deviation, by several metres for both of these mine entries. Whilst it is unlikely that the off-site mine entry would be present within the site, it could be closer to the site boundary and therefore the influencing distance of that mine entry, in the event that this were to collapse, could impact on the stability within the western part of the site.

The planning application is accompanied by a Ground Investigation Report (DAP/28227, dated 9th July 2019) prepared for the proposed development by GIP Ltd. This Report has been informed by an appropriate range of sources of information including the results of intrusive ground investigations in the form of three rotary boreholes drilled to a maximum depth of 40m. The aim of these investigations were to confirm the presence or otherwise of shallow coal mine workings. It is noted that the scope of these works did not include the investigation of the on-site mine entry. Borehole logs and a plan illustrating the position of the boreholes has also been provided.

Based on the findings of these ground investigation works, the report author identifies that broken / weak ground was found within all boreholes at depths of approximately 23 to 28m (Section 6.4.1). We note that discussions have been held by the report author and Telford and Wrekin Council due to their wealth of knowledge and experience of dealing with minerals / mining, who suggest that the site is within a risk area for clay extraction within the Halesowen Formation, which

is consistent with the findings of the rotary boreholes. As such the report author identifies the broken / voided ground may be associated with the extraction of 'Red Clay Tile' and there is a risk of subsidence due to the collapse of any former clay workings that may extend under the site. The report author concludes that due to there being insufficient cover of competent rock cover above the potential clay workings there is a risk of instability to surface development due to the collapse of abandoned mine workings or the upward migration of voids. The report author highlights that the potential for multiple workings should also be considered.

Accordingly, recommendations have been made that these 'voids' will need be treated by a drill and grouting (stabilisation) programme. Section 6.4.2 adds that additional consideration to the most suitable foundations solution / gas protection measures (Section 8.4.1) are also required.

It is noted that a Report prepared by Nolan Associates also accompanies this planning application and they have reviewed the findings of the Ground Investigation Report. It would appear that they do not consider that a drill and grout stabilisation programme is required and considers that there is sufficient competent rock cover. Taking into consideration the professional opinions provided by GIP Ltd we can only assume that Nolan Associates may not have considered the changes required to the site levels (cut and fill exercise) in order to facilitate this development as part of their Report.

Section 6.3.1 of the GIP Ltd Report identifies that due to the presence of an on-site mine entry, this represents a significant constraint to the development. Appropriate recommendations have been made that intrusive works (probe drilling) will be required to locate the mine shaft which will then need to be grouted and capped / plugged as appropriate to the specification agreed with the Coal Authority's Licensing and Permitting Department.

Based on the extensive research and ground investigation works carried out by GIP Ltd, we consider that the remedial / mitigatory measures identified above will ensure that the development is safe and stable. We acknowledge the constraints to this site / scale of development however, we consider that in order for us to comment on the layout seeking approval, further information is required. The applicant should provide a plan which illustrates the layout seeking approval (Drawing No. 19-2366 / 23) with the location of both mine entries including any departure from the current plotted position together with the calculated zone of influence of these mining features. This will then demonstrate how these mining features relate to the layout of this development. The Coal Authority is of the opinion that building over, or in close proximity to, mine entries should be avoided wherever possible, even after they have been treated / capped, in line with our adopted policy: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

The Coal Authority welcomes the opportunity to review and comment on further information submitted as part of this planning application.

4.7 SC Drainage – 28.10.2019

The proposed surface water drainage in the Amended Drainage Plan Drg. No.

2019-078-100 P7 is acceptable. No drainage condition is needed.

4.8 SC Drainage –01.07.2019

1. The Council will not promote culverting of watercourse. Ordinary Watercourse Consent is required from Shropshire Council for diverting or any works within the channel of the watercourse that will obstruct/ affect the flow of the watercourse including temporary works. Ordinary Watercourse Consent Application Form and Guidance Notes are on the Councils website:

<https://www.shropshire.gov.uk/drainage-and-flooding/new-development-and-watercourseconsenting/ordinary-watercourses-applying-for-consent-for-works/>

Reason: To ensure that it complies with the Land Drainage Act 1991.

2. 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.

Informative

1. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The Environment Agency has updated the guidance on Climate Change in March 2016 and 25% should be used for commercial development in the Severn catchment.

4.9 SC Drainage (Ordinary Water Course) – 29.10.2019

Re-consulted on amended details received. Confirmation received that SC Drainage are content with the proposals

4.10 SC Drainage (Ordinary Water Course) – 03.10.2019.

1. The revised scheme has gone some way to reducing the length of culverted

watercourse but I would like to see a further reduction in the length of culvert. I believe this could be achieved by culverting the watercourse from the newly diverted open section into the proposed pond. We would only consent culverting where there is no other option and for the minimum length possible.

2. I have not received any calculations to demonstrate the proposed culvert is adequately sized. Calculations should be submitted to demonstrate the culverted sections are able to convey the 1 in 100 year event plus 25% allowance for climate change. The sizing should take account of the expected flows from the confirmed diameter piped inflows and from overland flows that are intercepted.

3. It should be demonstrated that there is a maintenance strip allowing future access to maintain the open and culverted sections of the watercourse and headwalls.

4. If the above changes are made, it may be preferable to ensure the RWP currently shown as connected to the pond to provide fresh water is actually connected into the attenuated surface water drainage system as flows will be received from the watercourse.

4.11 Environment Agency (23.10.2019)

No further comments, refers to previous response (below). Notes that the amendments relate to drainage and the onsite ditch. As the site falls within Flood Zone 1 (low risk) of an Ordinary Watercourse the EA defer to Shropshire Councils internal drainage team as the Lead Local Flood Authority (LLFA).

4.12 Environment Agency (14.08.2019.)

The site was previously used by Oakley Arnold who held a Waste Management Licence (Ref: EAWML47080) for scrap metal recycling. This license was surrendered in 2015 and TRM carried out investigations and remedial works at the site to an acceptable level to meet the requirements of the licence surrender.

A report titled 'Ground Investigation and Test Report' for a proposed commercial unit at Land Adjacent to Syspal, Cockshutt Lane, Broseley, Shropshire (Ref DAP/28227, dated 9th July 2019) has been submitted. The development requires site levels to be altered, as shown on drawing 1, and cut and fill will be carried out across the site. During this work an appropriate person will need to be present to ensure any unsuspected contamination is dealt with appropriately.

The report mentions that dewatering may need to be carried out given the shallow groundwater present. Should dewatering be necessary then a licence, or exemption, will be required, depending on quantities and how long dewatering will need to be carried out for.

No groundwater sampling has been included as part of this investigation by GIP. Therefore current groundwater at this site has not been demonstrated and needs to be addressed. This will also be required for the abovementioned dewatering activities.

Condition: Prior to the commencement of development approved by this planning

permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on Ground Investigation and Test Report, for a Proposed Commercial Unit at Land Adjacent to Syspal, Cockshutt Lane, Broseley, Shropshire; Ref. DAP/28227, dated 9th July 2019, produced by GIP to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved. Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Condition: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Informatives: We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.gov.uk/environment-agency for more information.

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;

- website at www.gov.uk/environment-agency for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Reference should be made to Model Procedures for the Management of Land Contamination (CLR11) and 'Guiding principles for land contamination (GPLC)' which clearly explains the type of information that the Environment Agency requires

in order to assess site investigation and remediation reports.

Reference should also be made to: “Investigation of Potentially Contaminated Sites – Code of Practice (BS10175), published by the BSI.

4.13 Severn Trent Water – Asset Protection (19.09.2019)

Confirms 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.

4.14 Severn Trent Water

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

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.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn’t permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest

opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

4.15 SC Trees (29.10.2019)

I have reviewed the amended Location Plan as Proposed (dwg: 19-2366-28b, G.H. Design Ltd, April 2019) and visited the site and I can report that I consider the hatched area of land to the east of the existing factory, as shown within the 'red line' of the application boundary, is suitable for planting with trees and shrubs as appropriate to meet the requirements of the Restocking Notice (ref: RN09 19-20) issued by the Forestry Commission following illegal clearance of woodland from the site of the proposed new factory unit. I accept that the new woodland area would not be in the same location as the original, but nonetheless I consider it will extend existing tree cover and improve connectivity with the surrounding hedgerow, tree and woodland network. I would suggest that planting of this area of land could be secured by condition to any permission granted and long-term protection of the new woodland secured by the designation of a Tree Preservation Order. Should this planning application be refused, I understand that the Restocking Notice would remain in force on the original area.

A revised Planting Plan (SYSPAL PL1 Rev A, Page Wagner Associates Ltd, September 13th 2019) was registered on 28th October 2019, but I note it does not address the concerns previously raised in my consultation response of 7th October 2019, regarding what I consider to be the overly-ambitious number of large tree species proposed to be planted in the narrow strips of land along the south and west sides of the new factory unit. On the contrary, I note that 31 willow trees and shrubs have actually been added to the planting scheme, although I do not have an issue with the proposed locations of the chosen varieties. Nevertheless, my concerns remain about the potential unsustainability of the tree planting to the west and south of the new factory and I would recommend that either further consideration be made to reducing the number of large tree species to be planted within these strips of land, or a management plan be prepared to show how these trees and shrubs will be maintained and managed in the long-term, so as to provide a sustainable and ongoing canopy cover at the site. If there is judged to be insufficient time to submit such a management plan and / or further revise the planting proposals prior to determination, I would suggest these could be secured through the use of suitable conditions.

Therefore, should permission for this application be granted, I would recommend attaching the following tree planting and landscaping conditions:

- ② During the first available planting season (November to February inclusive) following granting of this planning permission, the trees and shrubs relating to Area A in the Schedule and map to the Forestry Commission Restocking Notice ref: RN09/19-20 (issued on 25th July 2019), shall be planted as specified in that Schedule within the area of land identified by hatching on the approved Location Plan as Proposed (dwg: 19-2366-28b, G.H. Design Ltd, April 2019).

Reason: to ensure satisfactory replacement planting for the area of woodland

illegally felled prior to determination of this application.

- ☐ The landscaping scheme shall be implemented as specified in the approved Planting Plan (SYSPAL PL1 Rev A, Page Wagner Associates Ltd, September 13th 2019), prior to completion of the development.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

- ☐ If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

- ☐ Prior to commencement of development a management plan shall be submitted to the written satisfaction of the LPA detailing the long-term objectives and maintenance prescriptions for the ongoing management of the trees, woodland, and shrub areas shown on the approved Planting Plan (SYSPAL PL1 Rev A, Page Wagner Associates Ltd, September 13th 2019) and the approved Location Plan as Proposed (dwg: 19-2366-28b, G.H. Design Ltd, April 2019). Thereafter those trees, woodland and shrub areas shall be maintained in accordance with the approved management plan.

Reason: to ensure appropriate maintenance of the areas of tree, woodland and shrub planting as necessary to meet the objectives of the approved management plan.

4.16 SC Trees (07.10.2019.)

I have reviewed the amended Planting Plan (SYSPAL PL1), Management Plan (SYSPAL M1) and Landscape Statement (Page Wagner, Sept 13 2019) and I wish to make the following comments with regards to arboricultural issues. The landscaping scheme has been amended to include a pond to the north of the site and it has removed from the plan trees to be planted within the proposed new car park and marginally reduced the numbers of trees to be planted around the periphery of the site.

These measures address to some degree the concerns I raised in my previous consultation response of 18 July 2019; however, I still consider there to be too many trees proposed to be planted for the space available on the banks to the western and southern site boundaries. For example, the bank to be created south of the proposed factory is some 6 - 7m wide and in a 90m stretch it is proposed to plant 8 pine trees, 13 rowan, 9 birch and 5 aspen, within a matrix of over 350 hawthorn, holly, dog rose, privet and guelder rose. A large proportion of this area is overhung by growth from deciduous and evergreen trees from the adjoining property, further restricting the space for new planting to develop full canopies. Similarly, on the bank beside the drainage ditch to the west side of the factory,

which comes to 5m from the factory elevation, it is proposed to plant 3 oak trees, 4 pine, 3 grey alder, 13 rowan, 9 aspen, 6 field maple and 4 crab apple, within a matrix of over 600 hawthorn, holly, dog rose, privet, guelder rose and hazel. Again, parts of this bank are overhung by the canopies of mature willow trees on adjoining land and there is simply not sufficient space for the large tree species as shown on the plan to flourish and develop full canopies. I consider the amount of proposed tree planting to be unsustainable and not viable within the limited space available – the trees will not reach anything like their full size before coming into conflict with the factory building, as well as competing with and suppressing each other, potentially affecting their vitality and structural condition in the longer term. I would therefore urge the landscape architects to reconsider their planting plan within the vicinity of the proposed factory, so as to ensure that large tree species are only planted at locations where they will have sufficient above ground space and available rooting volume to survive and flourish in the longer term; without coming into conflict with either the factory or other built structures (for example, future root growth potentially affecting the proposed retaining wall running along the south and west sides of the factory).

However, I do support the overall ambition, objectives and ‘masterplan’ of the landscaping scheme and I consider that the somewhat over ambitious tree planting proposed around the factory is a matter of detail that could be resolved under condition to any permission granted, if that was deemed a satisfactory approach. Finally, I would add that my comments are based on the premise that additional tree and shrub planting is carried out by the applicant elsewhere in the vicinity, so as to fulfil the requirements of the Restocking Notice issued by the Forestry commission for the area of woodland cleared from the site prior to this planning application being submitted.

4.17 SC Trees (17.07.2019.)

Concludes that the proposed landscaping scheme would not offer sufficient compensation for the wooded area already cleared and would not constitute a net-gain for biodiversity, in fact given the likely number of trees to be planted and realistically reach maturity, it is a net loss. This does not accord with the principles of the NPPF and the government’s 25 Year Environment Plan. Requests therefore that this would require planting of a suitable area of new native woodland to provide a similar ecological habitat and thus effective compensation over time.

Raised a number of concerns including the number of trees around the car parking area, the nature/quality of the planting medium, the quality of the water and suggests the inclusion of a Green roof.

4.18 SC Ecology

Recommendation:

Additional information is required relating to landscaping, lighting, bird nesting habitat compensation, bat roosting habitat compensation, and the creation of ponds. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017.

Our previous response, dated 16th July 2019, requested the following be submitted:

The proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

The planting plan shows the creation of a new pond, planting of native species, and creation of woodland and grassland. Though the habitats that were on site prior to clearance cannot be preserved or restored, the proposed planting will re-create priority habitats and reconnect the site to the surrounding ecological network.

A landscaping scheme showing the re-creation of the Environmental Network is required. This must only include native species of local provenance.

This has been submitted – planting plan (SYSPAL/PL1, 13th Sept 2019) received 13th September 2019.

Two replacement ponds are required. Details of the replacement ponds is required and these need to be shown on a plan. A mitigation strategy is required in relation to the draining of the existing on-site pond and translocation of wildlife to the replacement ponds.

Only one pond is shown on the planting plan and proposed site plan. The mitigation strategy is included in section 5.1.2 of the amended ecology report, received 13th September 2019.

A reasonable avoidance measures method statement is required to protect any amphibians and reptiles which may be present on the site during the works.

This has been included in section 5.1.2 of the ecology report.

Suitable compensation habitat is required to replace lost reptile habitat. This should include hibernacula, refugia and rough grassland.

Log piles will be sited around the site as indicated on the planting plan.

Bat transect surveys are required to ascertain whether there are important commuting routes around the site.

Transect surveys have been carried out and are included in the amended ecology report, received 13th September 2019.

A plan showing the locations of bat boxes (to replace potential lost roosting opportunities) should be provided.

The planting plan refers to bird and bat boxes to be attached to the building but does not show the exact locations and specifications of the boxes. This should be submitted to ensure they are located in the right places, at the right heights and aspects, and are not illuminated by external lighting.

A lighting plan should be provided to ensure that the remaining vegetation and bat boxes are not illuminated by proposed lighting.

No lighting plan has been submitted.

Suitable compensation habitat is required to replace lost bird habitat. This should include tree, shrub and hedgerow planting and the erection of bird boxes suitable for a range of species.

Suitable compensation habitat is shown on the planting plan. No details of bird boxes, including numbers and types, have been included.

An invasive species management plan should be submitted.

This has not been submitted.

An objector to the proposed development has submitted photos of willow tits in their garden. The planting plan should incorporate planting species of alders and willow to ensure this species is able to continue to use the site. Willow tits are a red listed species undergoing a decline in population throughout the UK. The loss of nesting habitat on the development site will have an adverse impact on the local population. This species favours secondary woodland with a high proportion of willow and alder, so it would be possible to create suitable habitat for them on site provided appropriate species are planted.

The following is requested to be submitted prior to determination to ensure the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017:

- An additional pond should be constructed and included on proposed site plans.
- Details of bat boxes and bird boxes to be shown on proposed site plans and/or elevations plan – to include locations, height, and type of box (suitable for which species).
- A lighting plan as recommended in our previous response.
- The planting plan should be updated to include planting of willow close to the pond and additional willows throughout the site.

4.19 SC Ecology

For PREAPP/17/00058 I stated that an Ecological Assessment and species-specific surveys for bats, great crested newts, reptiles and badgers, and consideration of the Environmental Network, would be required to support a planning application on this site. The site has subsequently been cleared without being preceded by ecological survey work.

Further survey work and mitigation, compensation and enhancement measures are required to support the planning application, as set out below. In the absence of this additional information, I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as

amended).

Shropshire Council works towards securing biodiversity net gain, in accordance with the National Planning Policy Framework. The planning application does not currently demonstrate this.

Following clear-felling of trees, there is an active Forestry Commission investigation ongoing on this site.

I have read the submitted Ecological Impact Assessment (Churton Ecology, May 2019).

Planning Statement

The Planning Statement (RCA Regeneration Ltd, June 2019) states that:

4.7 Further support is given for the partial development of the part of the site within countryside, as the proposal site holds little ecological value, as set out in the accompanying ecology report. ...

5.3 A Preliminary Ecological Appraisal was undertaken in May 2019 by Churton Ecology. There are no new constraints identified within the application site and as a result a series of mitigation measures have been recommended ...

The site has been cleared before being surveyed (despite pre-application advice) so it is unknown what ecological value the site had before being cleared.

Wildlife, including reptiles, amphibians and nesting birds may have been killed or injured during the site clearance works as this was carried out without any mitigation measures in place.

As the site has been cleared, adequate compensatory habitats should be sought and secured in line with the principle of biodiversity net gain.

Environmental Network

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.

The site lies within the Environmental Network. As such, the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

A landscaping scheme showing the re-creation of the Environmental Network is required. This must only include native species of local provenance.

Replacement ponds

There is a pond on the site. The proposed drawings appear to show that this pond is going to be destroyed.

Ponds are priority habitats and therefore two replacement ponds are required. Details of the replacement ponds is required and these need to be shown on a plan.

A mitigation strategy is required in relation to the draining of the existing on-site pond and translocation of wildlife to the replacement ponds.

Common amphibians

There is a pond on the site and another approximately 30m to the east of the site. Both ponds contain smooth and palmate newts.

A reasonable avoidance measures method statement is required to protect any amphibians which may be present on the site during the works.

Reptiles

A STW employee recorded a slow worm on the site during a site visit in May and Churton Ecology recorded a grass snake during the ecological assessment.

A reasonable avoidance measures method statement is required to protect any reptiles which may be present on the site during the works. (This can be combined with the method statement for amphibians.)

Suitable compensation habitat is required to replace lost reptile habitat. This should include hibernacula, refugia and rough grassland.

Bats

The trees that now form the site boundaries need to be assessed for their potential to support roosting bats.

Transect surveys are required to ascertain whether there are important commuting routes around the site.

A plan showing the locations of bat boxes (to replace potential lost roosting opportunities) should be provided.

A lighting plan should be provided to ensure that the remaining vegetation and bat boxes are not illuminated by proposed lighting.

Birds

Suitable compensation habitat is required to replace lost bird habitat. This should include tree, shrub and hedgerow planting and the erection of bird boxes suitable for a range of species.

Japanese knotweed

Churton Ecology records that 'A very small stand of Japanese Knotweed was noted next to pond 1. The owner has been informed and quotes have been sought for its eradication'.

An invasive species management plan should be submitted.

4.20 Forestry Commission

After the Suspected Illegal Felling investigation, the Forestry Commission found that the Landowner was in breach of the Forestry Act and has been served with a restocking order.

Notification received 25th July 2019 that the Forestry Commission has a Restocking Notices.

Restocking Notice Served (RN09/19-20 dated 25th July 2019) requires that the restocking specified in the notice is carried out by 30th June 2020 and the trees maintained for a period of ten years from the tree planting.

Restocking Notices are served under the Forestry Act 1967 when the Forestry Commission believes that the trees have been felled illegally by someone with an interest in the land – typically the freeholder or tenant. The Restocking Notice places a duty on that individual to restock the land with trees. Failure to comply with a Restocking Notice allows the Forestry Commission to serve an Enforcement Notice, which places a similar duty on the individual. Failure to comply with an Enforcement Notice is an offence carrying an unlimited value fine upon conviction in a magistrates court.

Planning permission granted by the local planning authority for the same area as that covered by a Restocking or Enforcement Notice overrides the conditions of either Notice. Nonetheless, you may consider the attached Notice to be a material consideration in any deliberation of planning permission you undertake in relation to the land specified in the Notice that you may receive in future, or may already have received but not yet determined.

In instances where you are minded to grant planning permission for land where a Notice is in force, you may wish to mitigate for the voiding of that Notice by attaching conditions to that permission stipulating that trees are to be planted elsewhere, or entering into a section 106 agreement for a similar purpose; however, this is of course a matter for the Local Planning Authority to determine and not the Forestry Commission.

The restocking required includes: broad leaf species, to achieve no less than 1,100 equally spaced stems per hectare (755 trees) in Area A and in Area B a ratio of 5:1 (29 trees felled, 145 to be planted along the site entrance, which equates to 900 trees at this site; 60% oak, 10% silver birch, 5% willow, 5% alder, 10% hawthorn and 10% open ground to be maintained around ditches and ponds.

4.21 SC Highways –

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

Observations/Comments

The highway considerations include an assessment of the current traffic, the traffic this development will generate and its impact on the local highway network. The busiest times of the day for traffic movement are the peak hours in the morning and evening.

This development is expected to add a further 25 two-way trips and 5 HGV trips in the morning peak hour and 20 two-way trips and 1 HGV trip in the evening peak hour. Whilst the development does add trips to the highway network the numbers of trips are not considered as unacceptable. Overall the trips generated through a typical working day will be absorbed into the daily flow of traffic.

For the construction phase a planning condition will be recommended that ensures HGVs do not deliver or collect within the peak hour traffic and school exit periods.

The Access

The development will be accessed from Wilkinson Avenue which in turn is accessed from Cockshutt Lane. A ramp up at 1:14 is proposed from Wilkinson Avenue to serve the development, this gradient is considered to be close to the preferred maximum gradient for normal traffic of 1:12. It is recommended that this be reviewed with a view to reducing the gradient.

Parking

- a) The development includes for 81 car parking spaces.
- b) Consideration could be given to the provision of electric car charge points within the car park spaces.

Sustainable Transport

A cycle storage shelter for 36 cycles is proposed however, details of the design of this shelter have not been provided. To ensure the shelter adequately meets what is expected, the applicant is requested to provide the design details of this cycle shelter.

The Travel Plan

The submitted Travel Plan sets out what could potentially be done to encourage the use of sustainable transport. It however, lacks a structure of what specific actions the applicant intends to do. To ensure that the Travel Plan becomes a living document, a planning condition will be recommended that an action plan along with the results of a new staff survey of the travel plan are provided within 6 months of the site occupation date.

Recommended Planning Conditions

1. Travel Plan

A revised Travel Plan shall be submitted to the Council within six months of the first occupation of the development. This document will include a travel plan co-

ordinator name and the proposed actions that will aid the target of an 8% reduction within 5 years, in car usage for the purpose of traveling to and from work.

Reason: To minimise the use of the private car and promote the use of sustainable modes of transport.

2. Parking Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on the public highway.

3. Details of Cycle Parking

No development shall take place until details for the cycle parking have been submitted to and approved by the Local Planning Authority. The approved structure shall be constructed to completion before occupation of the development and thereafter be kept and maintained at all times for the purpose of cycle parking/storage.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport.

4. On-site Construction

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: • a traffic management and HGV routing plan to include restrictions on HGV movement at peak or school times • the parking of vehicles of site operatives and visitors • loading and unloading of plant and materials • storage of plant and materials used in constructing the development • the erection and maintenance of security hoarding or fencing • wheel washing facilities • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

4.22 SC Public Rights of Way

No comment.

4.23 - Public Comments

Advertised 02.07.2019. Site Notice displayed 02.07.2019. (Advertised as a Departure 22.10.2019). 21 letters sent 24.06.2019.

Seven representations received raising the following issues:-

Concern that more than half the site lies outside of the Broseley Town development Boundary.

Concern that a small part of the site affects a site of significant historical importance - the NW corner of the site it is proposed to remove part of the Stocking Mound and construct a retaining wall.

Understood that Syspal looked to have car parking around the new perimeter with space for lorries to turn and 2 small units/buildings being closer to the original existing factory, to limit noise and lessen visual impact on the neighbouring residential properties. Based on this, initially requested that large trees be re-planted to border the land to help as a screen following the destruction of the once natural wooded habitat.

Concerned about scale of the proposed development, height of the buildings and proximity to existing residential dwellings. Submitted Landscape Statement states that the removal of trees onsite has "opened up some views to the houses" and that 'The new industrial building will, by its size and structure have an impact on local views in particular'.

The Design and Access Statement states that the final site plan will 'ensure the maximum amount of landscaping is maintained to safeguard residential and local amenity, however the Landscape Statement says that 'planting on the western boundary would have included more trees but the realignment of deep sewer pipes and the necessary required easement zones has restricted planting opportunities'. The Landscape Statement also talks about 'the new planting scheme being wholly dependent on suitable soils being available to plant in' due to the land being previously mined and that no tests have so far been carried out.

Questions what assurances do we have that Syspal will carry out this testing and undertake the maintenance of the planting as laid out in the notes within figure 7/8 if planning permission is granted. Will this be monitored?

'The floor of bay 4 has been lifted by 1.5 meters', this may negate the need for Syspal to invest in the commissioning of a retaining wall, however this will raise the West elevation by 1.5 metres, where as a retaining wall and the building having a lower ground level would help to reduce both the visual and noise impact to the residential area.

Concern that the planting of minimal un-branched young tree seedlings 'Whips' and a low level hedge will not for a minimum of 10 years have any visual or noise screening impact on the site whatsoever or provide any adequate habitat for wildlife. Should this application be granted it should be with the conditions that 'bay 4' ground level is lowered and mature trees are planted and maintained which can go some way to mitigating the destruction which has taken place.

Impact of noise and disturbance on the residential amenity of the area.

Loss of privacy

Destruction of valuable wildlife corridor without relevant consents.

Suggestion that if Syspal have outgrown Broseley, they should move elsewhere.

Comments on Noise Assessment

The report is flawed and based on misleading information given to Ion Acoustics as in point 8 stating that bay 4, that closest to the residential area will be empty and that there will be no outside vehicular noise created from this bay, this is clearly false, as stated in other documents bay 4 will be used for assembly which according to table 3 within the report produces on average the loudest noise.

The report talks about background noise and states that 'the dominant noise source during the quiet period of the night is thought to be low-level plant noise' from the existing factory however no reference to the potential new night time noise levels from the proposed development have been included within the findings although it is stated that 'some plant may run overnight.'

The residents are already subjected to considerable night time / early morning disruption from the existing factory with bright security lights shining throughout the night and forklift truck sounds, surely this will only be increased with the site being only 25m away.

Predictions have been based on forklift movements at the front of the building however the plans indicate that there will be exclusive access for forklifts to the rear of the building and up to the most south-westerly corner of the site which is the closest point to the residential estate.

If the existing factory noise referenced within the report was excluded from the equation as was the dawn chorus, the background noise levels would be somewhat lower, propelling and new additional factory noise and showing it to be in excess of 5db above, concluding the new factory would have an adverse impact with regards to noise.

Why was the noise assessment test of the factory exterior, facing west, set some 80 meters away from the factory (which although undisclosed on the report is actually the half way point between the existing factory and the housing which is a total of 160m in distance) when, building four will only be 36 meters away?

Even 80 meters away from the factory is not far enough....as stated on page 8, 'noise can still be heard from the factory'. Imagine how much louder it would be only 36 meters away? BS 4142:2014, page 4, states, The noise rating level is to be determined in the ABSENCE of factory noise.

Anomaly - page 6, rainfall data gathered on day 2, making the recording louder will be used...whereas on page 9, the rain making the indoor recording louder will not be used in calculations. Consider that any final noise calculation would obviously show bias.

Comments on Ecology Assessment

Tree and other vegetation clearance began on the last week in March, as to

personal photographic evidence, and was complete before 24/04/2019 the date of the ecological site survey.

Questions how such a report be written in the absence of the woodland that they were to be reporting on.

As the ecologist mentions on page 3 "the recently cleared bare ground", bearing in mind their statement the wildlife and countryside act 1981 "potential damage or to destroy a birds nest site would constitute a Legal Offence" Did this person advise the authorities of an apparent breach of law after he first went on site, and why did he continue knowing a crime was potentially being committed?

The report states, page 7, 2.3.5 birds seen or recorded during the survey were recorded and old nests were attributed to species where possible.....how? the trees were cut down by then, did they examine them lying on the ground?

The Report states there are no local reserves within 1km. But the Haycop reserve is only 0.6 km away. They also state 'no sites of significance within 2 km and then goes on to state that Tick wood and Benthall edge both SSSI is only 630 meters away.

The report mentions on page 14, 3.3.4 ' the site represents poor reptile habitat, while showing a photo of a Grass Snake from there. Surely this 'poor habitat' would not have been the case before the clearance, this would also reflect the statement that only minimal bird activity.

Concern that activity has taken place which would represent harm to nesting birds.

Loss of willow trees

Finally, in Broseley library at this moment in time is a display of existing employment areas. The Syspal site has been added to an official town plan, without debate. Although it is clearly outside the existing designated area of employment, this information seems to contradict our democracy....or has planning already been given?

Questions whether if these 4 warehouses were proposed by 4 independent companies, this huge increase in industrial development which exceeds well beyond Broseley's 'development border', would be allowed in this closely compact residential area.

Concern that the current infrastructure route to the existing site and neighbouring businesses is already questionable with the amount of arctic sized lorries and traffic using it daily. The number would increase significantly and make this already expanding residential area, particularly that of Dark Lane and Cockshutt Lane unsafe for the public. Particularly with its close proximity to the local primary school.

The existing access road may have been designed specifically for this use however the surrounding roads are not, all approaching roads are narrow, have residential dwellings, a 30mph speed limit and a weight limit of 7.5 tonnes. Cockshut Lane hosts one of the main bus stops for collection and drop off of children travelling to

William Brookes and is in close proximity to Dark Lane primary school and Little Owls nursery, accessed by families walking the footpaths in front of the factory. The report details a serious incident involving a school child and a goods vehicle – is this not evidence enough that an increased number of cars and HGV's pose an increased safety risk to our children. The route used by HGV vehicles is in close proximity to John Wilkinson primary school and across the path of a pedestrian crossing used to access the school/ shops and garage. This route also passes through a section of road currently partially closed due to its instability. Surely the increased number of vehicles will only add to the already poor infrastructure surrounding the town.

Comments made in respect of application 19/01998/FUL the perimeter fence. Strongly object to the use of 2.5mtr (8 foot high) heavy gauge galvanised fencing, the formed steel profile designed to exhibit its razor sharp triple finials. Consider this is more in keeping with that of a defence establishment.

Consider the land adjoining to be an informal nature reserve.

Concern that removal of the trees has left properties in Cherry Orchard Drive very exposed visually to adjacent factory.

Recommend the use of mesh style fence that is green in colour but which also provides the protection needed for the building to take place.

Recommend the inclusion of a landscaping scheme.

Concern about noise and disturbance during its construction and that the applicant will work in a more considerate manner and within the conditions set by Shropshire Council.

5.0 THE MAIN ISSUES

- ☐ Principle of development
- ☐ Sustainability
- ☐ Drainage /Water Management
- ☐ Ecology and Trees
- ☐ Design, Scale and Visual Amenity
- ☐ Residential Amenity
- ☐ Land Stability/Contamination
- ☐ Highways
- ☐ Archaeology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 As noted above previously a recycling and waste transfer use previously occupied part of this site. This part of the site equates to 58% of the site and is included in the Development Plan as a Protected Employment Site, the remainder of the site is classed in planning terms as “countryside” lying outside the Development Boundary for Broseley.

6.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan permission should not usually be granted. It goes on to state that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

6.1.3 The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015. The SAMDev Plan is the second part of the Local Development Framework for the county and compliments those policies contained within the Core Strategy by providing additional detail to the over-arching policies contained in the Core Strategy.

6.1.4 The Councils Strategic objectives includes:

Support the development of sustainable communities which are thriving, inclusive and safe, ensuring that people in all areas of Shropshire have access to decent affordable homes, jobs, education and training, multifunctional open space and the countryside, healthcare, leisure, cultural, shopping and other facilities and services, and the provision of infrastructure, to meet their needs.

Develop the roles of Shrewsbury as a sub-regional centre, and Shropshire's Market Towns and Key Centres as more sustainable and self sufficient settlements, providing the main focus for new housing, employment and infrastructure development and the preferred location for a range of services and facilities to serve the wider needs of their respective hinterlands.

Rebalance rural communities through the delivery of local housing and employment opportunities appropriate to the role, size and function of each settlement, or group of settlements, ensuring that development delivers community benefit.

Promote sustainable economic development and growth by providing a flexible and responsive supply of employment land and premises, and the development of further /higher education and training opportunities, to support business development, satisfy the changing needs and demands of the Shropshire economy, promote inward investment, and help generate skilled, well paid employment opportunities.

6.1.5 As noted above approximately half the site is currently identified in the adopted SAMDev Plan (2015) as a Protected Employment site. Furthermore the settlement Policy S4.3 (i) for Broseley confirms that opportunities for the regeneration of existing employment sites will be encouraged, where appropriate, in accordance with Policy MD4.

6.1.6 Policy MD4 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 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 Policies S1 – S18 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.

Development of the employment sites should be in accordance with Core Strategy Policies CS6, CS9, and CS14, and SAMDev Plan Policies MD2, MD4 and MD8.

6.1.7 The Broseley Town Plan (September 2013) was produced by the Town Council and formally endorsed by Shropshire Council as the local planning authority. The vision, objectives and Policies A1, A3, DS1-DS9, H1-H9, ED1- ED4, VE1-VE2, HP4, HP5, HP8, HP9, ENV1-ENV5 in the Broseley Town Plan were adopted as material considerations for development management purposes by resolution of Shropshire Council on 26th September 2013. Development is expected to meet the policies and guidelines contained in the Broseley Town Plan 2013 and any other future community-led plan or masterplan that is adopted by Shropshire Council.

6.1.8 Furthermore the Broseley Town Plan confirms in Policy ED2 that:

Existing employment land will be protected and enhanced where appropriate by:

a) retaining existing employment sites for that purpose where they are well located and well suited to employment use;

b) supporting the more effective use of existing employment land, particularly the existing site at King Street/Duke Street;

c) supporting a change to mixed uses on employment land where it can be shown that the use of the site solely for employment is no longer viable and that the proposed alternative use would provide equal or greater benefits for the local community than the current use;

d) supporting the expansion of existing businesses where additional jobs will be created, subject to the scale and impact of the proposal.

The principle of the redevelopment of this part of the site for use as proposed is therefore likely to be acceptable.

6.1.9 Turning to the remainder of the site which is classed in planning terms as

“countryside” lying outside the Development Boundary for Broseley and just outside the Broseley Town Plan boundary.

- 6.1.10 Policy CS5 seeks to strictly control development in the countryside and green belt in accordance with national policy, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to (inter alia) small-scale new economic development diversifying the rural economy. With respect to this applicants are required to demonstrate the need and benefit for the development proposed. Development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate. Policy CS5 also supports the retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate.
- 6.1.11 The distribution of the strategic employment land supply is described in Policy CS1 (Strategic Approach) which seeks to accommodate investment and new development in Shrewsbury, the Market Towns and other Key Centres and in the rural areas, predominantly in predominantly in Community Hubs and Clusters. Outside these settlements development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
- 6.1.12 Policy CS3 identifies that Broseley will have development that balances environmental constraints with meeting local needs. It is also acknowledged that in the past, Broseley had a significant mining and smelting industry, but nowadays primarily acts as a dormitory town for larger settlements nearby, especially Telford and Wolverhampton. As such, employment self-containment is very low, and there are few major employers. Almost three times as many Broseley employees work in manufacturing than is the case county wide.
- 6.1.13 As noted above part of the site is included in the Development Plan as a Protected Employment Site, the remainder of the site is classified in planning terms as “countryside” lying outside the Development Boundary for Broseley. Accordingly the development does not wholly accord with the policies contained within the Development Plan and therefore the acceptability of the scheme turns on the detailed matters, considered below, and the weight to be given to other material planning considerations.

6.2 Sustainability

- 6.2.1 Sustainability is based on many factors, including the presence of employment, affordable housing, facilities and services, development that improves the sustainability of market Towns and Key Centres is welcomed, particularly where it provides employment opportunities, affordable housing or services and facilities for local needs.
- 6.2.2 Policy CS6 and MD2 seeks to create sustainable places and for development to 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. It also aims to ensure that that development conserves and enhances the built and natural environment and be appropriate in its scale and design taking account of local character and context.

- 6.2.3 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that the planning system has three overarching objectives, a economic, a social and an environmental objective. Furthermore, so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 6.2.4 The site is physically well related to the existing settlement and is considered to be sustainable in terms of its physical location, furthermore the development would facilitate the existing business to remain commercially competitive and to expand which would have significant economic and social benefits to the local community. Turning to the environmental aspects of the proposal these are assessed under the detailed headings below.

6.3 Drainage/Water Management

- 6.3.1 Core Strategy Policy CS18 and SAMDev policy MD2 seeks to manage water in an integrated sustainable way to reduce public risk and maximise benefits. These policies also seek to enhance biodiversity.
- 6.3.2 It is generally against Environment Agency and Shropshire Council policy to allow long lengths of watercourse to be culverted. The original proposal here was to divert and culvert the whole length of the watercourse currently open channel on this site. However following discussions, the scheme has been amended to include diversion of the watercourse along the western boundary of the site and a reduction in the length of the culvert.
- 6.3.3 Subsequently the applicant was requested to consider revising the scheme further to enable the line of the culverted watercourse to be amended and taken from the headwall on the western side of the site to the inlet to the proposed pond thus reducing the length of culvert further. In addition it is noted that policy MD2 requires that consideration must also be given to the maintenance requirements for SuDS, including the design of appropriate access to allow for ongoing maintenance. In the light of this the applicant has been requested to demonstrate that there is a maintenance strip allowing future access to maintain the open and culverted sections of the watercourse and headwalls. Amended plans have been received which now show this amendment. An Ordinary Watercourse Consent is required under separate legislation for the works to the existing watercourse.
- 6.3.4 The scheme would result in the rationalisation of a number of the multiple drainage systems which currently occupy the site (such as STW sewers, watercourse, pools and ponds) and in order to mitigate for the loss of ecological benefits the scheme includes the construction of a new pond on the northern boundary of the site.
- 6.3.5 In order to reduce the overall volume of surface water run-off the scheme has been designed in conjunction with the landscaping proposals to feed the surface water

where possible, into planted areas. However as required the scheme includes attenuation which is provided by a geocellular storage tank under the proposed car parking area. (Subject to soakaway tests and contamination risk assessment, the attenuation tank will also allow infiltration).

6.4 Trees and Ecology

- 6.4.1 The NPPF, Core Strategy Policies CS6 and CS17 and SAMDev policy MD12 state that all development should protect the natural environment whilst enhancing environmental assets. In this context the Council's Natural Environment Team have been consulted.
- 6.4.2 Prior to the submission of this application the application site was cleared and an area of woodland felled. This clearance took place without being preceded by ecological survey work. The trees were not protected by TPO or conservation area, so no permission was needed from Shropshire Council to fell the trees. However, the site falls under the auspices of the Forestry Act 1967, in that a felling license should have been obtained from the Forestry Commission. No license was sought or obtained and so the FC conducted an investigation into the felling.
- 6.4.3 The outcome of the Forestry Commissions investigation was to issue two Restocking Notices, requiring replanting of the felled area so as recreate broadleaved woodland. Implementation of the proposed development would be incompatible with replanting the felled area.
- 6.4.4 The restocking notice is a material consideration to a planning permission which if granted would override the requirements of the notice.
- 6.4.5 Initially the proposed scheme relied on the landscaping scheme associated with the proposed development to compensate for the loss and it was considered that this did not compensate sufficiently for the woodland that had already been cleared. Officers considered that it did not constitute a net-gain for biodiversity, in fact given the likely number of trees to be planted and realistically reach maturity, it would appear to be a net loss. This does not accord with the principles of the NPPF and the government's 25 Year Environment Plan. Over and above actual numbers, the thin rows of trees as proposed to be planted do not constitute the same woodland habitat as previously there. In order to achieve the required net-gain it requires the planting of a suitable area of new native woodland to provide a similar ecological habitat and thus effective compensation over time.
- 6.4.6 In the light of the above the applicant has, submitted an amended scheme which includes a pond to the north of the site; has removed from the plan fruit trees which were to be planted within the proposed new car park area (on the advice of the SC Tree Officer, as they would cause seasonal conflict with parked vehicles – either from the fruit itself or the mess from birds attracted to it) and which marginally reduces the numbers of trees to be planted around the periphery of the site. The applicant has also agreed to fulfil the requirements of the Restocking Notice on land to the east of the existing industrial unit which has been included within the application site (red line).

- 6.4.7 In respect of the landscaping scheme immediately adjacent the proposed development the SC Tree Officer advises that there are too many trees proposed to be planted for the available space on the banks to the western and southern boundaries for the trees to flourish and develop full canopies. The amount of proposed tree planting would be unsustainable and not viable within the limited space available, the trees would not reach their full size before coming into conflict with the factory building, as well as competing with and suppressing each other, potentially affecting their vitality and structural condition in the longer term.
- 6.4.8 The SC Tree Officer however supports the overall ambition, objectives and masterplan of the landscaping scheme and the matter of the tree planting proposed around the factory is a matter of detail that could be resolved under condition to any permission granted.
- 6.4.9 Turning to ecological interests. The site is bordered by broadleaved woodland to the north and is likely to have supported some broadleaved woodland before it was cleared. There are no sites of international conservation significance within 2 km of the site, there is one (non-geological) SSSI approximately 630m to the north-west (Tick Wood and Benthall Edge SSSI), which has been designated for its extensive area of ancient native and mixed deciduous woodland. It is also noted that there are several Local Wildlife Sites in the area, the nearest of which is located approximately 500m to the north-west which are associated with the Ironbridge Gorge.
- 6.4.10 Core Strategy policy CS17 requires attention to be paid to the potential impact of development upon protected species. National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The NPPF emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.
- 6.4.11 SC Ecology on reviewing the initial information submitted required further survey work and mitigation, compensation and enhancement measures to support the planning application and recommended that in the absence of this additional information, it would not be possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). Furthermore the planning application did not demonstrate that there was a biodiversity net gain.
- 6.4.12 Amended details were then submitted which included the creation of a new pond, planting of native species, and creation of woodland and grassland. Though the habitats that were on site prior to clearance cannot be preserved or restored, the proposed planting would re-create priority habitats and reconnect the site to the surrounding ecological network. The amended Ecological Impact Assessment also includes: a mitigation strategy in relation to the draining of the existing on-site pond and translocation of wildlife to the replacement pond; a reasonable avoidance measures method statement to protect any amphibians and reptiles which may be present on the site during the works; landscaping proposals have been designed to

replace lost reptile habitat and lost bird habitat and a transect survey has been undertaken (to ascertain whether there are important bat commuting routes around the site).

- 6.4.13 It is acknowledged that the SC Ecology Team recommended the inclusion of two compensatory ponds to be provided within the site. Whilst the applicant has amended the scheme to achieve a pond it is not possible to achieve the development proposed and two ponds as requested by the SC Ecology Team. It is also accepted that the parcel of land to the east of the existing industrial unit upon which the compensatory tree planting is proposed would be insufficient in size to accommodate both the tree planting and an additional pond.

6.5 Design, Scale and Visual Amenity

- 6.5.1 Core Strategy policy CS6 and SAMDev policy MD2 seek to create sustainable places and requires development to be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

- 6.5.2 As noted above the proposed building would be divided into 4 bays from east to west across the site with the finished floor levels reflecting the rising land levels from east to west. The building has been designed so that both in height and elevation there would be visual articulation which helps to reduce the massing. Externally the proposed building includes a mixture of facing brickwork, plastisol colour coated steel cladding and polyester coated composite panels in a range of muted tones of grey. The building is proposed to be located to the south of the site immediately adjoining the existing relatively low level industrial units fronting Cockshutt Lane with the service yard and car parking occupying the north section of the site adjoining the adjacent woodland. The scale, design and layout of the development is largely determined by the operational requirements of the business and the constraints of the site in terms of its shape, the space required of vehicle movements, on-site parking and the provisions required for the stream course and natural environmental enhancements. Whilst it is acknowledged that a building of the size proposed would inevitably be visible from outside the site it is considered that it would be viewed within the context of the existing industrial development and that the impact would be softened by the existing woodland to the north, Stocking Mound and the rising land to the west and the proposed landscaping scheme.

6.6 Residential Amenity

- 6.6.1 Policy CS6 of the Core Strategy refers to the need to safeguard residential and local amenity and recognises the importance of ensuring that developments do not have unacceptable consequences for neighbours.

- 6.6.2 The site is located to the west side of the existing factory and is closer to the existing dwellings in Cherrybrook Drive. The scheme layout shows the bays staggered so that noise from the loading areas are shielded by the adjacent bay.

- 6.6.3 Moving into the new building would be a number of processes:

☐ Bay 4 - General equipment assembly, as in the existing factory;

- ☒ Bay 3 - Mechanical handling equipment assembly;
- ☒ Bay 2 - Hydro Physio assembly;
- ☒ Bay 1 - Warehouse.

- 6.6.4 The submitted drawings indicate that the site would have a finished ground level some 4.5 metres lower than that of the housing.
- 6.6.5 As noted above concern has been raised by residents in Cherrybrook Drive regarding the impact of the proposed development on their outlook and noise/disturbance.
- 6.6.6 In support of the application the applicant has submitted a Noise Assessment, the Assessment describes the baseline survey and evaluates the implications for the building envelope sound insulation and ventilation strategy. During the course of the application a revised Assessment was submitted in response to the clarification by the applicant that Bay 4 is to be used as a factory work space.
- 6.6.7 A baseline noise survey was carried out to determine the background sound levels and the noise levels in the existing factory were also measured to predict the noise emissions.
- 6.6.8 Whilst the development's operating times are stated to be 07:00 – 18:00 Monday – Friday and potentially 07:00 – 12:00 on Saturday, it was understood that some plant may run overnight, therefore the entire 24-hour period was considered in this assessment.
- 6.6.9 Noise measurements at this location were conducted between 13:00 on Wednesday 5th June and 13:30 on Friday 7th June 2019, to determine the background noise on site of the proposed factory, some 80m away from the nearest housing on Cherrybrook Drive. A location closer to housing was not used due to security concerns, however this location is in any case considered conservative due to its somewhat shielded location.
- 6.6.10 Internal source noise level measurements were conducted at a number of locations in the existing factory, the processes which would move into the new factory were measured, as well as the general ambient noise level in the middle of the factory.
- 6.6.11 The noise measurements established that the dominant noise source during the quiet period of the night is thought to be low-level plant noise which is audible in the sound recordings made during the survey. The typical background sound levels are LA90 30dB and below during the evening and night time periods, which would be considered low in absolute terms.
- 6.6.12 It is clear that the uses proposed to occupy the factory buildings would generate noise, such as: mechanical services noise; noise from processes within the factory; and activity noise including transport movements and loading / unloading etc.
- 6.6.13 The NPPF with respect to noise confirms at para. 170 planning decisions should *contribute to and enhance the natural and local environment by:*

e) preventing new and existing development from contributing to, being put at

unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

6.6.14 It then at para. 180 states that planning decisions should also *ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

6.6.15 Furthermore the Framework is supplemented by the Noise Statement for England (NPSE) and the WHO “Guideline for Community Noise” and BS 8233:2014 which recommends internal noise design targets for habitable rooms for the avoidance of negative health effects and to promote quality of life.

6.6.16 There is no numerical guidance in the planning policy guidance, however, noise from the proposed factory affecting existing housing would normally be assessed using British Standards (BS).

6.6.17 In respect of the likely noise levels affecting the housing on Cherrybrook Drive of vehicle activity the submitted Assessment has carried out a prediction exercise. The results, without any mitigation, indicate a very slight exceedance (plus 1dB) above the BS, which would not constitute an adverse impact. It is also noted that the noise from car movements on site is expected to be lower than that used in the predictions as the source data used for this was an urban road rather than a car park where speeds are lower. In respect of the internal noise emissions the Assessment indicates that the emissions from Bay 4 are the main concern, with the roof being the main breakout path. The mitigation proposed is therefore to require internal lining of the west wall.

6.6.18 Accordingly the submitted Assessment recommends mitigation is required for Bays 3 and 4 in order to meet the noise limits and that this should comprise internal lining of the west wall of Bay 4.

6.6.19 The applicant has confirmed that there would be no manufacturing or operational activities carried out and no deliveries taken in or dispatched from the proposed development on the application site outside of the following times: 07:00 till 18:00hrs Monday to Friday, 07:00 till 12:00hrs on a Saturday, nor at any time on Sundays, or Public Holidays.

6.6.20 Concern has been expressed by local residents that that the noise measurements taken for the background noise level was not taken closer to the existing residential houses because of security concerns but also that “this location is in any case considered conservative due to its somewhat shielded location.” The applicant’s consultants have confirmed that *the monitoring location was at a lower elevation than the housing, surrounded by raised topography on two sides which will have shielded the microphone from general environmental noise sources in these directions. This would have resulted in the measured noise levels being lower than*

those at the housing, therefore the noise limit derived would have been slightly more onerous (i.e. lower) than if we measured at the housing. We expect that the general environmental noise at the housing would be higher than we measured as it is less shielded from roads etc.

- 6.6.21 Concern was also expressed by local residents that noise predictions have been based on forklift movements at the front of the building however the plans indicate that there will be exclusive access for forklifts to the rear of the building and up to the most south-westerly corner of the site which is the closest point to the residential estate. The applicant's consultants have responded that *the noise assessment does in fact consider forklift noise from the south-westerly corner of the site, and in particular the closest corner to the south west of the door of bay 4 was used as a source location for the calculation. At the rear we have calculated noise for lorry movements, which are noisier than forklifts; that location is also shielded by the topography.*
- 6.6.22 The applicants have also been requested to respond to the clarify, if the existing factory noise referenced within the report was excluded from the equation as was the dawn chorus, the background noise levels would be somewhat lower, propelling and new additional factory noise and showing it to be in excess of 5db above, concluding the new factory would have an adverse impact with regards to noise. The applicant's consultants have responded that *the existing factory is part of the existing noise climate and character of the area; it is not actually possible to remove the underlying factory noise from the general environmental noise. The addition of the new factory building should therefore be assessed against the present condition, which includes the existing factory. Furthermore, the dawn chorus is during the night period and therefore does not have an impact on the daytime assessment made herein. We note again that we do consider the background level measured to underestimate background noise from general environmental noise.*
- 6.6.23 In addition the applicants have been requested to explain why the noise assessment test of the factory exterior, facing west, set some 80 meters away from the factory (which is the half way point between the existing factory and the housing which is a total of 160m in distance) when, building four will only be 36 meters away. The applicant's consultants have confirmed that *the unattended noise monitor was intended to measure only background noise levels, from which activity noise limits would be derived. It was not the intention to measure specific noise emissions from the existing factory. Due to differing layout arrangements as well as forms of construction, they would not be very relevant to the assessment.*
- 6.6.24 Furthermore in response to the concerns about the impact of rainfall on the measurements collected, the applicants consultants have stated that *the indoor measurements were conducted on Wednesday, when no rain was recorded, which was unlikely to affect the measurements in any case as the activity noise measured was fairly loud. In terms of the logging measurements, only noise levels measured on Day 1 (Wednesday – Thursday) are considered, when no rain was recorded. From these measurements, the only noise levels of interest for the assessment are the background noise levels LA90, which were almost identical over both days – the night time background noise level on the first night was 1dB lower than on the second, which is the only difference between the two. To be clear we have not*

used the external background noise data from the period with rain and as stated in the report section 5.2 “the noise data measured during the first day time period will be used”.

- 6.6.25 Local residents have also raised concerns that the report talks about background noise and states that ‘the dominant noise source during the quiet period of the night is thought to be low-level plant noise’ from the existing factory however no reference to the potential new night time noise levels from the proposed development have been included within the findings although it is stated that ‘some plant may run overnight.’
- 6.6.26 The applicant’s consultants have responded that *as is standard for planning applications, we understand that any new plant would not have been selected yet and therefore we could not assess this. We have however, following standard approach for planning, set out noise limits against which noise from any future plant should be assessed using the existing baseline levels as a baseline in line with the methodology of BS4142:2014. And whilst there may be some plant running overnight, in terms of general activity noise, we were advised that the factory will not operate during the night.*
- 6.6.27 The SC Regulatory Services Team has reviewed the application and is content with the Assessment, however in the light of the fact that the Assessment indicates that noise mitigation is required for bays 3 and 4 and that the roof is the main breakout path, and given the topography of the site, SC Regulatory Services recommended that the applicant is required to ensure that noise mitigation also includes lining of the roofs of bays 3 and 4.
- 6.6.28 This issue was subsequently taken up with the applicants and their consultants have confirmed that their calculations have considered the aggregate noise break out for the full building envelope taking account of the walls and roof etc. These indicate that, without any additional roof lining, the noise levels from the factory would be 2dB below the noise limit. The walls were more dominant if not treated. Whilst it is possible to provide lining to the roofs, which would reduce noise emissions slightly, it was not demonstrated to be necessary for compliance with the noise limits.
- 6.6.29 SC Regulatory Services have reconsidered this issue and in the light of the consultants response have suggested that an appropriate condition could be attached to require the submission of a validation assessment from a competent person to demonstrate that compliance with the agreed noise emission limits is being achieved and that if not, a scheme for further mitigation works submitted and approved.
- 6.6.30 Accordingly, subject to appropriate conditions it is considered that refusal of this application on noise grounds is not justified.
- 6.6.31 Turning to the proximity of the building to the adjacent residential dwellings. The location of the proposed factory buildings is determined by the location of the existing factory and the applicants desire to remain in Broseley; and their scale determined by the operational requirements of the business. The proposed layout is also determined by the shape of the site, the size of the buildings and the space

required for vehicle movements.

- 6.6.32 The recent felling of woodland has had an impact on the outlook from the adjoining properties to the west, meaning that glimpses of the application site can now be obtained through the remaining woodland. The details submitted with the application show that the proposed Bay 4 would extend 66 metres on a north-south axis and that the land slopes down from the west to east. The site requires some land regarding, but the information submitted with the application shows that the finished floor level of Bay 4 would be set down approximately 4.5 metres from the adjacent houses. The building has been designed so that the ridge line is set in from the side elevation by some 15 metres, the eaves height measuring approximately 11.7 metres and the overall height 13.4 metres.
- 6.6.33 The amendments to the scheme have include more trees, as there is now the provision of an open watercourse and lack of underground pipework facilitated a range of native tree species to be included, which would aid screening for the neighbouring properties.
- 6.6.34 It is inevitable that a building of this size will have an impact on views received by the occupiers of the adjacent residential properties however the distance separation, choice of materials and their muted colours, together with the amended proposed landscaping scheme would, it is considered help to mitigate the impact.
- 6.6.35 During the course of the application the height of the proposed fencing has been reduced from that originally proposed. The applicant has also amended the scheme in respect of the finish of the fencing which is now proposed to be powder coated dark green. Furthermore having regards to the context of the site the proposed amended perimeter fencing scheme is considered appropriate in its setting and the proposed landscaping scheme would assist in assimilating it into the landscape. Overall, it is considered that the height and position of the perimeter fencing proposed would not, given the distance separation lead to an undue loss of residential amenity.

6.7 Land stability/Contamination

- 6.7.1 The NPPF confirms that the planning system has an important role in considering land stability by:
- minimising the risk and effects of land stability on property, infrastructure and the public;
 - helping ensure that various types of development should not be placed in unstable locations without various precautions; and
 - to bring unstable land, wherever possible, back into productive use.
- 6.7.2 The planning system works alongside a number of other regimes, including the Building Regulations, which seek to ensure that any development is structurally sound.
- 6.7.3 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by: e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being*

adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

- 6.7.4 The NPPF confirms in Paragraph 179 that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner. But (in Paragraph 178) that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 6.7.5 The site was previously used by Oakley Arnold who held a Waste Management Licence for scrap metal recycling. This license was surrendered in 2015 and investigations carried out and remedial works undertaken at the site to an acceptable level as open land. Should development occur then further investigation and potential remediation would therefore be required.
- 6.7.6 To support the current application a Ground Investigation and Test Report has been submitted together with a Mining Risk Assessment. The development requires site levels to be altered and cut and fill to be carried out across the site. There are two mine entries, one towards the northwest of the site and one beyond the western boundary (filled in 1972 by the Coal Board). The mine shaft in the northwest of the site which may be untreated and therefore this needs to be investigated the applicants are aware that a suitable license is required from the Coal Authority with respect to all the work associated with this.
- 6.7.7 The SC Regulatory Services has been consulted together with the Environment Agency and the Coal Authority. In the light of all the information submitted during the course of the application the Coal Authority are content that an adequate assessment of the risks due to coal mining legacy has been undertaken as required by the NPPF paragraph 178 – 179 and that whilst further site investigations are required, to confirm the location / condition of the mine entry, they recommend that the imposition of a suitable condition should planning permission be granted requiring these site investigation works prior to commencement of development.
- 6.7.8 Likewise both the SC Regulatory Services and the Environment Agency are content with the information submitted and recommend that appropriate conditions are attached.

6.8 Highways

- 6.8.1 Core Strategy Policy CS6 requires all development to be safe and accessible to all and have appropriate parking. It also seeks to ensure that proposals likely to generate significant levels of traffic are located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It seeks to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.
- 6.8.2 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 – 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.8.3 Policies within the Broseley Town Plan state that:

Policy HP.8 - New developments will be encouraged to promote improved traffic management by reducing traffic speeds and volumes; improve safety and access for pedestrians and cyclists; and do so in a way which respects the amenity of the locality.

Policy HP.9 - New development which generates additional HGV/LGV traffic will be required to undertake a transport assessment and will only be considered for approval where it can be shown that the proposal has an acceptable traffic impact on local residents.

6.8.4 The Council has not set local parking standards for residential and non-residential development. However at paragraph 3.15 of the SAMDev Plan, which is part of the explanation to Policy MD2 (Sustainable Design), it states that developments must be designed so as to not result in an unacceptable adverse impact on local infrastructure, and gives as an example that adequate on-site parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and thereby negatively impacting on the local road network.

6.8.5 A Transport Statement has been submitted to support the application. This Statement considers the impact of the development proposed on the adjacent highway network. It is noted that the number of on-site parking spaces has been reduced (from 81 to 64) during the course of the application so as to facilitate additional soft landscaping and environmental enhancements.

6.8.6 The Broseley Town Council whilst raising no objection to the proposed development noted that the development was within the Broseley HGV restriction area and requested a condition which requires all HGV traffic to this site to use a designated route from the east, via Ironbridge Road, Dark Lane and Cockshutt Lane and not to travel through the town centre. In addition they requested that site lines at the entrance be maintained by parking restrictions and, where necessary, pruning of vegetation.

6.8.7 The proposed development would utilise the existing access off Cockshutt Lane. The applicants have engaged with the SC Developing Highways Area Manager (South) and who has confirmed that she considers the Transport Statement submitted to be robust and to provide sufficient information to make an assessment of the application from a highways perspective.

6.8.8 Whilst the submitted Statement indicates that the number of additional HGV movements, particularly in the peak hour would be relatively low, there would be an increase as a consequence of the proposal and therefore, she recommends the signing within the vicinity of the site to encourage HGV and other vehicles to use the approved route via Ironbridge Road is improved.

6.8.9 In response to this the applicant has submitted a scheme for upgraded HGV

signage throughout Broseley. The applicant has also confirmed that their ongoing responsibility for maintaining good visibility from the site onto Cockshutt Lane.

- 6.8.10 SC Highways recommended that the gradient of the proposed ramp up from the access road to serve the development is reduced. This has been considered by the Applicant who has responded that the gradient of the ramp is set to suit site levels. Given that it is less than the maximum gradient (1:12) this is not considered determinative. SC Highways has also recommended that provision be made for electric car charge points should be made within the proposed car park and that details of the design of the cycle storage shelter be provided. These are matters which can be covered by appropriate conditions/informatives.
- 6.8.11 In respect of the submitted Travel Plan it is noted that this sets out what could potentially be done to encourage the use of sustainable transport. It however, lacks a structure of what specific actions the applicant intends to do. To ensure that the Travel Plan becomes a living document, a planning condition is recommended that requires the submission of an action plan along with the results of a new staff survey of the travel plan are provided within 6 months of the site occupation date.
- 6.8.12 Overall it is considered that the proposed development would not have an unacceptable impact on the road network or highway safety in this location.

6.9 Archaeology

- 6.9.1 Policy CS17 and MD13 of the Local Development Plan seek to protect, conserve and sympathetically enhance Shropshire's Heritage Assets. Non-designated heritage assets include archaeological deposits and the Shropshire Historic Environment Record sets out Shropshire's non-designated heritage assets.
- 6.9.2 As noted above the proposed development site lies partly within the site of former mine workings at Barnets Leasow and Stocking Mound (Shropshire Historic Environment Record [HER] No. PRN 32861 & PRN 07283). The proposed development site can therefore be considered to have some archaeological interest.
- 6.9.3 Whilst it is understood that that they were assessed as part of the English Heritage Monuments Protection Program for the iron mining industry and were assessed as 'the best preserved example of a typical c18th - early c19th Shropshire iron mine' they were not scheduled as an ancient monument.
- 6.9.4 During the course of the application a Heritage Impact Assessment has been submitted. The assessment concludes that, in terms of their significance, the former mine workings at Barnets Leasow and Stocking Mound (PRN 32861 & PRN 07283) represent an important aspect of Shropshires industrial heritage at a local and regional level. The assessment concludes that the recommended mitigation is an appropriate response given the significance of the heritage assets and the level of development impact. The SC Archaeologist has assessed the scheme and concurs with its conclusion.
- 6.9.5 The initially scheme submitted included at the NW corner of the site the removal of part of the Stocking Mound and construction of a retaining wall to facilitate the

proposed vehicle turning circle. It is also noted that the perimeter fencing proposed which was initially submitted under a separate planning application but which is now part of this application is shown as running over the mound. It is considered however that the impact on the significance of the non-designated heritage asset of the proposed perimeter fencing would be very modest. Furthermore the scheme has been amended to realign the kerb edge of the service yard and remove the retaining wall in this area. With regard to the current proposals, however, the majority of the footprint of the proposed new industrial units, as amended, has been truncated by previous development.

6.9.6 As such, it is considered that the impact on the significance of the non-designated heritage asset would be very modest and the scale of the harm would be less than substantial and outweighed by the public benefits of the proposed development. A condition has been recommended by SC Archaeology to require an appropriate programme of archaeological work.

7.0 CONCLUSION

7.1 It is clear that this site is physically well related to the existing settlement and involves in part the redevelopment of a previously developed site and 'Protected Employment' site. Weighing in favour of the development is the economic and social benefits which would stem from the ability of this existing business to remain commercially competitive and to expand.

7.2 It is acknowledged however that the applicant cannot comply with the Forestry Commissions Tree Restocking Notice and undertake the proposed development on this site. The applicant has however agreed to undertake compensatory Tree Planting on land to the rear of the existing factory and has been in discussions with the SC Arboriculturalist who has confirmed that the site to the rear of the existing factory would be capable of accommodating a suitable compensatory Tree Planting Scheme.

7.3 The clearing of the site prior to the submission of this planning application has meant that it was not possible to judge whether an offence under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) was committed. However planning policies seek to secure biodiversity net gain, in accordance with the National Planning Policy Framework. The amended scheme includes the creation of a new pond, planting of native species, and creation of woodland and grassland. Though the habitats that were on site prior to clearance cannot be preserved or restored, the proposed planting will re-create priority habitats and reconnect the site to the surrounding ecological network.

7.4 It is also acknowledged that such an expansion is inevitably going to generate additional traffic movements and that whilst the number of on-site parking spaces has been reduced, in order to accommodate the landscaping enhancements, and in the light of the upgraded vehicle signage proposed, it is concluded that the impact would not be severe nor unduly harmful to local amenity.

7.5 Turning to the impact on neighbouring residential amenity. The development of this site of the scale proposed, would it is accepted, have an impact on the existing

amenity enjoyed by the occupiers of the adjacent residential area. This impact has been mitigated, to some extent, by the design of the building, the proposed landscaping scheme and the recommended conditions.

7.6 As noted above the development does not wholly accord with the policies contained within the Development Plan and therefore the acceptability of the scheme turns on weighing the adverse environmental impacts and impact on the significance of the non-designated heritage asset in the planning balance against the economic and social benefits which would accrue to the local economy. On balance it is considered that the benefits to the local economy and the associated social cohesion generated through the provision of local jobs would outweigh the harm identified and that the scheme would satisfy all three strands of sustainable development as set in the NPPF.

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:

National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

National Planning Policy Framework

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

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

MD2 - Sustainable Design

MD4 - Managing Employment Development

MD8 - Infrastructure Provision

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S4 - Broseley

RELEVANT PLANNING HISTORY:

19/00711/DEM Prior notification of proposed demolition of Small two storey brick built offices and workshop unit under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 PNR 11th March 2019

19/01998/FUL Erection of new 2.1m high galvanised steel palisade perimeter fencing. WDN 21st November 2019

19/02749/FUL Erection of four bay warehousing/manufacturing/assembly unit with associated loading bays and service yards; formation of car park and vehicular access; landscaping scheme GRANT 25th November 2019

11. Additional Information

List of Background Papers

19/02749/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PTB311TDFI300>

Cabinet Member (Portfolio Holder) - Councillor Gwilym Butler

Local Member - Cllr Simon Harris

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

4. No manufacturing or operational activities shall be carried out and no deliveries taken in or dispatched from the application site outside of the following times: 07:00 till 18:00hrs Monday to Friday, 07:00 till 12:00hrs on a Saturday, nor at any time on Sundays, or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties.

5. No development shall take place until a scheme for the insulation of the building in respect of noise and vibration has been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To protect the amenities of occupiers of nearby properties.

6. No development shall take place until a noise attenuation scheme with respect to any mechanical ventilation outlets or external plant has been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To protect the amenities of occupiers of nearby properties.

7. Noise emanating from the application site, arising from the development hereby approved, shall not exceed the following levels at the boundary of the existing residential dwellings located to the west, northeast and south of the site. 36 dB LAeq (1h) between 07:00 and 19:00 hours, and 30 dB LAeq (1h) between 19:00 and 07:00 hours, when assessed at a height 1.2metres above the immediate adjacent ground at that location.

Reason: To protect the amenities of occupiers of nearby properties.

8. Within 6 weeks of the development becoming fully operational a noise validation assessment from a competent person to demonstrate that compliance with the approved noise emission limits is being achieved shall be undertaken and submitted to the Local Planning Authority. Should the validation assessment identify any deficiencies a further scheme of attenuation should be submitted in writing for approval by the Local Planning Authority within 6 weeks and the approved scheme of mitigation works shall be carried out in accordance with a timetable which has been approved in writing with the Local Planning Authority.

Reason: To protect the amenities of occupiers of nearby properties.

9. The landscaping scheme shall be implemented as specified in the approved Planting Plan (SYSPAL PL1 Rev A, Page Wagner Associates Ltd, September 13th 2019), prior to completion of the development.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

10. Before the perimeter palisade fence, hereby approved is installed a method statement shall be submitted to and approved in writing by the Local Planning Authority, where it falls within the canopy spread or root protection area (RPA) of any nearby tree or woody shrub. The method statement should include a schedule of any necessary facilitation tree works (to be prepared and carried out by a competent arborist in accordance with BS 3998: 2010 - Tree Works). The method statement should also include a suitable methodology for hand digging within the RPA of nearby trees and micro-locating post holes so as to avoid significant roots (>25mm diameter). Post holes within the RPA should also be sleeved with impermeable plastic membrane so as to prevent concrete coming into contact with tree roots. The installation of the perimeter fence shall then be accried out in accordance with the approved details.

Reason: to protect the natural features that contribute towards the amenity of the area and are important to the appearance of the development.

11. During the first available planting season (November to February inclusive) following granting of this planning permission, the trees and shrubs relating to Area A in the Schedule and map to the Forestry Commission Restocking Notice ref: RN09/19-20 (issued on 25th July 2019), shall be planted as specified in that Schedule within the area of land identified by hatching on the approved Location Plan as Proposed (dwg: 19-2366-28b, G.H. Design Ltd, April 2019).

Reason: to ensure satisfactory replacement planting for the area of woodland illegally felled prior to determination of this application.

12. Prior to commencement of development a management plan shall be submitted to and approved in writing by the Local Planning Authority detailing the long-term objectives and maintenance prescriptions for the ongoing management of the trees, woodland, and shrub areas shown on the approved Planting Plan (SYSPAL PL1 Rev A, Page Wagner Associates Ltd, September 13th 2019) and the approved Location Plan as Proposed (dwg: 19-2366-28b, G.H. Design Ltd, April 2019). Thereafter those trees, woodland and shrub areas shall be maintained in accordance with the approved management plan.

Reason: to ensure appropriate maintenance of the areas of tree, woodland and shrub planting as necessary to meet the objectives of the approved management plan.

13. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

14. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on Ground Investigation and Test Report, for a Proposed Commercial Unit at Land Adjacent to Syspal, Cockshutt Lane, Broseley, Shropshire; Ref. DAP/28227, dated 9th July 2019, produced by GIP to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to protect ground and surface

waters ('controlled waters' as defined under the Water Resources Act 1991), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and off-site receptors.

15. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of human health, ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

16. No development approved by this permission shall commence until a scheme of intrusive site investigations for the mine entry has been submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall be then be undertaken in accordance with the approved scheme and a report of the findings arising from the intrusive site investigations including the submission of a layout plan which identifies the location of the mine entry and the calculated zones of influence (no-build' zones) be submitted to and approved in writing by the Local Planning Authority. A scheme of remedial works for both shallow workings and the mine entry, including details of the shaft cap, shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be fully implemented before the development commenced.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

17. The development hereby approved shall be carried out in accordance with the recommendations as set out in Part 5 of the submitted Ecological Impact Assessment dated May 2019 (updated September 2019) received 13.09.2019.

Reason: To minimise the impact on European Protected Species and ensure ecological enhancements.

18. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.
The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging;
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) demonstrate that any such external lighting does not impact adversely on neighbour amenity.

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

Reason: To minimise disturbance to bats, which are European Protected Species and to protect the amenities of occupiers of nearby properties.

19. Prior to first occupation / use of the development, the makes, models and locations of bird boxes and bat boxes to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with approved details.

A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups)], and small birds (32mm hole, standard design) shall be erected on the site.

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.

A minimum of five external woodcrete bat boxes], suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. 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 nesting opportunities for wild birds and roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

20. Notwithstanding the Travel Plan submitted, within six months of the first occupation of the development a revised Travel Plan shall be submitted to and approved by the Local Planning Authority. This document shall include a travel plan co-ordinator name and the proposed actions that will aid the target of an 8% reduction within 5 years, in car usage for the purpose of traveling to and from work.

Reason: To minimise the use of the private car and promote the use of sustainable modes of transport.

21. No development shall take place until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be

adhered to throughout the construction period and the life of the operational use of the development. The Plan shall provide for:

- o a traffic management and HGV routing plan for HGV Vehicles.
- o the implementation of the improvements to the directional signage as shown on the drawings submitted 13.09.2019.

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

22. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on the public highway.

23. The Development hereby permitted shall not be brought into use until details of the cycle stands/ storage shelter have been submitted to and approved in writing by the Local Planning Authority. The approved structure shall be constructed in accordance with the approved details before occupation of the development and thereafter be kept and maintained at all times for the purpose of cycle parking/storage.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport.

24. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- o a traffic management and HGV routing plan to include restrictions on HGV movement at peak or school times
- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works

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

25. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a 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.

26. The development hereby approved shall be used for B2 or B8 Use Classes only; and for no other purposes in Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to restrict the use of the premises to protect the employment uses.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.
2. In determining this application, the Local Planning Authority gave consideration to the following policies:
Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy polices:
CS1 Strategic Approach
CS3 The Market Towns and Other Key Centres
CS4 Community Hubs and Community Clusters
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS13 Economic Development, Enterprise and employment
CS14 Managed Release of Employment Land
CS17 Environmental Networks
CS18 Sustainable Water Management

MD2 Sustainable Design
MD4 Managing Employment Development
MD8 Infrastructure Provision
MD12 Natural Environment
MD13 Historic Environment

S4 - Broseley
Broseley Town Plan (September 2013)
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

4. The detailed Noise Mitigation Scheme shall include internal lining of the west wall of Bay 4 and the lining of the roofs of bays 3 and 4. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
5.
 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 3. Refer to our website at www.gov.uk/environment-agency for more information.

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:
o Position statement on the Definition of Waste: Development Industry Code of Practice and;

o website at www.gov.uk/environment-agency for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

o Duty of Care Regulations 1991

o Hazardous Waste (England and Wales) Regulations 2005

o Environmental Permitting (England and Wales) Regulations 2010

o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005

'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register

with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Reference should be made to Model Procedures for the Management of Land Contamination (CLR11) and 'Guiding principles for land contamination (GPLC)' which clearly explains the type of information that the Environment Agency requires in order to assess site investigation and remediation reports.

Reference should also be made to: "Investigation of Potentially Contaminated Sites - Code of Practice (BS10175), published by the BSI.

6. Ordinary Watercourse Consent is required from Shropshire Council for diverting or any works within the channel of the watercourse that will obstruct/ affect the flow of the watercourse including temporary works. Ordinary Watercourse Consent Application Form and Guidance Notes are on the Councils website:
<https://www.shropshire.gov.uk/drainage-and-flooding/new-development-and-watercourseconsenting/ordinary-watercourses-applying-for-consent-for-works/>
7. The developer is advised to incorporate facilities within the site for charging plug-in and other ultra-low emission vehicles.