



Committee and Date
Northern Planning Committee
7th July 2021

Item
8
Public

Development Management Report

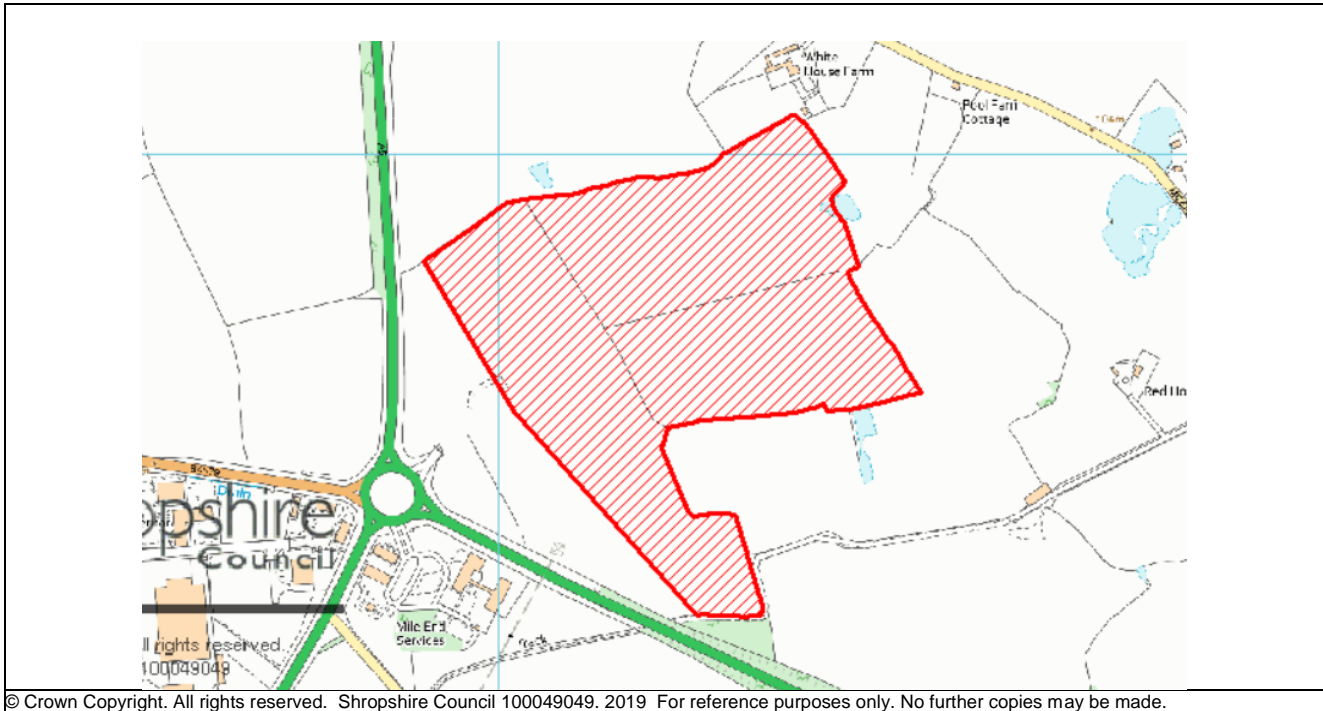
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 21/01334/EIA	Parish:	Oswestry Rural
Proposal: Hybrid Planning Application for: Full planning permission - formation of a 360m spine road; two 3.5m wide foot and cycleways; one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works; Outline planning permission - 10 plots to be delivered in four phases, providing: - a hotel (use class C1) up to 30,000sq. ft; - three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services; - five mixed use units providing general industry with ancillary office (B2 & E) providing up to 180,000sq. ft; - one office unit (use class E) providing up to 15,000sq. ft; - one light industrial unit (use class E) providing up to 63,000sq. ft; - two mixed use units providing storage/distribution with ancillary office (B8 & E) providing up to 200,000sq. ft; - the provision of green infrastructure and all ancillary works.		
Site Address: Land Off Mile End Roundabout Oswestry Shropshire		
Applicant: Shropshire Council (Economic Growth)		
Case Officer: Philip Mullineux	email :	philip.mullineux@shropshire.gov.uk

Grid Ref: 330960 - 328640



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

REPORT

Recommendation: Approval subject to the conditions as set out in appendix 1 attached to this report and any modification to these conditions as considered necessary by the Head of Service.

1.0 THE PROPOSAL

1.1 The application is a 'Hybrid Planning Application' for:

- **Full planning permission** - formation of a 360m spine road; two 3.5m wide foot and cycleways; one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works;
- **Outline planning permission** - 10 plots to be delivered in four phases, providing:
 - a hotel (use class C1) up to 30,000sq. ft;
 - three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services;
 - five mixed use units providing general industry with ancillary office (B2 & E) providing up to 180,000sq. ft;
 - one office unit (use class E) providing up to 15,000sq. ft;
 - one light industrial unit (use class E) providing up to 63,000sq. ft;
 - two mixed use units providing storage/distribution with ancillary office (B8 & E) providing up to 200,000sq. ft;
 - the provision of green infrastructure and all ancillary works.

on land at Land off Mile End Roundabout, Oswestry.

1.2 The application is accompanied by a site master plan, phasing plan, (outline), site plan, (full), location plan, substation elevations and floor plan, landscape master plan, planning

statement, design and access statement, and forming the 'Environmental Statement is detail in relation to soils/land reports, noise reports, archaeology report, biodiversity reports, cultural reports, historic environment report, construction assessment, cumulative impact assessment, waste management strategy, tree report, landscape and visual impact assessments, surface water and flood risk assessment, economic benefits report, transport assessment, travel plan and a statement of community involvement.

- 1.3 A scoping opinion dated 8th January 2021 (reference 20/04574/SCO) carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, established that the development as proposed falls under the remit of Schedule 2:10a Infrastructure projects – Industrial Estate Development projects, in accordance with EIA Regulations, and in accordance with the scale of the development it was considered an Environmental Statement was necessary to accompany any formal planning application for development on site. (Area Thresholds in accordance with 10a EIA developments is 0.5 hectares. The development proposal, (depending on end users), could also be considered to fall under the remit of EIA Schedule 2:10b Urban Development projects to which the EIA threshold is 5 hectares. – Site covers some 13 hectares.
- 1.4 Pre-application advice was requested and given in relation to the proposal by Planning Services, (reference PREAPP/20/00419 dated 22nd December 2020) and this concluded that the principle of the development was considered acceptable subject to consideration to issues as discussed in the formal response.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site is located on relatively flat agricultural land, and covers an area of approx. 18.22 hectares, (application form), to the south east of the town of Oswestry. The A5 public highway runs parallel to the west of the site and the A483 and Mile End roundabout. The surrounding land use is predominantly agricultural to the east and north east, residential to the north west and commercial to the west due to Maesbury Road Industrial Estate. In addition to agricultural land, the south consists of some commercial use at Mile End Service Area and some recreational use provided by Mile End Golf Club. The closest residential area to the site includes 'White House Farm, located approximately 50 metres north, Pool Farm Cottage approximately 170 metres north east and an outbuilding associated with Red House approximately 180 metres south.



Site area and location outlined in red.

- 2.2 The main access to the Proposed Development would be gained from the Mile End roundabout on the A5, which is located adjacent to the Site. There is one Public Right of Way (PRoW) 0307/68/1 footpath which travels east to west through the north eastern section of the Site.
- 2.3 The Mile End Junction Improvement Scheme (20/00283/FUL) (currently under construction), and the pedestrian and cyclist bridge (20/04145/FUL) both having planning consent, were both designed to provide the highway, pedestrian and cycle infrastructure required to enable the development subject to the application under consideration to come forward.
- 2.4 The Planning Statement in support of the application indicates that 'full planning permission' is sought for the construction of the main access road (Road 1) within the Site which would extend from the new Mile End junction currently being developed east of the A5 highway (20/00283/FUL) and running east west through the Site. A shared foot and cycle way would be provided along the northern carriageway of Road 1 with a 2 metre wide footpath provided on the southern carriageway with a 68 metre of which would be a shared foot and cycleway which would be 3.5 metre in width. A 33kv High Voltage substation would also be provided within the east of the Site to accommodate the downing of 33kv cables within the north eastern extent of the Site. The full planning elements cover an area of approximately 1.5 hectares.

The proposed 33kv high voltage substation to serve the proposed development will be approximately 4.0 metres in height, 7.0 metres wide by 11 metres long, the facing brick and final materials are to be agreed as per the LPA recommendations. An external transformer will be located to the northern elevation of the main building which will be housed behind a security palisade fence 2.4 metres high by approximately 5.7 wide and 6.7 metres long. The main building will have two access, a single panic door on the western elevation and a double door for plant and personnel access on the front / southern elevation Access to the transformer will be via the plant room to the north and there will be an external pedestrian gate access to within palisade fencing to the east.

'Outline planning permission' is sought for 10 plots comprising a mix of office use, light

industry, large storage/industrial units, mixed-use and services including a hotel. The proposed development is anticipated to provide up to 497,000 square feet of employment development. All matters including landscaping, sustainable drainage and other supporting utilities infrastructure and ancillary works are reserved for future consideration. The outline elements cover an area of approximately 16.5 hectares

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is necessary for Committee consideration as it does not comply with the scheme of delegation as it is an application made by the Council which will not provide a statutory function.

4.0 Community Representations

4.1 **Oswestry Rural Parish Council** has responded indicating:

The Parish Council objects for the following reasons:

- 1) Any jobs created will be low paid.
- 2) A new hotel will take away trade from established hotels in Oswestry.
- 3) The proposed development will take away trade from the town of Oswestry.
- 4) The site is located in open countryside

4.2 **Oswestry Town Council** have responded to the application indicating:

To welcome the application and that it would be an asset for the town. It was noted that the Innovation Park could be developed with a clear theme and hopefully this could be linked to the RJ and AH Orthopaedic Hospital.

4.3 Consultee Comment

4.4 **Natural England** have responded to the application indicating:

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a

downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Highways England have responded to the application indicating:

4.5

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. This response represents our formal recommendations with regards to planning application 21/01334/EIA and has been prepared by Neil Hansen.

As you are aware, Highways England has been involved in pre-application discussions with the applicant’s consultant for the proposed Innovation Park since October 2020.

Based on these discussions, we noted that the anticipated trips from the proposed Innovation Park were considered within the VISSIM model used for the consented A5 Mile End roundabout improvement scheme. Further to this, we recommended that a comparison was made between the forecast trip generation for the proposed development site considered within the Transport Assessment prepared in support of the A5 Mile End Improvement scheme against what is being forecast as part of the current development. It is noted that the forecast trip generation and distribution figures were in line with the assessments used for the consented Mile End Improvement scheme. As such, no further assessments were required and this was confirmed via our email sent to the consultant in December 2020.

We note that the applicant has now increased the floorspace of the ‘B2 and E’ land use from 13,935 sq.m to 16,724 sq.m, thus raising the total floorspace of the development to 46,172 sq.m. While this would result in an additional number of trips when compared against the one used within the A5 Mile End Improvement scheme, we do not consider this to result in a significant change. Therefore, we have no concerns in regard to the likely traffic impacts from the proposed development and do not require the applicant to undertake any further assessments.

However, we have noted that the floorspace entered in Section 17 of the application form is in ‘square feet’ units as opposed to the ‘square metres’ included in the header line of the table. We consider this to have been entered incorrectly and as such, we would be grateful if you can confirm this.

In respect of the highway details, it is noted that these works extend from a new access provided off the 4th arm of a proposed roundabout with the A5. This roundabout forms part of the Mile End Improvement scheme which was granted planning permission and is currently in the process of being delivered under a Section 6 agreement between Shropshire Council and Highways England. Similarly the pedestrian/cycling footbridge was granted planning permission in February 2021.

The onsite highway works and the footbridge form part of the local highway network and therefore require no further comment from Highways England.

In respect of boundary concerns it is noted these are submitted in outline form with a number of plots shown to have a common boundary with the re-routed A5 which will form part of the SRN at this location.

It is assumed that full application(s) will be submitted in the future and will include specific details with regard to environmental impact and the physical impact of development on the

SRN on plots where there is a common boundary with the SRN.

It is however noted that the surface water drainage strategy shown on drawing 70069520 P01 indicates that surface water run off outfalls at a discharge point which forms part of the Shropshire Council's existing highway drainage network.

Based on the above, Highways England recommends that the following conditions should be attached to any planning permission that may be granted:

Condition 1: Prior to the commencement of the construction works for the development, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. The approved plan shall be adhered to throughout the construction period.

Condition 2: No part of the development shall be opened until the proposed improvement works at the A5 Mile End roundabout as part of the A5 Mile End Improvement scheme (planning approval reference 20/00283/FUL) are implemented in full and open to general traffic.

Condition 3: No part of the development shall be opened until the proposed pedestrian/cyclist bridge over the central carriageway of the newly created A5 north at Mile End roundabout (planning approval reference 20/04145/FUL) is implemented in full and open to public.

Reason for Condition 1, 2 and 3: To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

The Environment Agency has responded indicating:

4.6

Thank you for referring the above application which was received on the 30 March 2021. We have no objection to the proposed development and would offer the following comments for your consideration at this time.

Flood Risk: Based on our 'indicative' Flood Map for Planning (Rivers and Sea) the site is located within Flood Zone 1: 'low probability' of fluvial flooding and comprises of land which has a less than 1 in 1000 annual probability of river flooding (<0.1%). The River Severn (designated Main River) lies to the immediate east of the site whilst a small ordinary watercourse borders the southern portion.

On the basis that the built development is solely within Flood Zone 1, we would offer no detailed comment upon flood risk matters but would refer you to your Flood and Water Management team for their views on the proposed surface water management.

However we note, and welcome, comprehensive consideration of surface water management to ensure that the proposed development will not increase flood risk to third parties whilst offering benefits. We also note that the submitted FRA has considered the latest climate change guidance in considering the management of surface water.

Foul Drainage: We note the proposed connection to the mains foul sewer. You should ensure that sufficient evidence is provided as part of the planning application to demonstrate that there is available foul water infrastructure capacity, to meet the demand from this proposed development without causing deterioration to water quality.

Contaminated Land: Based on the previous use of the site, we have no comments to make with regard to contaminated land on this application. You are advised to seek the comments of your Environmental Health Officer

4.7 **SC Drainage** have responded indicating:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

1. The Proposed Drainage Strategy Report and the FRA are acceptable in principle subject to further percolation tests in accordance with BRE Digest 365 to confirm the feasibility of infiltration techniques. Final proposed drainage details, plan and calculations shall be submitted for approval
2. Final details of the Flood Compensation Storage should be submitted for approval.
3. Highway Gully Spacing calculations should be submitted for approval.

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

(formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

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

Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site. Exceedance flow path should be provided.

4.8 **SC Regulatory Services** have responded indicating

A report by WSP for Shropshire Council; Oswestry Innovation Park, Environmental Statement Volume 2, Appendix 11.1: Contaminated Land Preliminary Risk Assessment Report; 70069520/11685, March 2021 has been submitted in support of this planning application.

Several potentially complete contaminant linkages have been identified and these have

been generally assessed as having a moderate risk although risks to controlled waters are considered very low / low, and risks from asbestos impacted soils are considered to be high.

It is recommended that the identified potential contaminant linkages (including the potential for asbestos to be present within the Site soils) are targeted through intrusive ground investigation. Works should include soil and groundwater sampling and chemical testing to fully assess the potential contaminated land risks, liabilities and constraints.

Accordingly, if planning permission is granted the following must be included 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 current Environment Agency guidance – Land Contamination: Risk Management (LCRM). 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.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

A noise assessment has been provided with the application. It has considered noise from

traffic sources and concluded that there is no significant impact at relevant receptors. This conclusion is accepted. The assessment goes on to consider the impact of operational noise. It highlights the unknown end users of the site and therefore no specific noise sources being available for modelling purposes at this time., It does however consider the presence of chilled goods vehicles on site (electric in nature) and assesses this noise source with and without some proposed mitigation. Mitigation measures have been proposed as follows:

Noise barrier 4m high, 45m long, wrapping around north east corner of Plot 2 service yard;
Noise barrier 9m high, 27m long, along the north west edge of Plot 9 service yard; and
Noise barrier 8m high, 122m long, wrapping around the north and east of Plot 10 service yard. This mitigation is considered significant. 9m high fencing structures may be difficult to install in practice. The mitigation has been designed to reduce rating levels at residential properties close to the site. Modelled rating levels at night were found to be significantly above background noise levels without mitigation. With the mitigation in place daytime noise levels are concluded to have a low noise impact and this is accepted. The rating level at night is predicted to be 2.9dB above background at the most sensitive receptor with at a rating level of 42.9dB. With an open window considered to remove 10dB the noise level from the specific items modelled would be anticipated to result in the creation of rating levels above good standards stipulated in BS8233 (30dB inside a bedroom at night). The background level used in the assessment is that considered reasonable for use on a weekday 40dB. It is noted that weekend background noise levels drop significantly (approx. 5dB reduction having considered the background noise levels provided in the report) and this has been expressed in the noise assessment (Appendix 7.2). In this scenario with mitigation the noise levels at receptors would be predicted to be 7.9dB above background with noise levels inside a bedroom with a window open for ventilation of 32.9dB. This would raise average noise levels above standards expressed in BS8233 which Regulatory Services considers are appropriate standards to look to maintain. In addition the noise source at weekends would stand out more than on week nights due to the lower background levels. It is considered reasonable to expect sites will want to operate 24/7 for industrial type operations and particularly if there are chilled storage options on site as modelled. Given this it is suggested that additional mitigation measures would be necessary to ensure the ability not to have impacts that can be considered as significant on existing residential receptors. For clarity it is suggested that the contours on Figure 7.8 have represented the specific noise levels rather than the rating level which is the appropriate data to represent. This comment is based on figures in Table 7.5.8 in document Appendix 7.5 noting levels above 40dB at the receptor and the contours showing receptor noise levels in the 35-40 dB bracket rather than the 40-45dB bracket. It is advised that the applicant provide comment on this aspect. Given the information above it is suggested that at site development stage additional noise mitigation would be necessary to show that noise levels are not likely to have moderate to significantly adverse impacts. Although it may be appropriate to consider noise at individual operators sites down the line, providing mitigation at a site master planning stage may make it easier for prospective future users of the site to comply with and specific standards imposed when specifics are provided by end users for plots in future. A suggested condition of fixed plant and equipment achieving 37dB (L_{Ar}, 1hr) in the day and 30 dB (L_{Ar}, 15min) at night has been specified in the noise assessment. It would be suggested that a condition is applied which states this and requires this to be as a combined noise level from on site fixed plant and equipment and transient noisy equipment e.g. chilled vehicles. In this way no significant impacts on residential properties in respect of noise would be found to be likely in future. This will be made easier if the site

is designed initially to mitigate noise spread beyond the site perimeter.

In respect of air quality an assessment has been provided. It has considered all pollutants of concern, NO₂, PM₁₀ and PM_{2.5}, and concluded a negligible to low impact in all circumstances. The conclusion is considered acceptable based on an audit of the report including modelling inputs, validation methods and modelled outputs. No further work is deemed necessary in respect of air quality and no conditions required.

4.9 **SC Conservation Manager, (Archaeology)**, has responded indicating:

The proposed development site falls within the area of a Second World War Prisoner of War Camp (HER PRN 29128). Below ground remains associated with the camp were demonstrated to exist by an archaeological field evaluation, comprising a geophysical survey and trial trenching, of land north-east of the Mile End roundabout in 2017. A potential ring ditch (HER PRN 34342) that was identified by the 2017 geophysical survey was shown by the subsequent trial trenching and further archaeological investigation in advance of Mile End Junction improvement scheme in 2020 to be non-archaeological.

There are a range of listed buildings within the wider vicinity of the site, the nearest of which are the Grade II listed Pool Farmhouse (NHLE ref. 1177306) and associated and individually Grade II listed barn (NHLE ref. 1054273), c.420m to the east; and the Grade II listed Middleton Farmhouse (NHLE ref. 1367358).

RECOMMENDATION:

The following advice is provided as a joint consultation response on behalf the Historic Environment Team.

When assessing this application due consideration has been given to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policies CS6, CS17, MD2 and MD13 of the Local Plan; the policies contained in Chapter 16 of the NPPF; and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets).

In relation to the requirements set out in Policy MD13 of the Local Plan and Paragraph 189 of the NPPF, the Environmental Statement contains a Chapter on Cultural Heritage (Chapter 8) which is also supported by a Historic Environment Desk-Based Assessment by WSP (ES Appendix 8.1). In 2017 the site was also subject to an archaeological geophysical survey by Tigergeo and an archaeological trial trenching exercise by Archaeology Wales. Together it is considered that this information provides a satisfactory assessment of the likely impacts the proposed development will have upon the historic environment.

The Historic Environment Desk-Based Assessment considered all listed buildings within a 2km buffer around the site and, of these, found that only the three buildings mentioned above had the potential to be affected by the proposed development. The Assessment finds that the significance of Pool Farmhouse and the associated listed barn would not be harmed by the proposed development. However, it considers that there would be an affect upon the setting, and thereby the significance, of Middleton Farmhouse because the proposed development sites forms part of the agricultural landscape in which the farmhouse is experienced and appreciated and historically was farmed by the occupant. However, because the proposed development site is located at the edge of the farmhouses setting, and because the rest would remain in agricultural use, the Assessment concludes (at para

7.3.6) that the proposed development would result in "...would result in less than substantial harm, at the lower extent of the scale...".

We concur with the Assessment's findings in relation the impact the proposed development would have upon the built historic environment. Given this, it is advised that, if the Decision Taker is minded to approve the application, they apply the tests contained within Local Plan policy MD13 and Paragraphs 193, 194 and 196 of the Framework in relation to the harm that would arise to the significance of the Grade II listed Middleton Farmhouse.

With regards to the archaeological implications of the proposed development, the Assessment finds that the proposed development would cause substantial harm to the below ground remains of the Second World War Prisoner of War Camp. In view of this, and in relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise a strip, map and record exercise within those areas of the former POW Camp where the character of activity is likely to be significantly different from those areas that have been excavated in advance of the Mile End Junction Improvements scheme, including the site of ancillary activity located beyond the boundary of the Camp at the north eastern edge of the proposed development site. An appropriate condition of any such consent would be: -

Suggested Condition:

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.

4.10 **SC Highways Manager** has responded indicating:

It is considered that the proposed development could be acceptable, from a highways and transport perspective, subject to the following conditions/informatives being imposed and subsequently met.

Observations/comments

It is noted that Highways England have been supportive, of this development proposal. With respect to the proposed traffic movements directly interacting with the adjacent strategic trunk road network. With, specifically the improvements being undertaken at the A5/A483 Mile End Roundabout junction.

The LHA also supports the HE's conditions for the delivery of the proposed footbridge, prior to the occupation of any future buildings on this site. In order to ensure that suitable pedestrian and cycle access is provided.

In terms of the internal industrial estate road layout of the development site, which are proposed to become highways maintainable at public expense (adopted), by Shropshire Council (LHA). The layout is considered generally acceptable, subject to the construction meeting the required specification.

Conditions:

Road Design

No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water

have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

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:

- 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 including decorative displays and facilities for public viewing, where appropriate;
- 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;
- a construction traffic management (& HGV routing plan) and community communication protocol.

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

Informatives:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Prospective adoption of highways

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths, levels of the proposed roadworks, surface water drainage and

street lighting, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

4.11 **SC Public Rights of Way** have responded indicating:

FP 68 does run through the application area and this has been acknowledged by the applicant, the location of this footpath through the development will need to be addressed through ongoing discussions at the appropriate points of the current and future planning applications.

4.12 **SC Ecology** - to follow as an update.

4.13 **SC Trees** have responded indicating:

No objection to the proposed development, conditions are recommended.

There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate. The AIA has identified 34 trees, 7 groups of trees and 9 sections of hedgerow on the site. Of these 18 trees are category A (high value) 10 trees and 1 group of trees category B (moderate value) 5 trees, 6 groups of trees and 9 hedgerows category C (low value) and 1 tree category U (unsuitable for retention). 3 trees have been identified as veteran trees, T4 Field Maple, T5 Oak & T34 Oak, these are amongst the most valuable and natural assets and are often considered to be irreplaceable. Guidance on managing these trees, particularly in relation to development has been prepared by the Woodland Trust in the publication 'Planners' Manual for Ancient Woodland and Veteran Trees'.

This is a hybrid application part full and part outline and the AIA assess the impacts for each part.

The AIA notes that the full application would require the loss of one category A tree (T2 Oak) and one section of category C hedgerow and will also impact on one category A tree as a result of root loss from construction. The full application relates to the spine road and although the loss of high value trees should be avoided wherever possible, it is recognised that there are limitations on where the link road can be sited. It is there advised that, should it not be possible to alter the line of the link road to avoid this tree, then compensatory planting must be provided to compensate for the loss of amenity and natural capital. The Landscaping Masterplan indicate that 35 medium to large avenue trees are to be planted along the spine road and this will off-set the loss of T2 and the impact to T3. No objection is raised subject to all tree protection measures identified in the AIA being implemented and maintained throughout the construction phase of the operation and all proposed landscape planting being maintained.

The AIA notes that the outline application would, under the current masterplan layout, require the loss of 5 category A trees, 1 category C group of trees and 3 sections of category C hedgerow. There would also be impact to 3 category A trees, including 1

veteran tree through encroachment into the RPA and subsequent loss of roots. The encroachment into the RPA of T9 is negligible and can be disregarded providing the remaining RPA is protected, in the case of T14 around 12% is affected and this may impact the vitality of the tree in the longer term, but it is likely to survive and recover. Of particular concern is the impact to T5 the veteran oak. Veteran trees are extremely vulnerable to any form of root disturbance and, although it is noted that the AIA has correctly applied the extended RPA designated for trees of this type, a loss of almost 18% of this area is very likely to have a detrimental impact.

Overall the outline application would result in the loss of 5 high value trees out of a total of 18 high value trees on the site along with 3 hedgerows and a group of lower value trees. Although this level of loss is likely to have some impact on the amenity and natural capital of the area, this has to be seen in the context of a complete change of land use and a substantial amount of compensatory planting and may be justifiable given the value of the proposed development and would not be objected to providing the remaining trees were protected in accordance with the minimum requirements of BS 5837: 2012 and substantial compensatory planting, as indicated in the landscape master plan, were implemented. However the risk to the veteran tree is unacceptable. Veteran trees are irreplaceable, and a precautionary approach must be taken were these are concerned. It is recommended that the final site layout be designed to accommodate the entire RPA of all the veteran trees and that these are suitably protected during any construction work.

No objection is raised, subject to the above, at this stage to the outline application. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design. The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012

No objection is raised to the full application providing all measures in the AIA and associated Arboricultural Method Statement and Tree Protection Plan are implemented. The following condition is recommended:

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and arboricultural method statement forming part of the planning application have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed

in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that towards this and that are important to the appearance of the development.

4.14 **Public Comments**

4.15 One letter of objection has been received from members of the public. Key issues raised can be summarised as follows:

- Concerns that pedestrian and cycling access into the site is not of adequate standard in relation to national recognised standards.

4.16 Comments submitted on behalf of **Oswestry Group of the Ramblers**

Whilst we welcome the attention given to sustainable transport, walking and cycling access to the site from Oswestry, we cannot at this time support this application for the following reasons:

- We note that discussions are ongoing with the Rights of Way department regarding the diversion of PROW 0307/68/1. However, there are no details at present to allow us to judge how viable and useful any diversion would be; we would need to see the full consultation before making a judgement. The diversion would need a formal DMMO before development commenced. Any diversion should link in with the pedestrian/cycling bridge over the A5 and then back to 0307/68/4 across the 600 house development site to the West (Planning Application 16/02594) and deal with the long standing obstruction at the old leisure centre. It should maintain the linkage with PROW's 0307/67/1, 0307/68/2 and 0307/69/1 at the Eastern edge of the site.
- The PROW's on the Eastern edge of the site mentioned above are all well maintained and are mostly fitted with modern kissing gates at field boundaries (having been modernised in the last 5 years). As such they would provide a valuable resource to enable site employees to undertake short lunchtime walks in open countryside. We therefore ask that easy access to these paths is enabled from the Innovation Park. We believe that this would contribute to Council Policy CS17 (Environmental Networks)
- As we stated above, we welcome the approach to providing walking and cycling access from Oswestry. However, we feel that little attention has been given to those who may want to access the site by cycle or on foot from the East. Coming in from Middleton Road and intersecting the southern boundary of the site is a track; this is in fact a Shropshire Maintained Footway (F1025/ 10). It is clear and has a reasonable surface from Middleton Road to the farm building approximately half-way along; after that it is currently obstructed by vegetation. We believe that by clearing the route and making appropriate surface improvements, this has the potential to provide a cycling (and walking) route into the Innovation Park allowing people to cycle in from surrounding communities to the East. Indeed, they could then proceed if they wished through the Innovation Park, over the

bridge to access both the Maesbury Industrial Estate, Super Markets and Leisure Centre. We believe that creating this cycling and walking link is very much in line with Council Policy CS7 (Communications and Transport) and CS6 (Sustainable Design and Development Principles). We understand that to permit this the legal status of F1025/ 10 would need to change and would support any such move.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Visual impact and landscaping
- Ecological issues
- Drainage
- Public highway and transportation issues.
- Economic benefits
- Amenity issues.

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.1.2 Policy S14.1b: Allocated employment sites in the Council's SAMDev indicates that the site subject to this application as being allocated as an employment site.
- 6.1.3 Detail in the Planning Statement in support of the application indicates that the proposed development aligns with aspirations for the delivery of specific targets outlined within The Shropshire Local Development Framework: Adopted Core Strategy (2011) policy CS1 (Strategic Approach). It will bring forward approximately 18ha of employment land allocated in the Shropshire Site Allocations and Management of Development Plan (2015) helping Shropshire reach its economic vision and the objectives by providing new jobs in a well-connected site .

Detail in the applicants statement indicate that the overall aims and objectives of the proposed development are:

- To bring forward new employment land to meet the economic needs of the County
 - To generate employment in Oswestry;
 - Provide a well-connected site, accessible by varied means including non-motorised users.
- 6.1.4 A Master plan accompanies the application and this indicates that the proposal has been developed to accommodate a flexible mix of commercial activities with the aim of being able to respond to changing needs. It aims to create an attractive and engaging setting for commercial activities and the future users of the proposed development. The strategic design approach for the proposed development aims for the scale of development to increase from the smallest developments that create the public frontage to the largest developments towards the rear of the site and further away from the A5 highway. This approach ensures that the smaller scale developments, and those with wider public interest, are within the primary areas of view; considered in keeping with the existing scale of development at Mile End.
- 6.1.5 The Environmental Statement in support of the application considers cumulative impacts

with surrounding development and land uses and this is considered acceptable with adequate consideration to landscape mitigation as discussed in detail in support of the application.

- 6.1.6 A phasing plan indicating how development on site will evolve accompanies the application and this is considered acceptable in principle.
- 6.1.7 The application proposes a range of different planning class uses on site and these include B2 & E (General Industry & Commercial business and service), B1 (Business), B8 (Storage and distribution), C1 (Hotel), E (Commercial business and service), and Sui generis. (Class 'E' includes shops, restaurants, financial and professional services). It will be necessary to attach a suitably worded condition to any approval notice issued in order to prevent units being sole Class E (other than as proposed), in order to protect the viability of Oswestry town centre.
- 6.1.8 In principle development of this allocated employment site in accordance with the local plan is considered acceptable and in accordance with relevant local plan policies subject to satisfactory consideration to points as discussed in this report below.
- 6.2 **Siting, scale and design**
- 6.2.1 Section 12: Achieving well-designed places of the NPPF advocates optimising the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The NPPF seeks to improve and enhance places where people live. This national policy is reinforced and expressed locally in Core Strategy Policy CS6 and SAMDev Policy MD2
- 6.2.2 The application forms two parts:
- Full planning permission for a 360 metre spine road, two 3.5 metre wide foot and cycleways, one 2 metre wide footpath, 33kv primary High Voltage substation, supporting utilities infrastructure, sustainable urban drainage system, landscaping and ancillary works;
 - Outline planning permission for up to 10 plots to be delivered in four phases, providing: a hotel (use class C1) up to 30,000sq.ft; three units providing up to 6,000sq.ft of hospitality and up to 3000sq. ft of services; five mixed use units providing General industry with ancillary office (B2 & E) providing up to 180,000sq. ft; an office unit (use class E) providing up to 15,000sq. ft; one (use class E) light Industry providing up to 63,000sq. ft; two mixed use units providing storage / Distribution with ancillary office (B8 & E) providing up to 200,000sq. ft; the provision of green infrastructure and ancillary works.
- 6.2.3 Whilst a hybrid application, this application is primary in relation to on site infrastructure in order to mostly consider scale and design at a later 'Reserve Matters' stage. The full part of the application proposes a sub-station and this is considered acceptable in scale and design. Otherwise as this application is primary in consideration of the principle of the development and on site infrastructure, there is very little to consider in relation to scale and design. The master plan forming part of the application is considered acceptable in relation to layout
- 6.2.4 In relation to scale and design the proposed development is considered acceptable and in accordance with Policies CS6 and MD2 of the local plan and the aspirations of the National Planning Policy Framework.
- 6.3 **Visual impact and landscaping**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core

Strategy encourages development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.

- 6.3.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
- 6.3.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.
- 6.3.4 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored. In relation to historic issues this application is considered acceptable.
- 6.3.5 Detail in support of the application in relation to landscape and visual impacts acknowledges that once the development on site is operational, there will be a noticeable change in the landscape compared to the open field it presently is. The Landscape Strategy has been developed to provide green infrastructure as part of the development, through the creation of new habitats throughout the site. The primary aim of the strategy is to retain typical landscape features that are characteristic of the locality (such as field boundaries, ponds and the distinctive veteran trees) and provide additional habitats which include locally common native species to further replication the local pattern of vegetation. These measures would help to integrate the development into the landscape and soften the impact as the planting becomes more prominent. There will be a noticeable change to views for some local residents, users of public footpaths adjacent to the site and users of Middleton Lane. Moderate adverse effects are anticipated for local residents and users of the public footpaths that are within or close to the north and eastern boundary of the site with minor adverse effects anticipated for users of Middleton Lane. Some views from other residents and local roads are anticipated during construction but these are considered to be negligible due to the distance and/or intervening vegetation and buildings that would filter views towards the site. Once operational, moderate adverse effects on changes in views would remain for some local residents and users of public rights of way. This is because the development would permanently change the site from farmland to commercial use with new built form and other infrastructure that would be visible to nearby properties and pedestrians. Green infrastructure developed as part of the landscape strategy will help to mitigate the effects on views by introducing landscape features and habitats that integrate with the existing landscape and help to screen views towards the development as the planting matures. Earth mounds (known as graded landforms) are also proposed within the east of the site to further help screen the larger buildings from views.
- 6.3.6 The applicants have submitted a cultural and historic assessment in support of the application and its conclusions are considered acceptable. It is noted the Council's Conservation Manager has responded to the application raising no objections and that

due consideration has been given to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policies CS6, CS17, MD2 and MD13 of the Local Plan; the policies contained in Chapter 16 of the NPPF; and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets). However the application site it is considered does contain below ground remains of the Second World War Prisoner of War Camp. In view of this, and in relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development as advised by the Conservation Manager in his response to the application as set out in paragraph 4.9 above.

- 6.3.7 There are a number of trees on this site and an Arboricultural Impact Assessment, (AIA), has been submitted as part of the application to demonstrate the impact of the development on existing trees, hedges and shrubs, and to justify and mitigate any losses that may occur. The Council's Tree Officer considers that whilst there will be some loss of important vegetation on site, with consideration to mitigation as proposed, the findings on this matter are acceptable as set out in paragraph 4.13 above in response to the application. The response recommends a condition be attached to any approval notice issued with regards to protection of trees ear marked to be retained on site and compensatory mitigating plantings to be carried out on site. This is considered acceptable and it must also be acknowledged that further applications for planning permission on site will be required as part of 'Reserved Matters', and these will need to be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees will be protected to the minimum standards as recommended in the recognised industry BS5837: 201 standard.
- 6.3.8 Whilst it is acknowledged that development on site will have an impact, in principle landscape and visual impact issues, as well as cultural and historic are all considered acceptable and it is considered that these matters can be mitigated and can be further considered at 'Reserve Matters stage' in relation to the individual plot developments within the site with adequate consideration to the 'full' aspect of the application under consideration in relation to on site infrastructure and the setting of the wider site. On this matter the application is also on balance considered acceptable with consideration to an appropriately worded condition with regards to boundary treatments and on site general open space and landscape mitigation along with a condition with regards to archaeology interests as discussed above.

6.4 **Ecology issues**

- 6.4.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.
- 6.4.2 The applicants have submitted in support of the application as part of the Environmental Statement detail in relation to ecological issues and this includes surveys in relation to

protected species, (Great crested newts and bats). Consideration has also been given to ecological mitigation and enhancement and long term management strategies.

- 6.4.3 SC Planning Ecology have responded to the application referring to fourteen waterbodies that are present within 500 metres of the Site, one pond (Pond 1) is present within the Site, and two ponds (Ponds 2 and 5) are within the survey area. Updated HSI surveys were undertaken on Ponds 1 and 2 in 2020. The results of the HSI surveys recorded Ponds 1 and Ponds 2 as 'Good' and Pond 5 as 'Average'. An eDNA survey of Ponds 1 and 5 were undertaken in 2019 (in relation to the nearby Mile End Junction Improvements scheme), where the results returned Positive for great crested newt presence. An eDNA survey was undertaken on Pond 2 in 2020 which returned a negative result. Pond 5 was dry at the time of the 2020 eDNA survey. Clearly a population of great crested newts is present within the farmland on site. A update on this matter will follow, and as great crested newts are a European Protected Species, a European Protected Species 3 tests matrix report will also follow as an update to this report.
- 6.4.4 The SC Planning Ecologist also confirms that trees across the site have been assessed for their potential to support bat roosts, and additional surveys of trees to be removed as part of the full application have been undertaken where necessary, to investigate the presence/likely absence of roosting bats and that the surveys are considered adequate. In terms of the outline application, trees have also been assessed for their likelihood to support roosting bats, however, as proposals are outline, with detailed matters to be reserved, update bat surveys will be required on trees which are identified for removal or are affected by works. A condition to ensure these surveys are submitted as part of a reserved matters application is therefore recommended.
- 6.4.5 The application is accompanied by a Biodiversity Impact Assessment calculation and report and its findings are considered acceptable to the SC Planning Ecologist, who considered as a whole that the scheme compared with other development in connection to Public Highway improvements adjoining the site will overall deliver a net biodiversity gain.
- 6.4.6 The landscaping for the outline application is indicative only, and opportunities to include increased planting and habitats for biodiversity are available when each reserved matter application for each phase is submitted. A condition is therefore recommended that requires details of landscaping to be submitted for each phase of development.
- 6.4.7 Subject to a satisfactory further update from the SC Planning Ecologist detail in relation to ecological issues is considered acceptable with conditions as recommended by the SC Planning Ecologist (as attached in appendix one to this report and any further conditions in relation to Newts if considered necessary). As such the application considered to be in accordance with Policies CS6, CS17 and MD12 and the NPPF on ecological issues.
- 6.5 **Drainage**
- 6.5.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. The site is identified by the Environment Agency
- 6.5.2 A flood risk assessment accompanies the application and this acknowledges that the proposed development would be constructed in phases, being the subject of a hybrid planning application which consists of a full planning application covering the main spine road (Road 1) and a sub-station, and an outline planning application which covers the remainder of the proposed development which will be subject to Reserved Matters for each

of the respectful plots. The Environment Agency's Flood Map for Planning indicate that the site area is located entirely in the low risk Flood Zone 1.

- 6.5.3 The Council's Drainage Team have responded to the application indicating that the proposed Drainage Strategy Report and the FRA are acceptable in principle subject to further percolation tests in accordance with BRE Digest 365 to confirm the feasibility of infiltration techniques. Final proposed drainage details, plan and calculations shall be submitted for approval. In principle then this is considered acceptable with a condition attached to any approval notice issued with regards to detail in relation to foul and water drainage prior to any development on site.
- 6.5.4 The Environment Agency were consulted on the application and it is noted in their response, (Outlined in paragraph 4.6 above), that they raise no objections to the proposal on drainage issues based on the information submitted in support of the application that they indicate is considered acceptable.
- 6.5.5 On flood risk and drainage issues with a condition attached with regards to surface and foul water drainage detail, the application is considered acceptable and in accordance with Policy CS18 and relevant policies of the local plan and the NPPF on drainage and flood issues.
- 6.6 **Public highway and transportation issues**
- 6.6.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
- 6.6.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be 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.
- 6.6.3 The 'Full' element of this application includes provision for a 360 metre spine road, two 3.5 metre wide foot and cycleways and one 2 metre wide footpath. The 'Outline' element is for the individual 10 plots to be delivered in four phases, providing: a hotel (use class C1) up to 30,000sq. ft; three units providing up to 6,000sq.ft of hospitality and up to 3000sq. ft of services; five mixed use units providing General industry with ancillary office (B2 & E) providing up to 180,000sq.ft; an office unit (use class E) providing up to 15,000sq. ft; one (use class E) light Industry providing up to 63,000sq. ft; two mixed use units providing storage / Distribution with ancillary office (B8 & E) providing up to 200,000sq. ft. In consideration of the scale of the development on site this approach is considered acceptable from a highways and transportation perspective.
- 6.6.4 The applicants have submitted in support of their application, as part of the Environmental Statement a travel plan, and a transport assessment and this concludes that appropriate opportunities to promote sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all users; and there are no significant impacts from the development on the transport network. It also considers that none of the cumulative residual impacts of the proposed development are considered severe in the context of NPPF, and it is therefore considered acceptable in highways terms. The application gives consideration to a number of transport modes and this includes pedestrian and cycleways which will connect up with the surrounding area.
- 6.6.5 Highways England were consulted on the application and they have responded indicating that they have no concerns in regard to the likely traffic impacts from the proposed

development and do not require the applicant to undertake any further assessments. Their response recommends conditions be attached to any approval notice issued with regards to a construction environmental management plan, none of the development being in operation until the Mile End Roundabout and pedestrian/cycle bridge are in operation for use by the public.

- 6.6.6 SC Highways Manager also raises no objections indicating they note that Highways England have been supportive of the application with regards to the proposed traffic movements directly interacting with the adjacent strategic trunk road network. With, specifically the improvements being undertaken at the A5/A483 Mile End Roundabout junction. The SC Highways Manager supports the HE's recommended conditions for the delivery of the proposed footbridge, prior to the occupation of any future buildings on this site. In order to ensure that suitable pedestrian and cycle access is provided. In terms of the internal industrial estate road layout of the development site, which are proposed to become highways maintainable at public expense (adopted), by Shropshire Council (Local Highways Authority). The layout is considered generally acceptable, subject to the construction meeting the required specification. The response recommends conditions be attached to any approval notice issued with regards to road design and a construction method statement.
- 6.6.7 Whilst it is acknowledged that a right of way passes through the site, this matter is satisfactorily being addressed as part of the proposed development as acknowledged by the Council's Rights of Way Manager in response to the application.
- 6.6.8 On highway and transportation matters the application is considered acceptable and in accordance with Policies CS6 and MD2 of the local plan and the NPPF with the conditions attached to any approval notice issued as recommended by both Highways England and SC Highways Manager's response.
- 6.7 **Economic benefits**
- 6.7.1 Paragraph 80 of the NPPF indicates that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It also requires that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.7.2 Policy CS13 of the Shropshire Core Strategy indicates support for Shropshire's Market Towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands in accordance with Policy CS3. which indicates balanced housing and employment development of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure. Policy CS14: Managed release of employment land indicates that a strategic supply of employment land and premises will be identified and managed which will be distributed in accordance with the strategic approach in Policy CS1.
- 6.7.3 The Oswestry Town Plan outlines two key objectives to support "*a strong and enterprising economy*", with the aim of increasing the supply of the employment floorspace:
- *Ensure sufficient good quality new employment land is allocated and brought forward in the 'right location' to support local business development and attract new investment. and*
 - *Ensure there is an adequate supply of premises available, providing work spaces to support enterprise - business start up, development and expansion.*

6.7.4 The application represents a significant economic boost to the surrounding area in which the site is located within. The applicants have submitted in support of their application an economic and social benefits appraisal and this indicates that the Economic Growth Strategy for Shropshire identifies the need to bring forward new employment land to meet the County's economic needs. The Proposed Development provides a variety of employment generating floorspace including office space, light industrial units, distribution premises, and a hotel and restaurant. The site is allocated for employment use in the local plan and the development will provide floorspace types which are appropriate and suited to the local context of the area.

6.7.5 The key socio-economic benefits of the development include:

- The development of a strategically important employment site within Shropshire, signalling confidence in the market and the local area as a location of economic growth;
- The creation of an estimated 81 net jobs during the construction phase, and 1,297 net jobs during the operational phase. This represents a total net GVA of £41,726,271 per annum during the construction phase and £322,109,787 during the operational phase;
- Potential during the construction phase to support local people to access opportunities for training, apprenticeships and other education and skills opportunities;
- Provision of new lower skilled jobs within the hotel facilities on site, which typically draw employees from the local area, providing an important benefit for residents within Shropshire;
- Provision of new flexible office and manufacturing premises which would attract innovative firms and support incubator and accelerator businesses and potentially small start-ups. These types of companies would likely attract and employ skilled employees and offer employment opportunities for those people with higher level qualifications within Shropshire;
- Landscaped corridors accommodating pedestrian footpaths through and around the Site, creating linkages with existing public footpaths to provide a green network throughout the site connecting to the wider local footpath network; and
- New cycle path infrastructure.

6.7.6 In relation to social and economic developments the development is considered significant for the local and regional area, providing the potential for substantial economic growth in a wide range of employment industries and thus this is a significant material planning consideration in favour of the application. The proposal is considered to be in accordance with Policies CS1, CS3, CS13, CS14, MD1, MD2 and MD4 of the local plan and the NPPF on this matter.

6.8 **Amenity issues**

6.8.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The applicants have submitted a land contamination assessment, noise and impact assessment, as well as an air quality assessment in relation to the proposal and these have been considered as part of the considerations in relation to the application

6.8.2 The applicants have submitted various noise assessments such as in consideration of background noises to the site, noise impacts as a result of construction on site and noise impacts as a result of different land uses on site and inter-relational effects. Also with consideration to the location detail has been submitted in relation to air quality assessments and land contamination.

6.8.3 It is noted the Council's Regulatory Services Manager raises no objections to the principle

of development on site, indicating in relation to noise, acknowledging that although it may be appropriate to consider noise at individual operators sites in respect of the individual plot application stage, that providing mitigation at a site master planning stage may make it easier for prospective future users of the site to comply with and specific standards imposed when specifics are provided by end users for plots in future. On this matter the Regulatory Services Manager recommends a condition with regards to fixed plant and equipment achieving 37dB (LA_r, 1hr) in the day and 30 dB (LA_r, 15min) at night and a combined noise level from on site fixed plant and equipment and transient noisy equipment e.g. chilled vehicles is attached to any approval notice subsequently issued. The Regulatory Services Manager is satisfied with the applicants assessment on air quality and does not consider any further action is required in relation to this aspect. In consideration of land contamination he advises that as several potentially complete contaminant linkages have been identified, (such as asbestos), and these have been generally assessed as having a moderate risk although risks to controlled waters are considered very low / low, and risks from asbestos impacted soils are considered to be high, that these aspects are targeted through intrusive ground investigation such as soil and groundwater sampling and chemical testing to fully assess the potential contaminated land risks, liabilities and constraints, that a condition in respect of contaminated land site investigation and any if necessary land remediation, is carried out by a competent person in accordance with current Environment Agency guidance and Land Contamination - Risk Management is attached to any approval notice subsequently issued. It is noted the Environment Agency in response to the application raises no objections.

6.8.4 On amenity issues, in consideration of the site and users of the site during construction and the end users as well as surrounding residential and landscape amenity issues, with consideration to the above-mentioned discussion and advice as set out by the Council's Regulatory Services Manager, the application is considered acceptable in relation to all amenity issues and in accordance with Policy CS5 and other relevant local plan policies and the NPPF on planning matters in relation to all amenity matters.

7.0 **CONCLUSION**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point must be the Development Plan and then other material considerations must be considered and weighed up against the requirements.
- 7.2 It is acknowledged that this application is large and significant in scale and will have an impact on the surrounding landscape, however it is considered that with adequate mitigation as discussed in the application submission that any detrimental impacts can be adequately addressed and integrated into the surrounding landscape on this edge of built-up environment of Oswestry Town with the countryside. The site is allocated for industrial/employment use in accordance with the local plan and it is also considered that the development will have significant economic and social benefits for the locality and wider area in which the site is located within.
- 7.3 The application is for a range of different planning class uses. In order to protect the viability of Oswestry town centre it is considered necessary to attach to any approval notice issued a suitability worded condition in order to control the class uses on site.
- 7.4 Issues in relation to public highway and transportation issues with suitably worded conditions are considered acceptable.
- 7.5 Also issues in relation to amenity, (including ground contamination, noise, air and dust), are considered acceptable as are issues in relation to biodiversity and drainage as

discussed in the report.

- 7.6 The application is a 'hybrid application' and the full section of the application refers to infrastructure which is considered acceptable. Otherwise scale and design of individual units on site is reserved for future consideration. (In outline).
- 7.7 The comments as made by both Oswestry Town Council and Oswestry Rural Parish Council are noted and these matters are covered in this report. The comments made by a member of the public and Oswestry Ramblers are noted and it is considered that the Council's Rights of Way will ensure adequate consideration is carried out in consideration of necessary footpath diversions and maintenance of existing rights of way.
- 7.8 The findings and conclusions as indicated in the information submitted in support of the application and the Environmental Statement are on balance considered acceptable.
- 7.9 On balance this application is considered acceptable and should help contribute to the economic growth of the town and surrounding area and overall it is considered to be in accordance with Local Plan Policies CS1, CS3, CS6, CS7, CS8, CS13, CS14, CS17 and CS18 of the Shropshire Core Strategy, Policies MD1, MD2, MD4, MD8, MD12, MD13 and S14 of the SAMDev and the overall aims and objectives of the NPPF.
- 7.10 The recommendation is one of approval subject to the conditions as set out in appendix 1 attached to this report and any modification to these conditions as considered necessary by the Head of Service.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

MD8 - Infrastructure Provision
MD4 - Managing Employment Development
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S14 - Oswestry
SPD Sustainable Design Part 1
National Planning Policy Framework
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

OS/00/11259/FUL Installation of ATM GRANT 7th November 2000

OS/06/14193/FUL (i) Refurbishment of automatic car wash including new roof and doors; (ii) replacement jet wash with enclosure (open at ends) GRANT 6th March 2006

OS/06/14194/ADV Provision of car wash fascias and forecourt instruction/direction signs GRANT 6th March 2006

OS/07/14859/ADV X1 DOUBLE SIDED POLE DISPLAY UNIT. INVALID 22nd March 2007

OS/08/15658/FUL Demolish existing buildings and forecourt. Erect new sales building, canopy, car wash and plant room, jet wash, garage box(store), fencing to form waste and condenser areas, new forecourt pavings, dispensing equipment, external plant, atm, signage, and 2 pole mounted satellite dishes GRANT 22nd August 2008

OS/08/15659/ADV Provision of replacement signage GRANT 22nd August 2008

OS/08/15832/DISCON Discharge of conditions 3, 13 and 15 of planning permission 08/15658/FUL PERMIT 19th March 2009

OS/76/7441/FUL Use of land for a temporary gypsy caravan site for a period of three years for 8 caravans with portable toilets, provision of a water supply and sewage disposal facility GRANT 25th February 1977

OS/85/4021/FUL Erection of buildings for use as tourist information centre, restaurant, filling station, shops, hotel and caravan park with associated parking and picnic area GRANT 1st July 1985

OS/86/4809/FUL Formation of a temporary vehicular access off the A4083 to serve the proposed Mile End Service Area GRANT 9th January 1987

OS/87/4903/FUL Erection of a portacabin for provide a temporary Tourist Information Centre GRANT 14th March 1987

OS/87/4935/ADV Display of one shop sign (Esso), 8 Pump lighting boxes (Esso), one logo sign (Little chef), 2 price box signs, all internally illuminated GRANT 10th April 1987

OS/92/7716/ADV Provision of 3 no. illuminated fascia signs to proposed automatic car wash. GRANT 21st April 1992

OS/87/5023/ADV Display of a double sided, pole mounted, internally illuminated logo and price box sign GRANT 28th May 1987

OS/87/5024/ADV Display of 4 internally illuminated canopy fascia signs GRANT 28th May 1987

OS/87/5025/ADV Display of 1 pole sign, 3 fascia signs, 1 free standing sign, 2 directional signs (all illuminated), 3 directional signs GRANT 29th June 1987

OS/87/5154/ADV Display of a free standing, tri-lateral advertisement sign GRANT 18th September 1987

OS/87/5327/ADV Display of an internally illuminated fascia sign GRANT 20th January 1988

OS/88/5655/ADV Display of a trilateral internally illuminated sign GRANT 14th July 1988

OS/91/7487/FUL Erection of automatic car wash and car vac facilities GRANT 9th October 1991

OS/91/7509/FUL Installation of new VG tank GRANT 9th October 1991

OS/95/9007/FUL Rebuilding of existing sales building GRANT 16th May 1995

OS/96/9420/ADV Provision of illuminated fascia sign and 4 no. poster holders GRANT 21st June 1996

15/00314/FUL Installation of 1 electric vehicle quick charging point in main car park GRANT 17th April 2015

21/01334/EIA Hybrid Planning Application for:

Full planning permission - formation of a 360m spine road; two 3.5m wide foot and cycleways;

one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works;

Outline planning permission - 10 plots to be delivered in four phases, providing:

- a hotel (use class C1) up to 30,000sq. ft;
- three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services;
- five mixed use units providing general industry with ancillary office (B2 & E) providing up to 180,000sq. ft;
- one office unit (use class E) providing up to 15,000sq. ft;
- one light industrial unit (use class E) providing up to 63,000sq. ft;
- two mixed use units providing storage/distribution with ancillary office (B8 & E) providing up to 200,000sq. ft;
- the provision of green infrastructure and all ancillary works. PCO

15/02893/SCR A formal screening opinion is sought to determine whether an Environmental Impact Assessment will be required to support an Outline Application for proposed site for a mix of employment uses for B1, B2 and B8. EAN 6th August 2015

OS/92/8074/FUL Proposed supermarket, petrol filling station with associated car parking and facilities REFUSE 18th November 1993

19/02989/SCR EIA screening request - Oswestry Housing Infrastructure Fund EAN 20th August 2019

20/00283/FUL Proposed highway improvements to include creation of a second 4-arm roundabout with link road; road re-alignment; ecological and landscaping works; drainage scheme GRANT 24th June 2020

20/03029/DIS Discharge of Conditions 3 (WSI 0 Archaeological), 9 (Habitat Mitigation Scheme) and 11 (Soil Resource Plan) of planning permission 20/00283/FUL DISAPP 21st August 2020

20/03049/DIS Discharge of Condition 9 (Habitat Management Plan) of planning permission 20/00283/FUL NPW 30th July 2020

PREAPP/20/00371 Proposed pedestrian bridge over the A5 PREAIP 17th October 2020

20/03738/DIS Discharge of Conditions 4 (European Protected Species (EPS) Mitigation Licence), 6 - (Bat survey), 7 (Badger Survey), 8 (CEMP - Sustainability Plan & Annexes 1 - 17) and 10 (Landscape Management Plan) of planning permission 20/00283/FUL DISAPP 16th October 2020

PREAPP/20/00419 Proposed hybrid planning permission for an innovation park, full planning permission is sought for Phase1 which includes - services, hotel and B2 industrial units, including the highway infrastructure and two spine roads.

Outline permission is sought for the entire site which is circa 18 hectares comprising 10 plots ranging from 0.51 hectare to 2.10 hectare in area of mixed use capable of accommodating units up to 100,00sq ft. Including Phases 2 to 4 which include B1 light industrial/office units and B8 large distribution units, as well as further highway infrastructure.

INSFEE

20/03871/SCR Proposed Innovation Park on land to the East of Oswestry SCO 8th January 2021

20/04138/DIS Discharge of Condition 13 (Traffic Management Plan) of planning permission 20/00283/FUL PCO

20/04145/FUL Construction of prefabricated steel pedestrian/cyclist bridge over the central carriageway of the newly created A5 north, with a span of approximately 59m, by 3.5m wide with ramped access on either side; landscaping scheme and all ancillary works GRANT 19th February 2021

20/04574/SCO Scoping Opinion for the proposed development at Oswestry Innovation Park SCO 8th January 2021

21/01334/EIA Hybrid Planning Application for:

Full planning permission - formation of a 360m spine road; two 3.5m wide foot and cycleways; one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works;

Outline planning permission - 10 plots to be delivered in four phases, providing:

- a hotel (use class C1) up to 30,000sq. ft;
- three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services;
- five mixed use units providing general industry with ancillary office (B2 & E) providing up to 180,000sq. ft;
- one office unit (use class E) providing up to 15,000sq. ft;
- one light industrial unit (use class E) providing up to 63,000sq. ft;
- two mixed use units providing storage/distribution with ancillary office (B8 & E) providing up to 200,000sq. ft;
- the provision of green infrastructure and all ancillary works. PCO

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder) Councillor Ed Potter

Local Member

Cllr Joyce Barrow

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

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

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

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

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

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

5. 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.

6. Landscaping of the site will be carried out in accordance with the Landscape masterplan drawing number Figure 10.7 and Section 4.2 of the Full Biodiversity net Gan Assessment (WSP Ltd, May 2021) submitted in support of the application. Notwithstanding this, detail will be submitted as part of any Reserve matters applications for each of the separate plots on site with regards to boundary treatments of the respectful plot, as well as on site landscaping of the respectful plot and planting plans for creation of wildlife habitats to optimise gains for biodiversity within the development. The planting varieties will be native species and of local

provenance (Shropshire or surrounding counties). Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment) and schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate will be provided.

Detail will be carried out as approved within the first planting season following approval. Any species that fail within the first five years of planting will be replaced with similar type and size species plant.

Reason: In order to ensure an adequate form of landscaping of the site takes place in consideration of the location, on the fringe of open countryside.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

8. No part of the development shall be opened until the proposed improvement works at the A5 Mile End roundabout as part of the A5 Mile End Improvement scheme (planning approval reference 20/00283/FUL) are implemented in full and open to general traffic.

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

9. No part of the development shall be opened until the proposed pedestrian/cyclist bridge over the central carriageway of the newly created A5 north at Mile End roundabout (planning approval reference 20/04145/FUL) is implemented in full and open to the public.

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

10. 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 current Environment Agency guidance - Land Contamination: Risk Management (LCRM). 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.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

11. Prior to any development on site detail will be submitted to the Local Planning Authority and approved in writing with regards to fixed plant and equipment achieving 37dB (LAr, 1hr) in the day and 30 dB (Lar, 15min) at night. This will be a combined noise level which will include on site fixed plant and equipment and all transient noisy equipment e.g. chilled vehicles.

Reason: In consideration of the amenity of the surrounding area.

12. 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.

13. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

14. 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:

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 including decorative displays and facilities for public viewing, where appropriate;

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;

a construction traffic management (& HGV routing plan) and community communication protocol.

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

15. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and arboricultural method statement forming part of the planning application have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the

development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

16. 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.

17. Each reserved matters application shall be accompanied by an update bat survey of all trees to be removed or impacted by proposals in that phase, in line with recognised national good practice guidance and include details of any necessary mitigation measures to be approved in writing by the Local Planning Authority prior to the commencement of development (or commencement of the next phase). Works will then be carried forward strictly in accordance with the proposed new approved mitigation measures.

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

18. Reserved matters for each phase of development shall include a habitat management plan. The plan shall include details of the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;

- i) Possible remedial/contingency measures triggered by monitoring;
 - j) The financial and legal means through which the plan will be implemented.
- The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

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

19. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. trees, and hedgerows. 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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

20. The application proposes a range of different planning class uses on site and these include B2 & E (General Industry & Commercial business and service), B1 (Business), B8 (Storage and distribution), C1 (Hotel), E (Commercial business and service), and Sui generis. (Class 'E' includes shops, restaurants, financial and professional services). No development on site will be in accordance with class E (or any subsequent revision to this use class), other than as indicated on the plans submitted in support of the application. No unit with class E as 'ancillary' as indicated in detail in support of the application will exceed this.

Reason: So as not to undermine the growth, management and adaption of Oswestry Town Centre and maintain its role in providing facilities and services (this is wording in the NPPF and CS3)

Informatives

1. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths, levels of the proposed roadworks, surface water drainage and street lighting, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

2. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

3. 1. The Proposed Drainage Strategy Report and the FRA are acceptable in principle subject to further percolation tests in accordance with BRE Digest 365 to confirm the feasibility of infiltration techniques. Final proposed drainage details, plan and calculations shall be submitted for approval

2 Final details of the Flood Compensation Storage should be submitted for approval.

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

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

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where

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

Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site. Exceedance flow path should be provided.

4. The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal and/or demolition work in buildings or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.] If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

-