

DECISION NOTICE

Mr K Anderson
c/o Amy Henson
Beech House
Anchorage Avenue
Shrewsbury Business Park
Shrewsbury
SY2 6FG

Date: 7th November 2023

Our Ref: 23/02549/FUL
Your Ref: Glencoe Yard

Dear Mr K Anderson c/o Amy HensonBerrys

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Location:	City Environmental Services, Workshop Adjacent Glencoe, Walford Heath, Shrewsbury
Proposed Development:	Erection of a replacement commercial building for E(g) (former B1 business use) and B8 use and erection of two residential dwellings and associated garages following demolition of the existing commercial building and the existing dwelling and annexe, and alterations to existing access
Application No.	23/02549/FUL
Date Received:	13th June 2023
Applicant:	Mr K Anderson

Shropshire Council hereby **GRANT FULL PLANNING PERMISSION** subject to the conditions listed below.

STANDARD CONDITIONS

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

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



2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. 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 before development commences.

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 off-site receptors.

4. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.

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

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. Work shall be undertaken in accordance with the Working Method Statements of the Ecology report by Greenspace reference PEA 23-04 088.1 dated 29.06.2023.

Reason: To ensure the protection and enhancement for wildlife.

6. The scheme for the protection of trees and hedgerow to be retained on site as part of the development outlined in the tree report by Old Oak Tree Care dated 6 May 2023 including the tree protection plan (Appendix B) shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

7. Prior to the commencement of above ground works a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include:

- a) Creation of wildlife habitats and features, and ecological enhancements [e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots] as indicated in paragraphs 6.3.3, 6.4.2 and 6.5.3 of the Greenspace report reference PEA 23-04 088.1 dated 29.06.2023;
- b) Schedules of proposed trees and plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- c) Native species used are to be of local provenance (Shropshire or surrounding counties);
- d) Details of trees and hedgerows to be retained;
- e) Details of boundary fencing proposed and any to be retained;
- f) Details of any proposed hard surface areas and materials;
- g) Implementation timetables.

The landscaping plan shall be carried out as approved. Any trees, hedging plants or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

8. Prior to any above ground works other than demolition a scheme of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

9. Prior to the above ground works commencing on the relevant buildings details of the roofing materials and the materials to be used in the construction of the external walls shall

be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

10. The visibility splays shall be set out in accordance with the splay lines indicated on the approved site plan prior to occupation of any part of the development. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the development being occupied and thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.

11. The access shall be satisfactorily completed and laid out in accordance with the approved site plan prior to any part of the development being occupied. The approved access shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

12. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the development being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

13. The proposed commercial building and site shall not be brought into use until the areas shown on the approved site plan for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment for its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

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

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

16. The dwellings hereby approved shall not be occupied until the existing commercial building has been removed and the site cleared of all materials.

Reason: To safeguard residential amenity.

15. Prior to the first occupation of the dwellings hereby approved the noise mitigation contained and recommended within the Noise Air Report Ref: P6617-R1-V1 dated 25th August 2023 shall be fully implemented in accordance with the recommendations contained within this report including the recommended acoustic ventilation requirements outlined in paragraphs 6.2.

Reason: To ensure a satisfactory noise environment for future residents.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

17. The commercial building hereby approved shall only be used for uses within Use Class B8 (Storage or distribution) and for the following uses within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes and

E(g)(iii) Industrial processes which can be carried out in a residential area without detriment to its amenity

and the commercial building shall be used for no other purpose within Class E of that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard residential amenity and as a flexible Class E use compared to just E(g) (i), (ii) and (iii) use, would potentially have different implications for parking provision and traffic generation, and a sequential assessment has not been undertaken with regards to the alternative main town centre uses within Class E.

18. The operating hours of the replacement commercial building hereby approved shall be 7am - 7pm Monday to Friday and 8am - 1pm on a Saturday. No deliveries to and from the commercial site and no vehicle loading/unloading activities shall be carried out in the external yard area serving the commercial premises outside these hours or on Sundays or Public Holidays. There shall be no vehicular activity in association with the commercial use of the site prior to 6am Monday to Friday or prior to 7am on Saturday.

Reason: To safeguard residential amenity.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Site Plan	PL_201A	25.08.2023
Location Plan	PL_202A	25.08.2023
Mixed/Combined Plans	PL_200B	25.08.2023
Mixed/Combined Plans	PL_300B	25.08.2023
Mixed/Combined Plans	PL_301B	25.08.2023
Mixed/Combined Plans	PL_302A	25.08.2023

INFORMATIVES

CONTAMINATED LAND

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>

Asbestos Informative

The contamination investigation and risk assessment should include the potential for asbestos to be present in addition to other contamination from the former site use. The safe removal and disposal of any identified asbestos containing materials will be required as part of the remediation scheme and verification report. If asbestos is not managed appropriately the site may become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.

DRAINAGE

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1% Annual Exceedance Probability rainfall event plus an allowance of 40% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. If soakaways are not feasible, surface water discharge from the development should be as close as possible to the greenfield runoff rates or Q_{bar} but no greater than the equivalent existing run-off rate based on a rainfall intensity of 50mm/hr, plus 50% betterment for the critical 1% AEP rainfall event plus 40% for climate change.

Shropshire Council's 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 below) within the development site or contribute to surface water flooding of any area outside of the development site. 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.

Contour and/or exceedance route plans should be submitted for approval demonstrating that the above has been complied with and that there is sufficient provision to remove surface water from the highway to the underground piped system.

If non permeable surfacing is used on the driveways and parking areas and the driveways slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be submitted for approval.

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2. If main foul sewer is not available for connection, full details and sizing of the proposed treatment plant including percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent the proposed development and the sizing of the septic tank/ package sewage treatment plant and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2.

In order to develop the surface and foul water designs to satisfy the LLFA's requirements, reference should be made to Shropshire Council's SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The Appendix A2 - Surface Water Drainage Proforma for Minor Developments must also be completed and submitted with the discharge of conditions application.

HIGHWAYS

Protection of Visibility Splays on Private Land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

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 or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further detail: <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or

effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

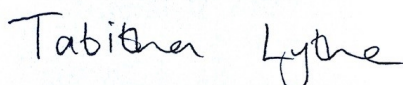
STREET NAMING & NUMBERING

You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website <https://www.shropshire.gov.uk/building-control/> for pre-application advice and a competitive fee.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

23/02549/FUL



Tabitha Lythe, Planning and Development Services Manager
Date of Decision: 7th November 2023

NOTES

Conditions

You will see that your decision notice includes a number of conditions:

- You must comply with all of the conditions. If you are unclear about any of them, please contact the Planning Officer who dealt with the application.
- Some of the conditions may require you to submit further information to the Council for approval. Most conditions will need to be complied with before you start work on site.
- If you think any of the conditions are unreasonable you may appeal to the First Secretary of State, through the [Planning Inspectorate](#).
- Please also ensure that you comply with the requirements of any Legal Agreement that may accompany the planning permission.

Informatives

Your decision notice includes a number of informatives. This gives you some extra guidance and advice which will help the development process. Please note your Decision Notice gives permission only under the Town and Country Planning Acts. You may need other approvals, for example under the Building Regulations, or Party Wall Act, or permission from your neighbour to go onto his/her land.

Amendments

If you need to alter your approved drawings please send full details to us regardless of how small the alteration is. Your case officer will determine whether this can be agreed through a simplified exchange of correspondence or whether a revised application needs to be submitted. Further guidance can be found at www.shropshire.gov.uk/planning. You should not commence work until the amendment has been approved in writing by the Council. This is **particularly important** if the project involves a **Listed Building** and work should not be proceeded until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then the applicant can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 (as amended).

An appeal must be made within six months of the date of this notice, or 12-weeks if the scheme is for that of "household" development, or minor commercial application, or within 8 weeks in the case of advertisement appeals.

Appeals can be made online

Householder Development Appeals - [Appeal a householder planning decision: Overview - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Full Planning Application - <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is 28 days of the date on the decision notice or the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA has to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (appeals@shropshire.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring the Council to purchase the interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).