

DECISION NOTICE

Burbury Investments
c/o Nigel Thorns Planning Consultancy
Watton
22 Kingsland Road
Shrewsbury
SY3 7LD

Date: 12th June 2024

Our Ref: 23/02170/FUL
Your Ref: FH Ellesmere
Infrastructure

Dear Burbury Investments c/o Nigel Thorns Planning Consultancy

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990

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

Location:	Land Between A495 Business Park Roundabout And Canal Way, Ellesmere, Shropshire,
Proposed Development:	Formation of Link Road with Footway and Cycleway Provision between the Ellesmere Business Park Roundabout on the A495 and Canal Way, including Associated Modification to the Ellesmere Business Park Roundabout, Recontouring and Earthworks Throughout the Site and Formation of Flood Compensation Areas
Application No.	23/02170/FUL
Date Received:	22nd May 2023
Applicant:	Burbury Investments

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.



3. 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 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 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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. The future planning applications for the individual parcels of land as shown on the 'Indicative Masterplan' Drawing No PL500revS, shall accommodate the footpath and cycling infrastructure as identified on the 'Strategic Linkages Plan' Drawing 2314/06. These future planning applications shall include full details of pedestrian and cycling infrastructure including but not limited to widths, surfacing and lighting through each parcel along with the connection points between the link road and the adjoining land. The approved details shall be fully constructed and available for use by pedestrians and cyclists no later than the first use approved on the land the subject of that planning application.

Reason: In the interests of providing sustainable and safe cycle and pedestrian options across the whole site

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

written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

6. Prior to the commencement of development of the new A495 roundabout improvements and spine road, a Construction Traffic Management Plan (CTMP) shall be first submitted to and approved in writing and the approved CTMP shall remain in force for the duration of the construction period. In particular the CTMP shall show all construction HGV traffic associated with the construction of the spine road shall gravitate from the new A495 roundabout along the A495 from the west to avoid associated construction vehicles trafficking through Ellesmere Town.

Reason: To ensure the proper coordination of the works and delivery of the Indicative Masterplan as shown on the approved details

7. No development shall take place (including ground works and vegetation clearance) until a plan showing a buffer zone along Hedge 1, as identified within the Arbor Vitae Preliminary Ecological Appraisal, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a minimum 30m buffer temporarily fenced off parallel to the hedge along the length of the badger sett. A minimum of an 8m buffer zone shall also be installed temporarily, parallel to the banks of the Tetchill Brook and Newnes Brook. No access, material storage or ground disturbance shall occur within the buffer zone. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of the watercourse, hedgerow, badgers, and associated wildlife, during construction works.

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

8. Prior to commencing works on the link road, details of the channel design and bank profiling for the Tetchill Brook modification, including appropriate landscaping/planting mix, treatment of the 8m watercourse buffers shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

9. Prior to first use of the site, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 15 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

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

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the building's wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

10. Prior to commencing works on the link road a landscaping plan for the riparian buffers and flood compensation areas shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements e.g. hibernacula, hedgehog-friendly gravel boards and amphibian-friendly gully pots;
- b) Written specifications for establishment of planting and habitat creation;
- c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) species rich floodplain meadow / washland, supporting native plants as well as birds, bees, butterflies and other pollinating insects
- e) Implementation timetables.
- f) long term management plan for the areas

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

11. Prior to commencing works on the link road, details of the channel design and bank profiling for the Tetchill Brook modification, including appropriate landscaping/planting mix, treatment of the 8m watercourse buffers shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

12. Improvements shall be carried out to the junction of Scotland Street with Canal Way in accordance with a scheme and engineering details to include the re-programming of the signal junction and re-aligned white lining shall be first submitted to and approved in writing by the Local Planning Authority and shall be fully implemented within 12 months of commencement of the development hereby approved.

Reason: To ensure the delivery of the Scotland Street/Canal Way junction improvements to serve the strategic connection of Canal Way with the A495 in accordance with the indicative Master Plan.

13. Prior to the commencement of the spine road between the A495 and Canal Way full engineering details shall be first submitted to and approved in writing by the Local Planning Authority; the spine road shall thereafter be fully constructed in accordance with a Phasing plan to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the coordinated delivery of the spine road in accordance with the Indicative Master Plan.

14. Prior to commencement of development a phasing plan identifying the construction schedule of the new roundabout on the A495 and spine road link to Canal Way shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved phasing plan.

Reason: To ensure the proper coordination of the works and delivery of the Indicative Masterplan as shown on the approved details.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

15. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds, badgers and great crested newts as provided in Section 6 and Appendix 3 of the Ecological Impact Assessment (Arbor Vitae, August 2023).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species, badgers which are protected under the Protection of Badgers Act 1992 and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

16. Construction work, including the arrival of deliveries and unloading of deliveries, shall only be carried out between the following hours: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No work shall be permitted on Sundays or Bank Holidays without written consent from the Local Planning Authority.

Reason: to protect nearby residential amenity and the health and wellbeing of residents living in close proximity to the development.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Detail Drawing	C1581-SGI-ZZ-278-DR-C-701, Rev. PO2	26.02.2024
Detail Drawing	C1581-SGI-ZZ-278-DR-C-1203, Rev. PO1	26.02.2024
Detail Drawing	C1581-SGI-ZZ-278-DR-C-1210V, Rev. PO1	26.02.2024
Detail Drawing	2314 02, Rev. A	26.02.2024

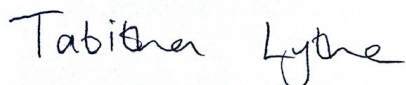
Detail Drawing	2314 07, Rev. B	26.02.2024
Detail Drawing	2314 TR05, Rev. A	26.02.2024
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0414, Rev. P1- S2	19.05.2024
Other Documents	2314-06	27.11.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-051	18.08.2023
Block Plan	PL500, Rev. S	19.05.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-051, Rev. P2	18.08.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0515, Rev. P1	19.05.2023
Detail Drawing	2314-06	27.11.2023
Location Plan	PL101B	19.05.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0500, Rev. P2	19.05.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0508, Rev. P2	19.05.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0509, Rev. P2	19.05.2023
Detail Drawing	C1581-SGI-ZZ-278-DR-C-704, Rev. P01	19.05.2023
Detail Drawing	C1581-SGI-ZZ-278-DR-C-703, Rev. P01	19.05.2023
Detail Drawing	C1581-SGI-ZZ-278-DR-C-701, Rev. P01	19.05.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0401, Rev. P3	19.05.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0402, Rev. P2	19.05.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0414	19.05.2023
Detail Drawing	C1581-SGI-ZZ-00-DR-C-0414, Rev. P1- S1	19.05.2023

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>

If your project relates to a **Listed Building** please be aware that if, during the process of obtaining Building Regulation Approval or undertaking Fire Safety works amendments to the scheme as approved under the Listed Building Consent are requested, it is very likely that you will need to amend your approved drawings regardless of how minor the alteration may be. If this is the case, please contact the Case Officer and they will determine what action is required. Work should not be proceed 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).

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A handwritten signature in black ink that reads "Tabitha Lythe". The signature is written in a cursive style with a large 'T' and 'L'.

Tabitha Lythe, Planning and Development Services Manager
Date of Decision: 11th June 2024

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 \(www.gov.uk\)](#)

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).