



## Development Management Report

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

### Summary of Application

|   |                       |                                |
|---|-----------------------|--------------------------------|
| <b><u>Application Number:</u></b> 23/02170/FUL  | <b><u>Parish:</u></b> | Ellesmere Rural                |
| <b><u>Proposal:</u></b> 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 |                       |                                |
| <b><u>Site Address:</u></b> Land Between A495 Business Park Roundabout And Canal Way<br>Ellesmere Shropshire  |                       |                                |
| <b><u>Applicant:</u></b> Burbury Investments  |                       |                                |
| <b><u>Case Officer:</u></b> Mark Perry  | <b><u>email</u></b>   | : mark.perry@shropshire.gov.uk |

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

### REPORT

#### 1.0 THE PROPOSAL

- 1.1 Application is a 'full' application and proposes the formation of a link road in Ellesmere. The scheme also proposes associated footway and cycle route provision. The scheme includes modifications to the existing business park roundabout which will then provide the western point of access onto the new road being proposed. At the eastern end, the road will link into the existing highway at Canal Way. Throughout the site there will also be some recontouring of the land along with the creation of flood compensation areas.
- 1.2 The application is supported by a Planning Statement, Landscape Design Guide, Flood risk assessment, site investigation reports, surface and foul drainage strategies, transport statement, ecological appraisal, heritage assessment, archaeological assessment, and landscape and visual impact assessment along with supporting plans of the site detailing layout and topography.

#### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site sits to the south western edge of the town and has the Shropshire Union Canal running along the southern boundary. The land is rolling rural countryside defined by a variety of hedgerows and sporadic scattering of

trees within them. There are also some mature trees within the site itself. To the north of the application site there is a mix of historic and relatively recently building housing. The Lakelands School and also a housing development that is currently under construction by Shropshire Homes.

- 2.2 There has previously been outline permission granted for a mixed use development on the site which included a hotel, marina, leisure complex, holiday accommodation and residential development (14/04047/OUT). A reserved matters application was subsequently submitted (19/05445/REM) but it was then refused in March 2022 for 4 different reasons including open space provision, insufficient ecology information, insufficient highway details and insufficient drainage details. Therefore, the outline consent lapsed meaning that there are no extant permissions associated with the site.

### **3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The proposed development is considered to accord with the requirements of the Council's relevant adopted policies and no contrary opinions have been received that would require determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

### **4.0 Community Representations**

#### **4.1 Ellesmere Rural Parish Council-**

Parish Council is content to support the proposals IF the infrastructure outlined is put in prior to any development commences.

Close attention must be paid to the drainage scheme. Concerns have been raised over dredging of the first 400m only of the Tetchill Brook - the whole length needs to be cleaned. The detail only deals with the Brook as far as the boundary however any development in this area will impact on a much wider area beyond that boundary. Any development will be built on top of a large original culvert. It is essential that the Environment Agency/Shropshire Council will need to look at the larger picture

#### **4.2 Ellesmere Town Council (neighbouring Parish)-**

Ellesmere Town Council supports this application on the Proviso that the following points are taken into consideration and are addressed prior to any works being undertaken.

A comprehensive study must be undertaken of the whole drainage infrastructure, within the Ellesmere Urban ward, to ensure that the additional demand of this site and further development to the south of the town will be able to cope.

Sewerage and foul water drainage within the town are now regularly causing flood issues, recent incidences have been recorded in Oswestry Road, Berwyn View, Scotland Street, Cross Street, Watergate Street, Charlotte's Row and Willow Street.

Drainage from this development should flow directly to the Newnes Brook without going through the town and adding extra demand to an already overburdened Town Centre Drainage Infrastructure.

The Town Council agrees with Ellesmere Rural Parish Council and shares their concerns regarding dredging of the Newnes Brook, the whole brook needs to be cleaned out, not just the first 400m. The Tetchill Brook also needs to be cleared.

The ownership of both brook's needs to be established and a sustainable maintenance programme needs to be put in place to ensure their upkeep.

## **5.0 Consultee Comment**

- 5.1 Highways- no objection conditions suggested.
- 5.1 Rights of Way- A temporary closure of FP 12/12R will need to be undertaken when the spine road is put in place.
- 5.3 Canal and River Trust- No response at time of writing report.
- 5.4 Trees- no written response received at time of writing report. Verbally confirmed no objection.
- 5.5 Drainage- no objection subject to conditions.
- 5.6 Archaeology- No objection subject to condition securing a programme of archaeological works.
- 5.7 Environment Agency (6<sup>th</sup> September 2023)  
-withdraw objection in respect of flood risk.
- 5.8 Environment Agency (19<sup>th</sup> April 2023)- Satisfied with the details submitted but request conditions for the Tetchill Brook (ordinary watercourse) modification (in discussion with the LLFA); requiring, prior to commencement of works, details of the channel design and bank profiling/appropriate landscaping/planting mix, treatment of the 8m watercourse buffers and the flood compensation areas and management plan for this area.
- 5.9 Active Travel England- Conditional approval. Conditions to secure details of pedestrian and cycling infrastructure.
- 5.10 National Highways- No objection
- 5.11 Landscape Consultant-  
The submitted LVIA should not be relied upon to determine the application as it is for a previous application on the site. Earthworks strategy should be amended to allow greater retention of trees on site. Reservations about the timescale for the individual development parcels coming forwards is unknown, potentially leaving stretches of the link road without mitigation planting for a substantial period of time. No landscape mitigation is shown within or around the flood alleviation areas, site boundaries, or wider earthwork areas. This is not only a missed opportunity to consider the benefits of soft landscape design without prejudicing future development but also puts cleared and regraded areas at risk of erosion without the establishment of suitable plant cover. Recommend that a site-wide

landscape mitigation and enhancement strategy is developed in conjunction with the landscape and visual assessment process.

- 5.12 Ecology- No objection following submission of Ecological Impact Assessment (August 2023). Conditions recommended.

### **Public Comments**

1 representation received commenting on the failure to serve notice on person that has a freehold interest in the land. [correct notice served 29.9.23]

## **5.0 THE MAIN ISSUES**

Principle of development  
Siting, scale and design of structure  
Visual impact and landscaping  
Highway Safety  
Ecology  
Impact on Neighbours

## **6.0 OFFICER APPRAISAL**

- 6.1 Principle of development

6.1.1 Ellesmere is identified as being a Key Centre in CS15 of the Core Strategy where it will act as district centres within their respective spatial zones, serving the needs of their immediate rural hinterlands. As set out in S8.1 of SAMDev the town will accommodate 800 homes over the plan period, employment land, and leisure and tourism uses.

6.1.2 The site also covers the area that is identified in SAMdev as forming the housing allocation (ELL003a) which aims to secure provision of around 250 dwellings and also the mixed-use allocation (ELL033b) which is an 18 hectare site. The development guidelines set out in SAMDev details that the development of the site is subject to appropriate impact assessments where necessary and that the design of the site will need to satisfactorily address drainage and flood risk issues (in conjunction with ELL003a). The development guidelines go on to state that the allocation is for the purpose of leisure and tourism and comprising various related uses suitable for canalside rather than town centre, such as hotel, marina, leisure centre, touring caravan and log cabin sites, and a garden centre.

6.1.3 The National Planning Policy Framework, (NPPF), has at its heart a 'presumption in favour of sustainable development. Paragraph 74 of the NPPF indicates that the supply of large numbers of new homes can often be achieved through planning for larger scale development, such as new settlements, or significant extensions to existing villages and towns provided they are well located and designed, and supported by the necessary infrastructure and facilities.

6.1.4 In respect of the three objectives to sustainable development in the NPPF, the delivery of housing is a contributor to economic growth. In order to enable housing growth necessary infrastructure needs to be in place. Paragraph 11 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; economic,

social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The proposed development will provide the access to an allocated housing site and an allocated leisure/ tourism site and therefore unlocking social, economic and environmental opportunities in the town.

- 6.1.5 It is evident from adopted policies that the site the subject of this application is very important as it is an integral part of delivering a number of different types of developments within the town and help to secure its long term viability in terms housing, economic contributions and also improvements to the drainage systems and flood attenuation.
- 6.1.6 Officers agree with the applicant's comment that the delivery of the link road and the associated earthworks will help to kick start the wider development across the site. This will then lead to the submission of different applications for the various development parcels throughout the wider site which are likely to comprise a variety of different uses. Therefore, this application is only to consider the link road and associated works and not any future uses of the land that will be served by it in the future. These will be considered on their individual merits as planning applications are submitted at a later date. It is envisaged that each application will then provide its own landscaping scheme that is appropriate to the nature, scale and appearance of the development being proposed at that time and its located within the wider site allocation.
- 6.1.7 The earthworks that are proposed as part of this scheme are to allow the link road to be delivered but to also make the rest of the site more appealing to future developers who will not then have to deal with the various mounds and depression that existing across the site. The proposed development will help to assist the aspirations set out in of Policy CS3 in that it will enable the allocated residential and leisure/ tourist sites to come forward. Otherwise individual developers would be faced with the significant cost of providing an adequate means to access.
- 6.1.8 The proposed development to deliver the road is supported by both Ellesmere Rural Parish Council, within whose area the application is situated and also Ellesmere Town Council whose area would benefit most from the future development that would likely be unlocked as a result of delivering the link road. Both the Parish and Town Councils do comment on drainage issues which are looked at later in this report.
- 6.1.9 It is considered that the delivery of the link road will provide substantial benefits to the town and it is the first stage towards delivering the housing, leisure and economic benefits that the allocations in the SAMdev plan seeks to achieve.

## **6.2 Siting, scale and design of structure**

- 6.2.1 Section 12: of the NPPF - Achieving well-designed places 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 proposes alterations to an existing highway roundabout at the western end of the link road. This junction is important as it will allow construction traffic in the short term and those accessing the future development on the allocated site in the long term, to exit in a westerly direction without having to use the primarily residential area of Canal Way and in particular the traffic light controlled junction at its head which is restricted in its width on the town centre arm. Whilst the creation of the road will have a visual impact as it crosses an area of agricultural land, it is nonetheless an allocated site. As noted earlier in this report the complete delivery of the link road is important to the local economy and is a significant material consideration.
- 6.2.3 The link road will comprise a slight meander so that it utilises as best as possible the existing contours of the land whilst providing the best possible access to the various uses that will come forward in the future. The route has avoided the area that will be used for flood compensation and also the row of mature trees.
- 6.2.4 The proposal does include various earthworks which will reduce the extent of mounds and depressions that are present on the site. Overall, the earthworks will have a neutral effect as no new materials will be brought onto the site and none will be removed. Full topographical, sections and contouring plans have been submitted which show the extent of the earthworks. It is considered that overall the earthworks are not considered to be of such an extent where it would detrimentally impact upon the appearance of the area or change its character.
- 6.2.5 At this stage whilst the application site covers a large area, other than the road, earthworks and roundabout alteration, how the rest of the site will be developed in the future is unknown. It is therefore not possible to create a comprehensive landscaping scheme until the future uses, layouts, points of individual access and nature of built development are known. It is therefore envisaged that when individual planning applications are submitted for the different sections of the overall site are submitted, they will also incorporate their own landscaping scheme.
- 6.2.6 To provide an element of consistent landscaping design across the individual areas the applicant has provided a whole site landscape design guide which details the landscaping along the link road and associated green verges including species of planting and the planting and landscaping on the integrated pedestrian and cycle route which would be expected to be accommodated within the wider site.
- 6.2.7 The Council's Landscape consultant has reservations about the approach of providing individual landscaping schemes as the individual parcels of land come forward; which could be over a significant period of time. Whilst it would be more desirable to have a wider landscape scheme for the whole site and defined planting along the link road, it is recognised by Officers that this will be difficult to achieve with future development currently unknown. It is considered that the benefit of bringing the link road forward to enable future development is a significant material consideration. Any future landscaping schemes will then form part of the planning applications for the individual parcels of land which will be considered on their individual merits. It is however deemed appropriate to impose

a condition which requires details of the landscaping and future management of the riparian buffers which include the river banks, buffer zones and the flood plain areas) as these area are less dependant on the nature of further planning application.

- 6.2.8 It should also be noted that as the individual parcels of land will likely be submitted as individual planning application they will also now be subject to Biodiversity Net Gain requirements whereas the current application was submitted prior to the implementation of BNG.

### **6.3 Highway Safety**

- 6.3.1 One of the concerns raised by the Town Council and the Parish Council during the consideration of the previously withdrawn and refused applications was the fact that the scheme proposed at that time would have initially only provided vehicular access via Canal Way; meaning all traffic would be routed through the existing housing estate. The Town Council were strong in their views that link road from the A495 to the west should be provided first. This is now what the applicant is proposing which will limit the amount of construction traffic passing through the residential area ad help to mitigate any impact of increased traffic passing through the traffic light controlled junction on Canal Way.
- 6.3.2 The submitted scheme incorporates modifications to the existing roundabout which also serves the Ellesmere Business Park on the opposite side of the A495. The Council's Highways Officer has raised no objection to the principle of these works with suggested conditions regarding the finer constructional details.
- 6.3.3 Traffic will be split between the A495 roundabout and Canal Way which in turn will lead to an increased amount of traffic having to negotiate the traffic light junction on Canal Way. The submitted Transport Statement has adequately demonstrated that this junction can accommodate the associated increase in traffic movements. The Council Highways Officer has suggested condition requiring details of traffic signal reprogramming and white lining at the junction. This is in addition to conditions to secure Construction Traffic Management Plans, engineering details and the completion of the revised roundabout arrangements.
- 6.3.4 The NPPF, seeks to promote sustainable transport. At paragraph 114 it states that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users.
- 6.3.5 The applicant has provided a detailed Transport Statement and later a Framework Travel plan in support of their application. These documents have been considered by Active Travel England who confirm that they are agreeable with the details submitted in respect of the foot/ cycle way. The submission also includes details of how the site can provide multiple active travel linkages from various phases of the development to external locations. Active Travel England have confirmed that they recommend approval of the application subject to conditions.
- 6.3.6 It is considered that in respect of highway and sustainable transport matters that

this proposal complies with policies CS6 of the Core Strategy and MD2 and MD8 of the SAMDev.

## **6.4 Drainage and Flooding**

- 6.4.1 A substantial part of the site falls within flood zone 3 of the Newnes and Tetchill Brooks as defined by the Environment Agencies flood maps. The applicant has provided a detailed Flood Risk Assessment and hydraulic modelling. This incorporates the provision of various mitigation measures which include flood storage compensation and the de-culverting of the watercourse. The FRA concludes that the proposed link road would remain dry up to the design flood level.
- 6.4.2 As a result of the reprofiling of the land and the proposed diversion of the Tetchill Brook, the land to either side of the brook would then be utilised as flood storage area. This area would then provide a greater volume of flood storage than the site does at present, therefore this is a betterment to the current situation.
- 6.4.3 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 run-off rate and not result in an increase in run-off.
- 6.4.4 Following the submission of additional supporting information neither the Environment Agency or the Council's Drainage Officer raise any objection to the proposed development.

## **6.5 Ecology**

- 6.5.1 In support of the application and Ecological Impact Assessment has been submitted, this determined the habitats on site to be of low ecological value. Where habitats have been identified the proposal have detailed the creation of appropriate buffer zones. In particular this is to be proposed along the length of the Tetchill and Newnes Brooks during the course of the development.
- 6.5.2 In their comments the Environment Agency advise that the current ecological status of the Tetchill Brook is poor and that the proposed development presents a valuable opportunity to restore more natural processes to the watercourses, floodplain and encourage site ecology. Part of this will be achieved by diverting a section of the currently culverted brook to an open channel through the southern section of the site.
- 6.5.3 At this stage there are limited landscape proposals proposed as this can only be designed once the various different uses/ developments on the proposed site are known. It is considered that there could be more detail provided in respect of the landscaping of the riparian buffers, flood compensation areas and the wider site which would allow them to become established and provide ecological enhancement. It is considered that these areas are not wholly dependant on knowing what scheme will come forward on the individual part of the site. As such the landscaping of these area will be secured by a planning condition.
- 6.5.4 It is considered that following the submission of further ecology information the initial comments that were raised by the Council's Ecologist and the Environment



Agency have been addressed subject to the addition of appropriate conditions.

## **6.6 Heritage**

6.6.1 A Heritage Statement was commissioned as part of the previous application on the site (14/0404/OUT) which unlike this current application proposed the construction of substantial buildings which were within close proximity of the canal and other heritage assets. The same Statement has been provided with this application which provides context and identified the relevant heritage assets which may be affected by the development of the site and thereby meets the requirements set out in the NPPF.

6.6.2 The current application does not include any buildings and is only to consider the relatively minor earthworks and the creation of the link road. As such all development will be at ground level. It is considered that the proposed development will not harm the setting of heritage assets and it will be more appropriate for the impact on heritage assets to be considered further when the full applications come forward for the specific parcels of the site which will include above ground built development and therefore have the potential for having a much greater impact upon designated heritage assets. Heritage Impact Assessment will likely be needed for future applications on the wider site.

6.6.3 The application is also supported by an Archaeological Assessment. The report states that given the size of the site and the lack of previous archaeological field investigations there is a low-moderate potential for unknown archaeological remains to be present with the impact of the proposed development on any such remains to be substantial. It is therefore considered appropriate to impose a planning conditions requiring a programme of archaeological works.

## **7.0 CONCLUSION**

7.1 It is considered that proposed development in relation to siting, scale and design and its impacts are considered acceptable with appropriate mitigation. The scheme is the first stage of a wider development which will, in the long term, contribute to delivering the mix of uses that are identified in schedules S8.1a and S8.1c of the adopted SAMDev plan. Therefore, the scheme is considered to be in accordance with Policies CS3, CS6, CS7 and CS17 of the Core Strategy and Policies MD1, MD2, MD12 and MD13 of SAMDev and the NPPF.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the

authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## **8.2 Human Rights**

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

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

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

## **8.3 Equalities**

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

## **9.0 Financial Implications**

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

## **10. Background**

### **Relevant Planning Policies**

**Central Government Guidance:**  
National Planning Policy Framework

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

## RELEVANT PLANNING HISTORY:

**23/02170/FUL** 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 GRANT 12th June 2024

**PREAPP/21/00544** The request for pre application advice relates to the following areas of land.

Allocated Site ELL003 within the Adopted Local Plan 2006-2026 and  
Allocated Site ELL008 within the Emerging Local Plan 2016 to 2038 now submitted to the Secretary of State for Housing, Communities and Local Government for Examination.

PREAMD 26th January 2022

**PREAPP/22/00392** The development proposals comprised of a mixture of land uses (which are also illustrated in the indicative masterplan):

- Discount food store (2,000m<sup>2</sup> GFA),
- Commercial uses (11,000m<sup>2</sup> GFA),
- Care home
- 43 log cabins,
- 120 bed hotel,
- 70 berth touring caravan site,
- Pub/ restaurant (750m<sup>2</sup> GFA),
- Play centre (500m<sup>2</sup> GFA),
- 250 residential dwellings.

Site ELL003a and Site ELL03b under policy S8 of the adopted SAMdev plan (2015). PREAIP 13th September 2022

**23/02170/FUL** 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 GRANT 12th June 2024

## 11. Additional Information

### List of Background Papers

23/02170/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RUX44PTDH4B00>

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member - Cllr Brian Williams

Appendices

APPENDIX 1 – Conditions

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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

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

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

## **CONDITION(S) 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.

## **CONDITION(S) 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.

#### **CONDITION(S) 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.

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