



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Wednesday, 19 October 2016

**Committee:**  
**Central Planning Committee**

**Date:** Thursday, 27 October 2016  
**Time:** 2.00 pm  
**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

Vernon Bushell (Chairman)  
Ted Clarke (Vice Chairman)  
Andrew Bannerman  
Tudor Bebb  
Dean Carroll  
Miles Kenny  
Amy Liebich  
Pamela Moseley  
Peter Nutting  
Kevin Pardy  
David Roberts

**Substitute Members of the Committee**

Peter Adams  
Tim Barker  
Roger Evans  
John Everall  
Jane MacKenzie  
Alan Mosley  
Keith Roberts

Your Committee Officer is:

**Shelley Davies** Committee Officer

Tel: 01743 257718

Email: [shelley.davies@shropshire.gov.uk](mailto:shelley.davies@shropshire.gov.uk)

# AGENDA

## **1 Apologies for absence**

To receive apologies for absence.

## **2 Minutes (Pages 1 - 4)**

To confirm the Minutes of the meeting of the Central Planning Committee held on 29<sup>th</sup> September 2016

Contact Shelley Davies on 01743 257718

## **3 Public Question Time**

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Monday 24<sup>th</sup> October 2016.

## **4 Disclosable Pecuniary Interests**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## **5 Flax Mill St Michaels Street Shrewsbury - 16/02872/FUL (Pages 5 - 46)**

Repair and restoration of the Main Mill and Kiln; installation of structural strengthening solution; re-opening of windows to all floors; formation of visitor interpretation centre, learning space and cafe; restoration of upper floors for commercial use; landscaping and formation of car parking area (98 spaces) with improved accessibility across the site

## **6 Flax Mill St Michaels Street Shrewsbury - 16/02873/LBC (Pages 47 - 70)**

Works for the repair and restoration of the Main Mill and Kiln, installation of structural strengthening solution; re-opening of windows to all floors; installation of services and utilities

## **7 Former HMP Prison, The Dana, Shrewsbury - 15/05591/OUT (Pages 71 - 136)**

Outline application for the redevelopment of former Dana Prison into mixed use development to include student accommodation, residential dwellings, retail/restaurant, business non-residential institutions, a gymnasium and extensive landscaping works

## **8 Proposed Poultry Units South Of The Vinnals, Lower Common, Longden - 16/02752/EIA (Pages 137 - 168)**

Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping

**9 Proposed Affordable Exception Dwelling At Cruckton Shrewsbury - 16/03379/FUL**  
(Pages 169 - 180)

Erection of 1No affordable dwelling and detached double garage

**10 Schedule of Appeals and Appeal Decisions (Pages 181 - 188)**

**11 Date of the Next Meeting**

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 24<sup>th</sup> November 2016 in the Shrewsbury Room, Shirehall.

**This page is intentionally left blank**



## Committee and Date

Central Planning Committee

27<sup>th</sup> October 2016

## **CENTRAL PLANNING COMMITTEE**

**Minutes of the meeting held on 29 September 2016**

**2.00 - 3.00 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

### **Present**

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Dean Carroll, Miles Kenny, Amy Liebich, Pamela Moseley, Peter Nutting, Tim Barker (Substitute) (substitute for David Roberts) and Jon Tandy (substitute for Kevin Pardy)

### **46 Apologies for absence**

Apologies for absence were received from Councillors Kevin Pardy (Substitute: Jon Tandy) and David Roberts (Substitute: Tim Barker).

### **47 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 25<sup>th</sup> August 2016 be approved as a correct record and signed by the Chairman.

### **48 Public Question Time**

There were no public questions or petitions received.

### **49 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning applications to be considered at this meeting, Councillors Peter Nutting and Andrew Bannerman stated that they were members of the Planning Committee of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

50 **Little Vinnals Bungalow, Longden, Shrewsbury - 16/02515/FUL**

The Area Planning Manager introduced the application for the erection of a holiday cabin to include change of use of land (revised scheme) which at the last meeting held on 25<sup>th</sup> August 2016, Members had granted planning permission contrary to the Officer's recommendation. The Area Planning Manager explained that the application had been brought back to Committee in order to seek Members approval with regards to the recommended conditions and informatives to be attached to the approval notice. The Area Planning Manager drew Members' attention to the information contained within the Schedule of Additional letters regarding an amendment to condition 5 and the deletion of condition 4 and read out the following amendment to Condition 9:

On cessation as use for Holiday accommodation by the occupants of Little Vinnal Bungalow, the structure will be removed off site and the site returned to its current agricultural form.

Reason: In order to ensure the temporary structure hereby approved is not used for any other use and to comply with the detail as set out in the Design and Access Statement submitted in support of the application and the personal circumstances of the applicant, as it is acknowledged that owing to the site's location there will be very minimal impact on the surrounding landscape as a result of the construction of the two-part mobile unit.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Roger Evans addressed the Committee as the local ward Councillor, to state that he supported the recommendation subject to the amended conditions as detailed by the Area Planning Manager.

**RESOLVED:**

That the recommended conditions and informatives' as set out in the Officers report be approved subject to:

- An amendment to condition 5 and the deletion of condition 4 as detailed in the Schedule of Additional Letters; and
- Condition 9 be amended to read:

On cessation as use for Holiday accommodation by the occupants of Little Vinnal Bungalow, the structure will be removed off site and the site returned to its current agricultural form.

Reason: In order to ensure the temporary structure hereby approved is not used for any other use and to comply with the detail as set out in the Design and Access Statement submitted in support of the application and the personal circumstances of the applicant, as it is acknowledged that owing to the site's location there will be very minimal impact on the surrounding landscape as a result of the construction of the two-part mobile unit.

**51 Poultry Broiler Units, Great Ness, Montford Bridge, Shrewsbury - 16/02667/FUL**

The Area Planning Manager introduced the application for the erection of an agricultural building for renewable energy biomass boiler room and open storage for agricultural purposes and all associated works and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Having considered the submitted plans Members unanimously expressed their support for the officer's recommendation.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation; subject to the conditions set out in Appendix 1.

**52 Proposed Residential Development Land Off Washford Road, Shrewsbury - 16/01651/OUT**

The Technical Specialist Planning Officer introduced the outline application for residential development to include access and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional Letters which detailed the proposed conditions in relation to Ecology matters that had been omitted from the Committee report and included a letter from the applicant's agent.

In response to questions the Technical Specialist Planning Officer reassured Members that at the reserved matters stage Officers would ensure that the design of the development was compatible with the conservation area. He also noted that the issue of contamination was addressed by a condition and explained that there was no minimum distance from a Railway line specified in relation to residential development.

Having considered the submitted plans for the proposal, the majority of Members expressed support for the Officer's recommendation but requested that matters reserved for later approval be determined by this Committee.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation; subject to:

- The conditions set out in Appendix 1;
- The conditions relating to Ecology matters as detailed in the Schedule of Additional Letters; and
- Reserved Matters Application to be considered by the Central Planning Committee.

**53 Forge Farm, Upton Magna, Shrewsbury - 16/03371/FUL**

The Area Planning Manager introduced the application for the erection of grain storage building to include biomass boiler and woodchip storage and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the Schedule of Additional Letters.

The Area Planning Manager explained that the comments of Highway Authority had not yet been received and therefore he was recommending that if Members were minded to approve the application authority to grant planning permission be delegated to officers subject to no outstanding objection from the Highway Authority, as well as any further conditions recommended.

Having considered the submitted plans Members unanimously expressed their support for the proposal subject to the comments of the Highway Authority.

**RESOLVED:**

That delegated powers be given to the Area Planning Manager to grant planning permission subject to:

- The conditions referenced 1-3 on the Schedule of Additional Letters;
- The additional condition advised by Shropshire Council Public Protection as referenced on the Schedule of Additional Letters; and
- No outstanding objection from the Highway Authority, as well as any further conditions recommended.

**54 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 29<sup>th</sup> September 2016 be noted.

**55 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 27<sup>th</sup> October 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....





<u>Committee and date</u>
Central Planning Committee
27 October 2016

<u>Item</u>
5
Public

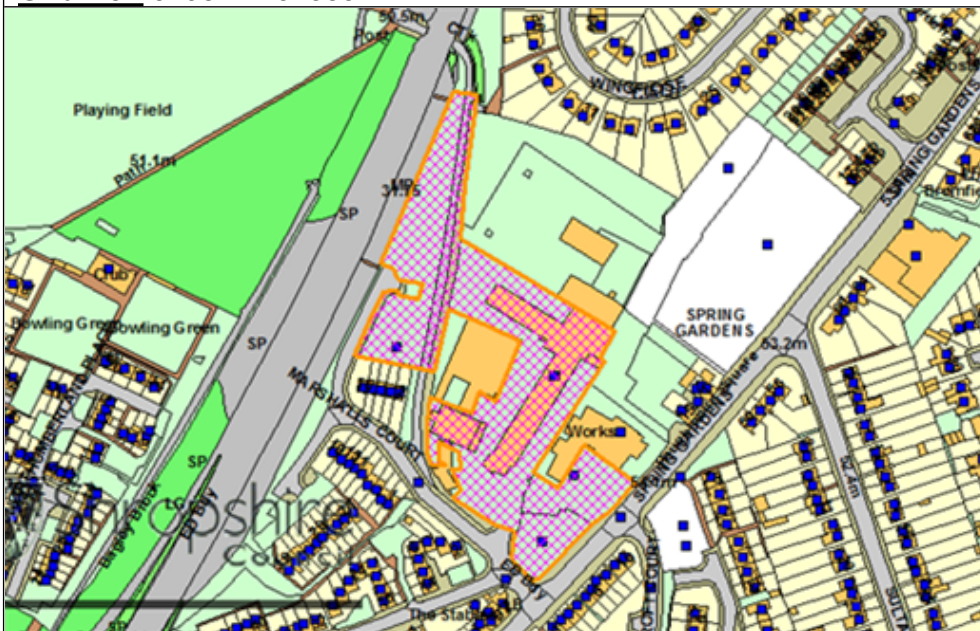
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 16/02872/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Repair and restoration of the Main Mill and Kiln; installation of structural strengthening solution; re-opening of windows to all floors; formation of visitor interpretation centre, learning space and cafe; restoration of upper floors for commercial use; landscaping and formation of car parking area (98 spaces) with improved accessibility across the site		
<b><u>Site Address:</u></b> Flax Mill St Michaels Street Shrewsbury Shropshire SY1 2SZ		
<b><u>Applicant:</u></b> Historic England		
<b><u>Case Officer:</u></b> Jane Raymond	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349874 - 313832



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to full planning permission for the change of use of the Main Mill and Kiln to include the formation of a visitor interpretation centre, learning space and café on the ground floor and restoration of the upper floors for commercial use (office and light industrial) and landscaping and formation of a car parking area.
- 1.2 The application is accompanied by an application for listed building consent for the internal and external alterations to include installation of a structural strengthening solution; re-opening of windows to all floors and installation of services and utilities.
- 1.3 This is stage 2 of the Shrewsbury Flax Mill Maltings project and follows on from the 2010 approved Masterplan and Stage I renovation of the Office and Stables to provide a visitor centre. This detailed application for the Stage II project comprises the following:
- ☐ Repair and restoration of the Main Mill and Kiln
  - ☐ Installation of new strengthening solution to allow scaffolding to be removed
  - ☐ Re-opening of blocked up former Flax Mill windows to all floors
  - ☐ Ground floor of Main Mill and North Engine house to be open to the public with interpretation, learning space and cafe managed by Friends of the Flaxmill Maltings
  - ☐ Four upper floors of the main Mill to be restored and finished to shell with the fit-out following on and available for commercial use (offices and creative light industry) for a maximum of 280 people.
  - ☐ The upper floors of the North and South Engine houses to provide services, utilities and access
  - ☐ The Kiln to be fitted with two 13 person internal lifts and will provide a circulation space for the commercial tenants and provide level access to all floors and for visitor tours to the restored Jubilee tower
  - ☐ Landscaped car park and improved accessibility across the site.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application relates to the Grade I listed Main Mill and the attached Grade II listed Kiln which is part of the larger Flax Mill complex (a site of National and International significance) situated in Ditherington approximately one mile to the North of Shrewsbury Town Centre and partially within the Shrewsbury Town Centre Conservation Area. The site is bounded by the mainline railway to the West and Spring Gardens to the East, a busy main road (A5191) leading into town. Residential properties lie immediately to the North and South of the site and on the opposite side of Spring Gardens to the South East.

- 2.2 The Main Mill building is a former textile factory that was later converted to a Maltings. Built in 1797 it is the oldest iron framed building in the world. The iron framed building has local red brick external walls with a Welsh slate roof and was extended in the form of engine houses to its north and south elevations as part of its Maltings conversion. The original pattern of fenestration can still be seen with many openings reduced in size, again as part of the buildings conversion to a Maltings.
- 2.3 The Malt Kiln building is a square shaped three storey building built in 1898 as part of the Maltings use of the site. This building links the Main Mill with the Warehouse and Cross Mill and has a pyramidal slate roof with red brick walls. The Warehouse and Cross Mill are not included in this application as no change of use or works are proposed in this phase of the development and these buildings have been excluded from the red line of the application.

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

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land partly owned by the Council which are not in line with its statutory functions. In addition the Town Council have requested that the application is determined at committee due to its strategic importance and the sensitivity of the site locally.

### 4.0 **Community Representations**

#### 4.1 **- Consultee Comments**

##### 4.1.1 **Historic England:**

###### Summary

The main building is one of the first iron framed buildings in the world, and is listed at Grade I. Historic England recommends that this scheme should be approved subject to appropriate conditions.

###### Historic England Advice

The main building is a pioneering example of the use of an iron frame: the 'world's first building with a full internal iron frame'. It was built in the 1790s as a flax mill and converted to maltings in the 1890s. The significance is recognised by its listing at the Grade I. There are a number of associated listed buildings in the complex. The only other one directly affected by the application is the malt kiln attached to the north end of main mill which is listed at Grade II.

The proposals are for the extensive refurbishment of the main building for office and visitor use with the malt kiln serving as the main access.

###### Structural matters

The principal issue in the scheme is the structural integrity of the main building. The alterations to convert it to maltings included adding a layer of concrete to all the

floors and the blocking of almost all the windows and their replacement with a much smaller number of openings. Investigation revealed concerns for the load bearing capacity of the iron frame, and its connection to the brick walls. There was a timber ring beam at each floor level providing the window lintels which was linked to the iron frame. The timber has rotted, and at some point in the 19th century all the lintels were replaced.

There has been considerable debate about the structural solution and the application sets out the various approaches considered. The scheme which has been adopted will have minimal visual impact. There will be a small number of new columns on the ground and first floors and some new tie rods at ceiling level on each floor. The only major structural intervention will be within the first floor, which will be concealed within the depth of the floor. This will consist of new steel work trenched into the concrete floor (not the primary construction) and will also involve raising the finished floor level a little. This will have minimal visual impact because there is ample floor to ceiling height to accommodate it.

#### External envelope

The major visual change externally is the re-opening of the primary windows. This will afford the opportunity to repair the external walls in order to restore their structural integrity. A sample bay has been undertaken which has developed the methodology showing that this can be undertaken successfully.

As for the new windows, there is no evidence, apart from the blocked openings, for the primary form of the windows. Since they were removed as recently as the 1890s this seems very surprising, but there has been extensive research on the history of the building which has not brought any more information to light. The proposals are for simple tripartite windows which are an elegant solution, rather than trying to invent a 'historic' window.

#### Fitting out

The proposals are minimal with respect to the main floors of the mill. These are being kept almost entirely open, with lavatories and other services fitted into the spaces at each end of the building which housed the steam engines (there had floors inserted in the malting phase).

The malt kiln becomes the key reception area for the building. This will include, amongst other interventions, the principal lift access. The linkage to the main building will be achieved by internal bridges, and at the higher levels through a partially concealed bridge. These will be unobtrusive externally, whilst providing exciting views of the surrounding landscape.

#### Recording

With such a major scheme on an internationally significant building there should be an appropriate scheme of recording to be integrated with the work undertaken to date to ensure that any further discoveries in the understating of this significant site are adequately recorded.

Overall, this is the first phase of the reoccupation of the site. Thus the other

significant building attached to the main mill, the Cross Mill (also Grade I), is not being dealt with but will continue in its mothballed state for the moment. The first phase is a welcome beginning for the future use of the whole complex.

In policy terms whilst there is some minor visual harm and some physical interventions in the fabric these are fully outweighed by the provision of a future use for the Grade I listed building. This is in line with paragraph 134 of the NPPF.

Inevitably there are details which are not included even in the extensive application which has been submitted. Obviously you will wish to impose a range of appropriate conditions in order to control these matters and to fine tune any issues which you have with the scheme.

#### Recommendation

Historic England recommends that the proposals should be approved subject to appropriate conditions.

#### 4.1.2 **SC Archaeology:**

##### Background to Recommendation:

The proposed development comprises the repair and restoration of the 1798 Grade I Listed Main Mill building (NHLE ref. 1270576) and 1898 Grade II Listed Malt Kiln (NHLE ref. 1270576), together with landscaping and the formation of a car parking area with improved access across the site. The proposed works to the buildings will enable them to be brought back into economic use, whilst preserving their nationally important character and significance. The necessary interventions into the structures will provide opportunities to undertake further recording in order to enhance existing understanding of their very substantial archaeological interest. By re-opening the window openings from the 18th century flax mill, this work will also enable the buildings archaeology to be more easily 'read'.

Archaeological evaluation work in 2016 (Trench 6 ' 8 respectively) has targeted three further areas within the proposed development. Firstly, within the First Engine House at the southern end of the Main Mill the remains of two masonry structures were found that had been inserted into the engine pit prior to 1820. The design of the scheme has been amended so that these structures can be retained in situ. Secondly, on the east side of the main mill substantial sub-surface remains of East Terrace Boilers and the associated chimney base were revealed. Finally, the evaluation in the area of the proposed lift pit within the Malt Kiln suggests that the foundations of the kiln have heavily disturbed the site of the former north chimney. In addition, two of the evaluation trenches from the 2010 evaluation trench also lay within the proposed development site. The first of these (Trench 2) targeted the site of the former Thread Makers Shop / Packing House that was demolished in 1970. This revealed numerous structural remains associated with these buildings. Another trench (Trench 3) was positioned on the site of the 1797 boiler house, although the only feature associated with the Flax Mill that was revealed was a narrow brick culvert. Together this work indicates part of the proposed development site hold very high archaeological interest for sub-surface remains.

Recommendation:

A Heritage Impact Assessment has been submitted with the application which details what the effects the proposed development will have on the archaeological interest of the site. This further supplements the substantial body of existing information regarding the archaeological significance of the Flax Mill site, including the documents submitted with the 2010 planning applications (refs. 10/03230/FUL, 10/03233/LBC, 10/03237/OUT). It is therefore considered that the requirements of Paragraph 128 of the NPPF and MD13 of the Local Plan have been satisfied.

The Heritage Impact Assessment makes a number of recommendations to mitigate the impact of the proposed development on the sites archaeological interest. We confirm that we are in full agreement with the proposed measures. In view of this, in relation to Paragraph 141 of the NPPF and MD13 of the Local Plan, it is advised that a programme of archaeological work is made a condition of any planning permission for the proposed development. This should comprise an appropriate level of buildings recording, together with the investigation and investigation and recording of below ground remains.

**4.1.3 SC Conservation:**Proposal outline:

The proposal is for the repair and restoration of the Grade I listed Main Mill and Grade II listed Kiln; installation of structural strengthening solution; re-opening of windows to all floors; formation of visitor interpretation centre, learning space and cafe; restoration of upper floors for commercial use; landscaping and formation of car parking area (98 spaces) with improved accessibility across the site.

Methodology applied:

Guidance contained within the EH/HE publications including Conservation Principles (2008), Seeing the History in the View (2011) and The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (2015) have been referenced in the production of this response, together with policy MD2 and MD13 of the adopted SAMDEV plan, as this sits within the overall policies for the protection of historic environment as a pillar of sustainable development contained in the NPPF.

Policy context:

The proposal site is partially within the Conservation Area and comprises a Grade I and Grade II listed building, adjacent to and surrounded by a number of other associated buildings and structures, which are also listed. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD2 covering design and sustainable development principles and MD13 'The Historic Environment' of the adopted SAMDEV plan, as well as with national policies and guidance, particularly Chapter 12 of the National Planning Policy Framework (NPPF) published in March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 apply.

Design context:

The current proposals for the conversion of the Grade I listed Main Mill and Grade II listed Kiln and associated landscaping and enabling works have been the result of a long drawn out phase of investigation and development. The changes in this HLF stage II funding related application largely affect the structural solution and the window openings to all elevations, which have been designed to take account of financial considerations and technical constraints.

The proposals sit within the context of the wider master plan, as approved in outline form in 2010, and as such represent the first significant phase of implementing this permission. The conversion of the main mill to a mix of public and visitor interpretation space and commercial space for office and conference use, with a relatively light touch design scheme to the upper floors has evolved around the need for a solution to ensure the structural integrity of the buildings. The benefits of opening up all historic windows to each elevation far outweigh any harm caused, which is deemed to be negligible, to the setting of the asset. Fabric impacts are limited to what is necessary, and finishes have been selected and agreed during the pre-application process in order to mitigate and minimise any negative effect on the overall scheme.

Assessment:

The proposals are well thought out and respond to the constraints and context of this incredibly complex historic site. Our involvement and input to refine the details of the proposal during the design and development phases of this proposal have been taken on board, and this phase has resulted in what is the most pragmatic and sustainable approach to regenerating this part of the asset, acting it is hoped as a catalyst for the ongoing works to conserve and enhance the surrounding land and adjacent buildings on site.

This ensures that the development conforms with policies at a national and regional level for the protection of the historic environment and the promotion of lifetime homes through high quality design and Building in Context, and conforms to the relevant policies, as follows:

- NPPF Chapter 12 in particular
- MD2 and 13 of the SAMDEV plan
- Good Practice Advice Note 2 and 3 produced by Historic England
- Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Recommendation and conditions:

The exact colours of the paint finishes and internal flooring, doors and lighting shall be determined through a specific pre commencement condition, together with landscaping materials, which are not yet approved, as it is felt that further refinement is needed. All other matters are agreed and the proposals deemed a welcome step forward in securing the future of this significant structure.

We require, as a result of this work, to be satisfied that the revised proposals can be deemed to have negligible or less than substantial harm on the significance of these internationally significant heritage assets, and that any residual impacts are satisfactorily mitigated through design solutions and the wider public benefits from

bringing this long redundant site back into sustainable use

#### 4.1.4 **SC Highways:**

##### Observations/Comments (11/10/16):

Following the receipt of the background TRICS and traffic data, the Transport Assessment and Travel Plan have been reviewed and updated comments are set out below:

1. The Traffic Surveys, TRICS data and junction assessments are considered to be robust and the impact of the development traffic has been demonstrated as not being significant in the context of existing and expected future capacity issues on the adjacent highway network which would arise without the redevelopment of Flax Mill,

2. With regard to the proposed parking arrangements, the use of the TRICS data to calculate a peak parking accumulation is still of significant concern. The end-users of the office accommodation and visitor numbers are currently unknown and the turnover to match the capacity of the car parking available within the red-edged application site boundary may not actually occur. It is considered that the section in the Highway Advice Note dated 6th September 2016 relating to the Design & Access Statement (section 5.7 Vehicular and Transport Links) and the suggested future car parking provision has not been fully addressed in the response from IMA Transport Planning dated September 2016.

In considering a resolution to this issue, if some additional “overspill” parking could be identified and incorporated within the planning application for use in the event that parking demand exceeds the available capacity then this would go some way to alleviating the concerns over the parking accumulation. It is noted that the amended Site Plan (1821/P/002 rev H) includes an area within the blue-edge boundary (annotated as “former Haughmond Square”) under the control of the applicant. The vehicular access to this area is directly onto the A5191 and although in close proximity to the pedestrian crossing it would give some flexibility as the development progresses and in reviewing the effectiveness of the Travel Plan alongside the office and visitor parking. It is also not clear what opportunities exist in respect of the adjacent former bus depot site for the same purpose,

3. Whilst it is noted that the Travel Plan is a framework, it is not considered to be as positive or robust as it could be and is essentially the key to accommodating the office and visitor parking within the areas identified across the phased development. It is considered to be important that any future versions emphasise the importance of early intervention, including the way the site is promoted to new business/occupiers as a sustainable travel location and how this is then repeated during recruitment.

The concerns are that the first occupiers will likely have no problems parking on site which will be unlikely to secure full engagement with any travel plan/sustainable modes of travelling to work. The phased completion/letting will however, allow an initial travel survey to set a base-line against which



interventions can be planned and if necessary increased to ensure that sustainable travel is maximised. The parking capacity issues are likely to arise with the later phases of the development and/or when the visitor numbers are established at which time off-site local parking issues may become apparent. By this point established car use by occupiers of the office accommodation would be more difficult to change. It is therefore, essential that a robust Travel Plan regime is put in place at first occupation. Critical to this would be resources provided for a Travel Plan Co-ordinator with a budget to provide incentives to achieve a modal split targets related to the available car parking facilities as each phase of the development is occupied and alongside a continuous review of actual visitor numbers. It is also considered essential that there can be some restriction in the development or occupation of the office phases should the Travel Plan prove to be ineffective or if the early office occupations and visitor numbers are projected to exceed the available car parking capacity. It is considered that these requirements can only be secured under a Section 106 agreement,

4. The site is considered to have good potential for sustainable modes of travel, particularly walking and cycling, with signed pedestrian/cycle routes to the east and west. The bus station is also within a reasonable walking distance at less than 1 mile from the site. The Transport Assessment makes reference to the nearby Park and Ride service but does not mention how this is a relevant means of access to the site. A number of bus services are also identified within the Transport Assessment and Table 4 identifies those which serve stops close to the Flax Mill site. These services include the Arriva 24/25 services between the bus station and Harlescote Tesco at approximately 20- 30 minute frequency Monday to Saturday,

5. The proposed A5191 pedestrian crossing refuge is not considered to be wide enough to safely accommodate cyclists. The minimum width recommended is 2.5 metres, the provision of which would appear to reduce each of the through traffic lanes to below the recommended minimum. As mentioned previously, visibility to the south-west for pedestrians crossing from the Flax Mill site should be established as there is formal on-road parking immediately southwest of the Marshall's Court junction with the A5191,

6. Cycle parking locations are indicated within the D&A statement (Section 5.7) however, the number of cycles which can be accommodated at each location requires clarification and should be put in place prior to the visitor centre opening or the offices being occupied,

7. The changes to the temporary car park entrance from the A5191 to provide a 1 in 20 gradient are welcomed,

8. The medium refuse collection vehicle swept-path shown on PLAN 9 is noted, however, the surface materials suggested for this area of the site are unlikely to be suitable for the turning manoeuvres.

It is considered that the above represents the most positive way forward in progressing the application to an approval. Further consideration can be given upon receipt of information which addresses the points raised above.

(17.10.16): Further to the submission of the supplementary note to the Transport Statement and travel plan Shropshire Council as Highway Authority have provided the following comments:

We are satisfied that from a Highways perspective all matters have been satisfactory addressed and any outstanding issues can be addressed through the submission of a robust Travel Plan, and suitable planning conditions imposed.

In reference to the concerns raised with regard to parking, it is considered that in accordance with the supplementary note submitted by the applicant, that a full travel plan be submitted prior to the first occupation of the site, and reflect the phasing of the development. The submitted Travel Plan will be reviewed on an annual basis this will provide an opportunity to review the occupation of the development and the level of parking provision.

- 4.1.5 **SC Drainage:** The Drainage Strategy Report is acceptable in principle. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.
- 4.1.6 **SC Public Protection:** The Environment Agency must be consulted as the site is in excess of 2 hectares and is located on a Principal Aquifer with a potentially/known identified previous contaminative industrial uses.

ESI Ltd have reported on a Geoenvironmental Assessment; ref. 64382R1, June 2016. The overall aim of the site investigation and assessment was to identify and quantify any relevant risks from contamination in order to minimise future planning obstacles. The investigation covered the 'main site' that refers to the continuous site boundary incorporating the former flax mill, the bus depot, social club, Haughmond Square, former Salop Glass and Rexal Senate Units and Sayce's yard and the Railway Triangle to the West that is separated by a footpath. Risks to human health and controlled waters have been identified and remediation is required.

This planning application is essentially for repair and restoration to the main building but includes landscaping and formation of a car parking area over the Railway Triangle with improved accessibility across the site. Accordingly, most of the proposed works are not affected by the presence of contamination.

The exception to this is the area of the proposed car parking in the area of the Railway Triangle. Elevated soil concentrations of lead and cadmium were identified during recent site investigation works and asbestos fibres and asbestos containing materials were identified in previous investigations in this area. However, any likelihood of potential exposure would be effectively removed by the placement of hard-standing (i.e. road, pavements, tarmac etc.) which is the subject in part, of this planning application.

I note from the Design and Access Statement that there are also areas of soft-landscaping (i.e. trees, shrubs) proposed and a cover system will be needed for

these areas. ESI recognise that a detailed remediation strategy will be required subject to the final development plans for the site as a whole but for the time being a remediation strategy should be required for this area to ensure that the risks are managed.

#### 4.1.7 **EA:**

##### Contaminated land / controlled Waters

We are currently in ongoing discussions with the groundwater consultant (ESI Consulting) and will be meeting them in due course to discuss how to best manage and mitigate the site with regard to controlled waters. Whilst discussions are ongoing the correspondence from ESI (Dated 12 September 2016), and subsequent discussion, has provided sufficient assurance with regard to the potential impact on controlled waters and allows us to offer the following Conditions for your consideration at this time. Whilst we offer these Conditions now, in consideration of the timescales for this application, we will provide further justification prior to determination to allow an understanding as to the need for the below.

Please note that we are only commenting on controlled waters and the LPA contaminated land officer must be consulted in relation to human health and gas issues.

##### Foul Drainage

We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

##### Export & Import of wastes at site

Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

#### 4.1.8 **SC Ecology:**

##### Preliminary Ecological Assessment

An ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken in spring and summer 2016, in order to provide an update on the previous 2012 survey by Middlemarch Environmental Ltd. The survey identified only minor habitat changes and there were no significant ecological changes. Part of the area covered, to the north, lies outside the current red-line boundary and does not form part of this planning application.

##### Bats

The desk study revealed records of seven species of bat within a 2 km radius of the survey area. The bats within the mill complex have been studied since 2007 by various consultants, the results of which are summarised within Middlemarch

Environmental Ltd Report Number RT-MME-122753-01 Revision 2. During 2012 and 2013 the surveys were updated and a bat mitigation strategy was developed. These are reported within Middlemarch Environmental Ltd Report Numbers RT-MME-122753-01 Revision 2 and RT-MME-122753-02 Revision 4). This mitigation strategy was provided to the council as part of the previously approved planning permission and a licence was subsequently obtained from Natural England. The 2013 bat mitigation strategy was based upon the mill complex being undertaken in two stages and providing alternative space for the bats as the building works progressed.

Due to delays in the scheme, this is no longer the case. Some of the bat mitigation has been installed and is being utilised by bats as identified within the subsequent bat monitoring reports. Bat mitigation has been installed in the Apprentice house, an underground chamber and a new bat loft installed in the Stable Block. The bat mitigation will remain the same as previously agreed with the exception of the timescales of works which will require altering and an amendment to the existing bat licence will be submitted to Natural England. The exact timescales of works have yet to be determined and are dependent on a number of factors including the date of any planning permission and the contractor tender period. However, given the scale of the project, it is possible to programme the works to avoid key areas at critical times (e.g. avoiding works to the Jubilee Tower, a former maternity roost location during the bat maternity season).

Given that the same mitigation as agreed in the previous planning permission will be installed which was granted a licence from Natural England, combined with the fact that key bat areas can be avoided at the required times of the year, the local bat population can still be maintained at a favourable conservation status. A 3 test matrix form has been submitted with this consultee response and the Favourable Conservation Status test has been completed. The planning case officer must complete the first two tests and planning permission can only be granted if all three tests can be passed. The 3 test matrix must be attached to the committee report and should be brought to the councillor's attention for consideration.

In my previous responses for 12/04435/FUL I said I was concerned about the provision for bats in Phase 2 (drawing C112753-02-03 (November 2012)). I asked for the building of the bat house to be brought forward as soon as possible in Phase 1, and provision made for its retention and maintenance, together with other mitigation features, for the life time of the development. The condition placed on the 12/04435/FUL permission should be repeated on the decision notice for this application if permission is granted.

#### Lighting and landscaping

Appropriately designed lighting for the site including the car park is essential to ensure that the mitigation measures installed for bats can be utilised by them. The main commuting routes for bats to and from the site are across the railway line and the proposed car park. Dark commuting routes were shown in the revised drawing C112753-02-28 (April 2013) in reference 3 above. Lighting has been shown on several plans but in key places I believe the dark bat commuting routes have been compromised. This can be remedied by localised revisions to the lighting plan, with

localised modifications to the landscaping and, in the extreme north end of the car park, the parking spaces. Following my previous response, a slight change has been made on amended plan Drawing number 1821/P/002 Rev H, but this still does not comply with the licenced mitigation strategy (see drawing C112753-02-28 (April 2013)). There also appears to be a potential dark route across the back gardens of the houses at the southern end of the car park (close to the Stable Block) dependant on minor changes in lighting.

The car park was initially shown to be lit by up to 4m high columns embedded in the trees, the only landscaping proposed for the site (but then amended to 6.5m high). This is likely to form a barrier for commuting bats. In order for the species which are more sensitive to light to reach the Old River Bed and other foraging areas, light levels at the northern end of the car park must be reduced. This is also the location of the proposed bat house for the later stages of the phased development. I would be happy to discuss the details of this with the applicant and their agent/consultants in order to discharge the suggested lighting condition.

#### Birds

The Preliminary Ecological Appraisal states that swifts are known to nest within the Flax Mill and Cross Mill and the proposed works are likely to impact upon them. Measures will need to be taken in to prevent disturbance of nesting birds and enhancements for this species have been recommended. Swift nesting boxes should be installed on the Apprentice House and the nesting entrances on the Flax Mill (or other areas which will be impacted) blocked up by the third week in April. Swift calls should also be played near the new swift boxes on the Apprentice House to attract the swifts and encourage them to use these new nesting boxes. Opportunities to install artificial swift nests on buildings once works have been completed should also be identified as the Apprentice House is due to be converted in later phases of the development.

#### Other wildlife

The Preliminary Ecological Assessment states that whilst areas of suitable habitat present on site are limited, it is considered possible that reptiles and amphibians might pass through the survey area. As such, to avoid negatively impacting upon any herpetofauna on site, it is recommended that the areas of tall herb and scrub are strimmed back, in a directional manner towards the northern and eastern site boundaries, immediately prior to works commencing to encourage any reptiles and amphibians present to move elsewhere.

A confidential addendum to this consultee response (in relation to badgers) has been forwarded to the planning case officer.

- 4.1.9 **SC Trees:** These comments relate to the proposed car park which falls within the Conservation Area. This area of disturbed / unmanaged land has become self-seeded with trees and scrub. This is all proposed to be cleared and a car park developed on this area. A planning approval would negate the requirement to submit a 211 Conservation Area Notification for this clearance, unless work was to commence prior to an approval being granted. The landscape plan shows new formal tree planting for the carpark consisting of 34 fastigate Limes and 4

Hornbeams of semi mature size which I support for shading and enhancement of the area. Trees are otherwise not a feature of the redevelopment due to the nature of the site.

#### 4.1.10 **Natural England:**

Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment<sup>1</sup> for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process. In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

##### Protected species

Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05)<sup>2</sup>.

Natural England has produced standing advice, which is available on our website Natural England Standing Advice to help local planning authorities to better understand the impact of particular developments on protected or BAP species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.

##### Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

##### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section

40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

## 4.2 - Public Comments

4.2.1 **Association for Industrial Archaeology:** The proposal to re-open the windows will not only enable the building to be re-used more easily, it will also show to a greater extent what the flax mill would have looked like when first constructed. (It is noted that the smaller windows of the malting phase are to be retained.) With one exception, the Association is supportive of the proposals. That exception is that the opening of the windows to the fourth floor results in the cutting through of the painted banner sign-age which at present is "Allbrew Maltsters Limited Shropshire Maltings". The visualisation indicates that this is to be replaced by "Shrewsbury Flaxmill Maltings", still cut through by the re-opened windows. This raises two points. The first is the removal of authentic sign-age, which is a part of the building's history, and replacing it by a clumsy new made up name. This is extremely regrettable in what is an otherwise excellent set of proposals to safeguard the future of these buildings. If it is felt that a maltings sign-age is no longer appropriate on the front of the building, it would be better to remove it altogether by painting over it and leaving it as shown a photograph on page 10 of the Heritage Impact Assessment, or page 9 of the Design and Access Statement. However, if either the Allbrew Maltsters sign or the new sign is to be cut across by the windows, then some way needs to be found to show the whole sign, not part truncated letters, such as by means of a gauze across those windows or even external shutters to them.

Therefore, the Association is supportive of this application with the one exception details of which are given above. Recording to be carried out as appropriate.

4.2.2 **Shrewsbury Civic Society:** The Shrewsbury Civic Society welcomes the progress being made, at long last, by Historic England and other bodies to ensure the preservation of what is arguably the most important building in Shrewsbury. We are

concerned, however, that its international status may be subordinated to local interests. Whilst its later history as a Maltings is important -that part of its history is well within living memory of a great many local people; its 'iconic' status (that much overused word is apt in this case) lies in its revolutionary structure as a mill building. The intention of the current planning application to reopen the original large window openings will have the effect of revealing the original intentions of the builders but the simultaneous retention of the smaller window openings created when the building became a Maltings will surely create confusion both visually and in the understanding of the visitor. No doubt Historic England and its advisors, with the best of intentions, have weighed up the arguments for and against the arrangement of fenestration but we believe that, if only for the sake of clarity, only the original mill window openings should be retained - at least in the main building, in order to retain the integrity and significance of the original conception. It is to be hoped that upon the completion of the restoration, the Flax Mill may be a worthy candidate for World Heritage status. This may, however, be jeopardised by the decision to dilute the primary conception of the builders. Even at this late stage the Shrewsbury Civic Society urges Historic England to reconsider this part of the current application.

- 4.2.3 **Shrewsbury Town Council:** Is highly supportive of the development of the Flax Mill and associated buildings to create a mixed-use facility which will provide modern employment space as well as an important visitor space that will aid the promotion and enhancement of the Flax Mill's reputation and national/international standing.

However in supporting this application there are implications to the local residential amenity of the area we feel must be addressed to ensure that this development sits in harmony with its surroundings. Members feel that the transport plan needs greater consideration to the impact on the local residents, particularly those of Marshalls Court.

Accepting that a carpark is probably the most effective use for the rear of the development site given (i) its potential flood risk and (ii) the potential contamination of this site members would like to see mitigation measures enhanced for this area; these should include:

- (i) Enhancements to the junction onto St Michaels Street to allow for better traffic management accessing and egressing the development site;
- (ii) The use of traffic Regulation Orders and/or Residential Parking along Marshalls Court to restrict opportunist parking off site;
- (iii) Changing the vehicular access into the carpark from the end of Marshalls Court to its existing access. In so moving the road layout greater provision could be made to creating landscaping that would attenuate any surface water run-off from the carpark;
- (iv) Losing a row of carparking places to the rear of Marshalls Court to enable bunding and landscaping;



(v) Ensuring all lights are positioned to downlight the carpark and do not pollute the area unnecessarily with light;

(vi) Use of CCTV (with possible hook-up to the town centre CCTV system) within the carpark;

(vii) There be minimum height restriction barriers to restrict vehicular traffic height;

(viii) Conditions on the operating hours of the site.

We are aware of comments raised by the Council's traffic management consultant questioning the adequacy of the transport plan and the plans for 98 parking spaces to service nearly three times as many users.

Members feel that serious consideration needs to be given to these points ahead of any final decision being made.

In view of the strategic importance to this development and the somewhat sensitivity of the site locally, we would respectfully ask that this application is considered by the Central Planning Committee.

#### 4.2.4 **Sustainable Transport Shropshire:** (Comments summarised below and available in full on the file)

- ❑ Does not consider that the proposal promotes sustainable transport solutions as required by local and national policy.
- ❑ Considers that the development provides an opportunity to create a sustainable transport network in the North of Shrewsbury that enhances access to the Flax Mill site as well as the North Shrewsbury area.
- ❑ Whilst a Travel Plan will be part of the proposed development unless certain infrastructure changes are put in place in advance considers that even a determined Travel Plan Co-ordinator will have limited scope for reducing car transportation below 10-15% level.
- ❑ Suggests actions and proposals that they consider approval of the planning application should be conditional on these being met.
- ❑ Bus route 24 and 25 re-routed past the Flax Mill and for them to become cross town services linking North Shrewsbury to the Hospital and Bicton and to Meole Brace and Bayston Hill.
- ❑ Park and ride to become a cross town service so that the Meole Brace and Oxon routes could operate through to Harlescott and vice versa.
- ❑ Provision of a specially branded service 'the World Heritage explorer' or similar to make it easy for visitors to reach historic visitor attractions and

anchor the Flax Mill to the Ironbridge brand.

- ☐ Suggests new and improved cycle routes and the provision of sheltered cycle parking.
- ☐ Car club sharing and private car sharing.

4.2.5 14 letters of objection have been received from and on behalf of residents in Marshalls Court summarised as follows:

- ☐ The proposed parking within the 'railway triangle' is directly to the rear of Marshalls Court resulting in noise and disturbance to residents and will make a currently quiet residential area very busy.
- ☐ The provision of a 98 space commercial car park accessed off a cul-de-sac that serves less than 30 dwellings is bad planning practice.
- ☐ The provision of 98 parking spaces for up to 320 office workers is not sufficient resulting in parking in the streets nearby.
- ☐ The car park design itself is flawed with no facility for vehicles to circulate efficiently and when the car park is full potentially resulting in vehicles having to reverse into Marshalls Court.
- ☐ It is proposed that the car park will be pay and display and therefore the surrounding streets will become congested with parked cars not wanting to pay.
- ☐ The increased traffic will be hazardous for pedestrians and result in congestion in Marshalls Court and on the main Road.
- ☐ It is proposed that coaches will use Marshalls Court to drop off passengers and to turn and this will result in obstructions and in addition to the increased traffic to the car park and on street parking will be potentially hazardous to pedestrians.
- ☐ There is no security for the car park such as CCTV or height restrictions to stop unwanted and larger vehicles entering the car park.
- ☐ The proposed Lime trees along the rear boundary of 2-10 Marshalls Court and within the car park will block sunlight to the rear gardens and the proposed lights will light up homes at night.
- ☐ The proposed car park appears to encroach onto the rear access path to the gardens of 2-10 Marshalls Court.
- ☐ The proposed car park will result in the loss of green space and this area that is currently peaceful and full of wildlife will be replaced by car pollution, noise and street lighting.

- ② The use of the land for car parking will result in a loss of privacy for residents.
- ② The regeneration of the flax mill should not be to the detriment of existing residents.
- ② Consider that this proposal with the car park included in this location will do more harm than good to the area and will devalue adjacent properties.
- ② The inadequate parking arrangements might impact on the success of the future restoration project as tenants and visitors might be put off because of difficulties experienced in car parking.
- ② There is a large amount of other land that could be used for parking such as the former bus depot site.
- ② Historic England (Flaxmill's partners and friends) have an existing car park provided out of EU social fund and lottery funding and on occasions have forgotten to open the gates when functions are being held resulting in congestion in Marshalls Court.
- ② Marshall Court properties are at risk of flooding as searches on purchasing house revealed 'a risk of river flooding, surface water flooding, groundwater flooding and shows historic flood events. The provision of parking that is not satisfactorily drained would increase that risk.
- ② The EA have rejected the Site Investigation for its inadequacies and omissions, and have raised their own concerns about potential environmental hazards being overlooked in the study
- ② Further professional investigation needs to take place in order to ascertain the extent of contamination on site and its safe remedy and to ensure that local residents health is not put at risk during any of the development of the site.
- ② No notices have been displayed and there should be a public meeting to give residents the opportunity to discuss their concerns and put forward any questions they may have regarding the proposals.
- ② Even though immediate residents were notified and a site notice displayed on the entrance gates (dated 26 July 2016) in the interests of transparency and collaboration wider public consultation should have been undertaken by the applicant.

## 5.0 THE MAIN ISSUES

The main issues in determining this application are:

Principal of development  
 Character and appearance  
 Highways/Transport  
 Impact on residential amenity  
 Ecology  
 Trees  
 Flood risk and drainage  
 Contaminated land

## 6.0 OFFICER APPRAISAL

### 6.1 Principal of development

6.1.1 The principal of development has already been established by the previous outline permission (10/03237/OUT) and full planning permission (10/03230/FUL). The latter included the repair and re-use of the Main Mill, Warehouse, Malt Kiln and Cross Mill for Business Use (B1) and Non-Residential Institutions (D1), landscaping of areas around the Mill, provision of a temporary car park, demolition of north silo and demolition of all non-listed buildings. This full planning permission was granted in November 2010 and condition 1 gave 10 years for implementation. Although there is an extant permission in place this new application has been submitted as the proposed use for the Main Mill and Malt Kiln is slightly changed from the previous permission in that the upper floor of the main mill was previously proposed to be used for education (D1 use) and not B1 use. The proposal also indicates changes to the proposed internal layout (that was previously divided up). In addition the previous approval provided a temporary car park on the site of the bus depot with the provision of 120 car parking spaces. This application does not include this but includes the provision of a 98 space car park on the land referred to as 'the railway triangle'.

6.1.2 Notwithstanding the above section 38(6) of the Town and Country Planning Act requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the Core Strategy 2011 and the Site Allocations and Management of Development Plan (SAMDev Plan) 2015 which post date the previous approval.

6.1.3 The most relevant Core Strategy and SAMDev policies with regards to the proposed use (visitor centre and business use) are:

CS2: Shrewsbury Development Strategy  
 CS13: Economic Development, Enterprise and Employment  
 CS16: Tourism, Culture and Leisure  
 MD1: Scale and Distribution of Development  
 MD4: Managing Employment Development  
 MD9: Protecting employment areas

MD11: Tourism Facilities and Visitor Accommodation  
S16: Shrewsbury area settlement policy

6.1.4 CS2 identifies that:

*‘The Shrewsbury Northern Corridor will be improved in accordance with the aims of the Northern Corridor Regeneration Framework, with the restoration and redevelopment of the Ditherington Flaxmill site and the enhancement of major existing commercial, employment and mixed use areas a priority’*

S16 identifies that development proposals within the Shrewsbury Northern Corridor should have regard to the priorities of (amongst others):

*‘the restoration and redevelopment of the Ditherington flax mill site, including associated mixed use development’.*

The wider flax mill site is an allocated housing site (SHREW198) with the following development guidelines:

*‘Mixed use development to have regard to the adopted masterplan for the re-development of the Flaxmill and adjoining land and buildings, to include approximately 120 dwellings. The redevelopment will comprise of the repair and reuse of historic buildings to create workspace and associated cultural activities, new retail/commercial office and residential development, associated access, landscaping and car parking, with demolition of non-listed buildings’*

The site is also identified and safeguarded for employment use on the Policies Map and protected for employment use under MD9. The proposal is therefore considered to accord with policy CS2 and S16.

6.1.5 With regards to the proposed employment use and visitor facilities it is considered that the proposal accords with the aims and objectives of the relevant policies identified, with the site being within a sustainable location less than a mile from the centre of Shrewsbury. The proposal represents sustainable development of a brown field site and provides the opportunity for the restoration and re-use of an internationally significant grade 1 listed building, bringing social and economic benefits both for the immediate locality and Shrewsbury. The other policy considerations, key issues and the specific details of the proposal are considered below.

## 6.2 Character and appearance

6.2.1 The proposal is partially within a conservation area and affects a listed building and has the potential to impact on these heritage assets. The proposal therefore has to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving or enhancing the character or appearance of a Conservation area and preserving a listed building or

its setting or any features of special architectural or historic interest which it possesses as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.2.2 A full Heritage Impact assessment has been submitted as required by paragraph 128 of the NPPF. The impact on the internal historic fabric of the building has been considered within the report for the application for listed building consent and this report for full planning permission will only consider the impact of the proposal on the character and appearance of the building and the locality.
- 6.2.3 The major visual change externally is the re-opening of the former Flax Mill openings with new simple aluminium tripartite windows formed in the openings and painted black and the smaller Maltings windows restored with a new glazing system and painted reddish brown (the original colour for the Maltings joinery). This will enable the external walls to be repaired and their structural integrity restored. A sample bay has been undertaken which demonstrates that these alterations can be undertaken successfully.
- 6.2.4 In addition it is proposed that the existing painted sign which displays the words 'ALBREW MALSTERS LIMITED SHROPSHIRE MALTINGS' is to be replaced with 'SHREWSBURY FLAXMILL MALTINGS'. The openings of the fourth floor will cut through some of the lettering of the proposed sign.
- 6.2.5 Both the Association for Industrial Archaeology (AIA) and the Civic Society whilst supportive of the proposal overall, have reservations about the proposed sign and the treatment of the windows respectively. The AIA consider that the 'ALBREW...' sign is part of the buildings history and if not retained should be painted over altogether or if retained or replaced by a new sign then a way needs to be found to show the whole sign such as a gauze across the windows or external shutters.
- 6.2.6 The Civic Society consider that the retention of the smaller Maltings openings in addition to opening up the original larger Flax mill openings will create confusion both visually and in the understanding of the visitor. The Civic Society consider that for the sake of clarity only the original mill window openings should be retained in order to retain the integrity and significance of the original conception.
- 6.2.7 Historic England have provided a response to both of these concerns and outline that the project team has *'sought to develop a philosophical approach which acknowledges the significance of the change from Flax Mill to Maltings and provides a framework for a new third age referred to as Shrewsbury Flaxmill Maltings. The approach seeks to retain existing fabric where it can serve a practical use or contribute to understanding. It seeks to use traditional materials to repair the existing fabric and introduced new materials where they are required to support the new use as a clearly defined new layer'*.
- 6.2.8 This approach is supported by officers and Conservation and it is considered that removal of the Maltings windows whilst perhaps restoring the building to its original form would result in the loss of an important aspect of its history. It is considered that the relationship between the two historic functions and the corresponding

design requirement is part of the significance of the building that would be lost if the proposal was to restore the building to its original form.

- 6.2.9 Similarly the new name for the building ‘Shrewsbury Flax Mill Maltings’ serves to acknowledge its previous historic uses but at the same time give it a new name to which it can be referred during this next phase of the buildings history. The ‘ALBREW ...’ signage in any case painted over the previous ‘WILLIAM JONES & SON...’ signage which is now lost on this elevation but still evident on the Dye House. The ‘ALBREW ...’ signage on the gable end of the Cross Mill is however proposed to be retained and will serve as a reminder of this phase in the buildings history.
- 6.2.10 If the ‘ALBREW ...’ sign was to be retained across the front of the main mill then only 30% of it would be visible due to the restoration of every two of three Flax Mill Windows. The proposed ‘SHREWSBURY FLAX MILL MALTINGS’ sign will have a much larger proportion of its lettering visible so that it will be easily recognisable and legible.
- 6.3.11 It is considered that the suggestion of covering the windows with gauze or the use of shutters so that the letters can be viewed in full would adversely impact on the appearance of the building by introducing a feature not evident during its previous use and would also restrict light to the inside. It is also not considered necessary for the letters to be seen in full and that the words will still be legible in their truncated form.
- 6.2.12 It is considered that subject to compliance with suggested conditions the alterations and additions required to convert the building to its proposed new use would preserve and enhance the character and appearance of the building and the locality as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposal would have negligible or less than substantial harm on the significance of these internationally significant heritage assets and that any residual impacts are far outweighed by the benefit of bringing this long redundant site back into sustainable use.

### 6.3 Highways / Transport

- 6.3.1 Paragraph 17 of the NPPF states that planning should:

*‘actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable’.*

Core Strategy CS6 (Sustainable Design and Development Principles) requires proposals likely to generate significant levels of traffic to 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 to be reduced’.*

- 6.3.2 Sustainable Transport Shropshire (STS) has provided a comprehensive response to this proposal and consider that it fails to meet the above objectives and those of

other relevant local and National policies identified. They are of the view that the development provides an opportunity to create a sustainable transport network in the North of Shrewsbury that enhances access to the Flax Mill site as well as the North Shrewsbury area and that the proposal as submitted does not promote sustainable transport solutions.

- 6.3.3 The proposal is accompanied by a Transport statement/assessment and Travel Plan Framework in addition to a supplementary statement to these documents. Highways have confirmed that the site is considered to have good potential for sustainable modes of travel, particularly walking and cycling and confirm that the train and bus station are both within a reasonable walking distance at less than 1 mile from the site and that a number of bus services stop near the site. Whilst it might be desirable to require the applicant to provide some or all of the suggestions of the STS to promote sustainable modes of transport all of these suggestions are not essential to make the proposal acceptable and would not all be directly related to this development. It would therefore not be reasonable or necessary to require developer contributions towards these as it would fail to meet the tests for imposing conditions or planning obligations.
- 6.3.4 The mechanism for promoting sustainable transport is a Travel Plan and Highways initially advised that whilst the submitted Travel Plan provided a framework, it was not considered to be as positive or robust as it could be and advised that a S106 might be required to secure a revised more robust Travel Plan. Highways have now confirmed that a condition requiring the submission of an annual Travel Plan (to ensure sustainable transport is promoted and to provide an opportunity to review and monitor on an annual basis the occupation of the development and the level of parking that reflects the phasing of the development) can be adequately controlled by condition.
- 6.3.5 A number of objections have been received that indicate that the parking provision of 98 spaces for approximately 280 staff in addition to visitors is insufficient. The proposal does also include the retention of the existing temporary car park at the front of the site to accommodate up to 56 cars in the short term and the provision of additional parking on the Apprentice House site as part of the future development of the Spring Gardens site. There have been suggestions that the former bus depot site could be used for parking but this site would not be available permanently as it is allocated for housing within the Masterplan and could only therefore be used for event overspill parking in the short term. The future Travel Plan will help inform the amount of car parking spaces required to be provided, as the development and occupation of the site progresses. Promoting alternative modes of transport and revisions to the travel plan on an annual basis should however help reduce the demand for car parking spaces.
- 6.3.6 The applicant has confirmed that there is a maximum number of 280 for the commercial space due to health and safety reasons, but in practice it is expected to be lower than this. The number of vehicles using the operation has been carefully calculated and the maximum number used to determine the number of car parking spaces and that these will only be taken up on 2- 3 event days per year when other arrangements can be put in place The applicant within the supplementary



statement has advised that the level of parking proposed on the site accommodates the maximum forecast parking accumulation and that the travel plan will reflect the gradual growth of occupancy on the site with the employment element of 70 employees per floor released one floor at a time and that each floor will see a gradual take up of space.

- 6.3.7 Should the annual review of the Travel Plan indicate that insufficient parking is provided then additional parking will be required to be provided as part of the action plan and implemented prior to the occupation of each floor. As the full occupation of the building will not be immediate but will increase over a period of time and as more of the whole site becomes developed more parking will become available and it is considered that the number of parking space indicated is sufficient for the initial phases of this development.
- 6.3.8 The proposal also includes the provision of a pedestrian crossing refuge to the NE of the junction of Marshalls Court with the A5191 and the design of this will be subject to condition. The proposal also includes cycle parking and changes to the temporary car park entrance and the applicant has agreed with Highways that the exact details of access, cycle provision and turning areas within the site will be also be subject to conditions.
- 6.3.9 In conclusion on highway and transport matters it is considered that the site is located in a sustainable and accessible location where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced as required by the NPPF and CS6. The requirement for a travel plan and action plan to be reviewed and approved annually will ensure that sustainable transport solutions are promoted and that adequate parking is provided. Highways have no objection to the proposal subject to the imposition and compliance with the suggested conditions and it is not considered that the proposal would result in a significant increase in traffic or congestion in the locality or local highway network. Paragraph 32 of the NPPF advises that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

#### 6.4 **Impact on residential amenity**

One of the core planning principles of the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and building. Core Strategy CS6 requires development to contribute to *'the health and wellbeing of communities, including safeguarding residential and local amenity'*.

- 6.4.1 The existing buildings, apart from the visitor centre within the converted office and stables, are currently unoccupied and the majority of the site is not in use other than during open days. The site therefore currently creates little impact on the occupiers of adjacent and nearby residential properties in terms of any noise or disturbance. However the proposed new use of the Main Mill and Kiln and the area around and immediately in front of the buildings will result in an increased movement of people and vehicles to and from and around the site compared to its current use. The site is located within a busy urban area adjacent to a main railway

line and a main traffic route into the town centre. It is considered that the proposed use of the buildings and the areas immediately surrounding them, by visitors and future commercial tenants would have no significant impact through general noise and disturbance on the occupiers of the adjacent properties due to the existing context and background noise.

- 6.4.2 The main objections to the proposal in terms of impact on residential amenity relate to the provision of a car park for over 90 cars in the area referred to as the 'railway triangle' proposed to be accessed off Marshalls Court and situated directly to the North of these residential properties. The objections relate to a number of issues relating to the use of this land for car parking and those relating to flood risk, contaminated land and lighting will be addressed later within the report. In particular the submitted lighting is not approved and a condition will be imposed requiring details of the position and lighting levels for the car park to be submitted for approval. It is not considered that an approved scheme of lighting for the car park area would have any greater impact on residential amenity than usual street lighting in an urban residential area.
- 6.4.3 The main issues raised with regards to the car park and impact on residents relate to overspill car parking in the surrounding streets due to the car park being full or people not using it to avoid paying. However whether or not the car park is full or whether it is free car drivers will still park their cars in surrounding streets where it is convenient and legal to do so. Even if a car park could be located elsewhere within the larger site this would not prevent drivers using up all available street parking. Parking in the street in itself would not have a significant impact on residential amenity and street parking is not permitted that would block private drives or accesses. The TC have suggested the use of Residential Parking permits but the Marshalls Court properties have sufficient off-street parking so it is not justifiable to restrict on-street parking to residents only.
- 6.4.4 Some residents and the TC have expressed concern about the increase in traffic (including coaches) to Marshall Court and that this would have highway safety implications for both Pedestrians and vehicles. However the coach drop-off has been relocated to the front of the main access gates and Highways have no objection to the proposal in respect of impact on highway safety. It was suggested to the agent that the car park access could be moved to be accessed from the existing track to avoid cars passing in front of the Marshalls Court properties but it is considered that in terms of highway and pedestrian safety it would be preferable not to increase traffic using the track which is predominantly for cyclists and pedestrian use.
- 6.4.5 Residents are also concerned that the use of the railway triangle for parking will result in a loss of privacy and general noise and disturbance in the land behind their properties and that the planting of trees will result in a loss of light . However it is considered that the use of this land for parking would have much less impact on residents than a development for housing or offices for example. In addition as the car park is situated North of the properties it is considered that any tree planting would not result in overshadowing or loss of light.

- 6.4.6 Residents have questioned the level of consultation and community involvement in the project and requested a meeting. All immediate neighbours were notified and a site notice displayed on the gates when this application was received. The application has evolved since 2004 when a public consultation exercise was carried out which included leafleting local residents and public meetings. In 2010 a revised masterplan, which identified car parking as the most suitable use of the Railway Triangle, received outline consent. This plan built on the Northern Corridor Regeneration Strategy and was widely discussed at public scrutiny meetings, Flax Mill public open days and at a planning committee meeting. Prior to the submission of this application the proposals have been on show at the Flaxmill Visitor Centre since the 16th of June 2016 and advertised in the Shropshire Star. It is therefore considered that the applicant has adequately engaged in pre-application public consultation.
- 6.4.7 In addition the applicant has reviewed the public comments received and responded to the issues raised within a letter to all residents and an invitation to a further public consultation to answer any questions held at the Flaxmill Maltings from 12.00 on 5th September 2016. Since that meeting only one letter of objection has been received on behalf of residents that raise no new issues.
- 6.4.8 To address some of the residents concerns the applicant has revised the drop off point for coaches (as all ready referred to) and has agreed that CCTV will be added to the street lighting in the car park (to help monitor and deter any anti-social behaviour) and has confirmed that they will investigate the installation of height barriers to prevent unauthorised access to the car park.
- 6.4.9 In response to residents concern that the drawings indicated that the path to the North of 2-10 Marshalls Court was mistakenly shown to be included within Historic England's ownership, amended plans have been received that rectify this and the applicant has confirmed that no works are proposed on the path and that access for residents will be maintained during and on completion of the works.
- 6.4.10 It is acknowledged that the provision of a car park to the rear of properties and accessed via Marshall Court will bring some increase in the level of noise and activity in the locality. However as outlined above it is considered that it would not have significant adverse impact on residential amenity that would justify a refusal of the application.
- 6.4.11 Some residents have questioned the impact on the value of their properties but this is not a material planning consideration. This proposal represents the start of a wider investment in the regeneration of both this site and the wider area that will provide improvements to the environment for existing residents. It is considered that the proposal would enhance the locality making it a desirable place to live and would have no significant adverse impact on residential amenity and is therefore considered to accord with CS6.
- 6.5 **Ecology**
- 6.5.1 Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2010

provides that '*A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions*'. Therefore the ecological implications of the proposal needs to be considered in determining this application for planning permission and as also required by CS6, CS17 and MD12

- 6.5.2 The relevant ecological surveys have been undertaken and a full ecological report including mitigation strategy has been submitted. A reptile survey discovered no reptiles or amphibians; feral pigeons, house sparrows and swifts were found to be breeding within the buildings and endangered species of bats have been confirmed to be roosting within the complex of buildings.
- 6.5.3 The submitted badger report and the Ecologists comments are confidential. An informative advising the developer of the protection afforded to badgers under the Protection of Badgers Act 1992 is recommended.
- 6.5.4 A mitigation strategy and a licence application have been agreed as part of the previous approvals and implementation has commenced. An amendment to the existing licence will be required due to the changes in the proposed timetable for the mitigation strategy. The Councils Ecologist is not satisfied with the current lighting proposal particularly to the proposed car park and therefore a condition is recommended to require a full lighting strategy be submitted prior to the erection of any external lights. When submitted the lighting levels proposed will be reviewed in relation to ecology and impact on residents.
- 6.5.5 The 'European Protected Species 3 tests matrix' has been completed (see appendix 2). It is considered that the mitigation scheme satisfactorily justifies how the proposed development will not be detrimental to the local bat population that can be maintained at a favourable conservation status within their natural range provided that the recommended conditions are imposed and complied with. It is therefore considered that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and accords with Local plan policies CS6, CS17 and MD12.

## 6.6 **Trees and landscaping**

- 6.6.1 There are no trees on site that are covered by any Tree Preservation Order and there are none that are of any significant or important amenity value. The railway triangle has become self-seeded with trees and scrub and there is no objection to their removal. The proposal includes the formal planting of trees within the parking area proposed for the railway triangle which will enhance the appearance of this currently unmanaged and neglected area.
- 6.6.2 There is no soft planting proposed around the buildings due to the nature of the site. The hard surfacing of the site, any change in land levels and the erection of any retaining walls or steps, planters, benches, cycle stands etc. would impact on the character and appearance of the locality and the setting of the Listed Buildings and needs to be carefully considered. A landscape development framework has been submitted but it is considered necessary to impose a landscaping condition

requiring full soft and hard landscaping details to be submitted for approval.

## 6.7 **Flood risk and drainage**

6.7.1 The submitted drainage strategy report has identified that the application site lies wholly within Flood Zone 1, a low probability flood zone where land has less than a 1 in 1000 annual probability of river or sea flooding in any one year. In flood risk terms the site is suitable for all development types. Attenuation of storm water is proposed as part of the drainage scheme, which will assist in reducing the risk of surface water flooding on site and in the locality. Drainage has confirmed that the drainage strategy is acceptable in principle but that the details can be subject to condition. The Environment Agency also has no objection to the proposals on flood risk grounds.

## 6.8 **Contaminated land**

6.8.1 Disturbance and/or new uses of land that is potentially contaminated has implications for both controlled waters and human health. Public Protection has confirmed that risks to human health and controlled waters have been identified and that remediation is required but that the majority of the works proposed are not affected by the presence of contamination apart from the proposed car parking area within the 'railway triangle'. Public protection have confirmed that a remediation strategy is required prior to works commencing on the car park and has suggested a condition requiring details to be submitted for approval.

6.8.2 The EA are currently in ongoing discussions with the consultant as they were not initially satisfied with the initial level of investigation with regards to impact on controlled waters. The EA have provided additional comments and have recommended a planning condition requiring the submission of a site investigation report and mitigation measures should details not be submitted prior to the determination.

6.8.2 Subject to the imposition and compliance with the recommended conditions it is considered that the proposed development will not present a risk to human health or result in the pollution of controlled waters. Members will be updated regarding the necessity (or amendment of the suggested conditions) if additional information or comments are received prior to committee.

## 7.0 **CONCLUSION**

7.1 The principal of development has already been established by the previous permissions and it is considered that the proposal represents sustainable development of a brown field site that provides the opportunity for the restoration and re-use of an internationally significant grade 1 listed building, bringing social and economic benefits both for the immediate locality and Shrewsbury without significant adverse impact on residential amenity and therefore accords with the aims and objectives of the relevant policies.

7.2 Subject to compliance with suggested conditions it is considered that the alterations

and additions required to convert the building to its proposed new use would preserve and enhance the character and appearance of the building and the locality and ensure the buildings long term preservation. It is considered that the proposal would have negligible or less than substantial harm on the significance of these internationally significant heritage assets and that any residual impacts are far outweighed by the benefit of bringing this long redundant site back into sustainable use.

- 7.3 Highways have no objection to the development and it is considered that the proposal would have no highway safety implications, and that the requirement for a travel plan to be reviewed annually will help promote sustainable forms of travel and reduce the need for car parking but at the same time ensure adequate parking provision as more of the site becomes occupied.
- 7.4 Conditions are recommended to ensure that any outstanding issues regarding ecology, landscaping, lighting, contaminated land and drainage are satisfactorily addressed. The expert consultees do not consider it essential that any of these matters are agreed now before determination of the principal of development.
- 7.5 In considering this application regard has been given to section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2010 and the Habitats Directive and it is considered that the proposal accords with the NPPF and the most relevant local development plan policies MD, MD2, MD4, MD9, MD11, MD12, MD13, S16, CS2, CS6, CS13, CS16 and CS17.
- 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: NPPF

Local Plan Policies: MD, MD2, MD4, MD9, MD11, MD12, MD13, S16, CS2, CS6, CS13, CS16 and CS17.

### RELEVANT PLANNING HISTORY:

10/03230/FUL Repair and re-use of the Main Mill, Warehouse, Malt Kiln and Cross Mill for Business Use (B1) and Non-Residential Institutions (D1), landscaping of areas around the Mill, provision of a temporary car park, demolition of north silo and demolition of all non-listed buildings on the Spring Gardens sites (excluding existing takeaways) GRANT 9th March 2011

10/03233/LBC Listed Building application for the repair and alterations of the Main Mill, Warehouse, Malt Kiln and Cross Mill to facilitate their proposed re-use for Business Use (B1) and Non-Residential Institutions (D1) affecting a Grade I Listed Building GRANT 9th March 2011

10/03237/OUT Outline application for the mixed use re-development of Ditherington Flaxmill comprising repair and re-use of historic buildings to create workspace and associated cultural activities, new retail/commercial office and residential development, associated access, landscaping and car parking and demolition of non-listed buildings GRANT 28th March 2011

11/04899/LBC Works to facilitate removal of the mezzanine floor; roof sections and floor sections in the Dye House; insertion of suspended floor structure; repairs to roof structure affecting a Grade II\* Listed Building GRANT 19th January 2012

12/04197/LBC Demolition of the North Silo GRANT 9th November 2012

12/04435/FUL Repair and conservation of the Dye and Stove House, office and stables to provide mixed use development (use classes A1-A3, B1-B2, B8 and D1-D2); new landscaping GRANT 1st July 2013

12/04436/LBC Works to facilitate repair and conservation of the Dye and Stove House, office and stables to provide mixed use development (use classes A1-A3, B1-B2, B8 and D1-D2); new landscaping GRANT 1st July 2013

## 11. Additional Information

List of Background Papers: File 16/02872/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Alan Mosley
Appendices APPENDIX 1 – Conditions APPENDIX 2 - EUROPEAN PROTECTED SPECIES – Consideration of the three tests

### APPENDIX 1: Conditions

#### STANDARD CONDITION(S)

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

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

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



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

### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. No development shall take place, including any works of demolition, until a Construction Method Statement and Construction Traffic Management Plan 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/Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii coordination and management of all deliveries, HGV routing proposals and off-site holding areas
- ix phasing of any temporary and/or permanent vehicular/pedestrian accesses and management thereof within the construction period of the development.

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

4. No development approved by this permission shall commence until the applicant, or their agent 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 Local Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest

5. Any demolition, conversion or disturbance on the site to which this consent applies must be undertaken in line with the recommendations in 'Ditherington Flax Mill Phase 1, Bat Species Method Statement Document 1, Survey Results and impact Assessment', 2013, by Middlemarch Environmental Ltd, RT-MME-112753-01 Rev 2 and 'Ditherington Flax Mill Phase 2, Bat Species Method Statement Document 2, Bat Mitigation', 2013, by Middlemarch Environmental Ltd, RT-MME-112753-02 Rev 4, in order to protect bats.

The works must be carried out under a variation of the previously obtained European Protected Species (EPS) Licence with respect to bats unless this is deemed unnecessary by Natural England Wildlife Licensing Section. It is accepted that some aspects of this mitigation scheme may be altered, as required by Natural England, during the European Protected Species Licensing process. Prior to commencement of development a copy of the varied EPS Licence and the accompanying method statement must be submitted to the Local Planning Authority and the final mitigation measures must be retained for the lifetime of the development.

Reason: To protect bats which are known to be present on the site, all species of bats are European Protected Species.

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

6. The reasonable avoidance measures with respect to reptiles and amphibians recommended in the Shrewsbury Flax Mill Maltings Preliminary Ecological Assessment, Report No: RT-MME-121830-01, September 2016, by Middlemarch Environmental Ltd. shall be implemented as recommended, or in accordance with amended details to be submitted to and approved in writing by the LPA prior to commencement of any development on site other than works that relate to the conservation and restoration of the buildings.

Reason: To minimise likelihood of harm to reptiles and amphibians.

7. Prior to any alterations to the existing access or prior to the provision of a new access details of the means of access, including the layout, construction and sightlines shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the commencement of the use hereby approved.

Reason: To ensure a satisfactory means of access to the highway.

8. Prior to the commencement of the use hereby approved details for the parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced in accordance with the approved details and prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

9. Prior to the commencement of the use hereby approved details for the proposed cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

10. Prior to the commencement of the use hereby approved details full engineering details of the proposed pedestrian crossing in the vicinity of, the junction of Marshalls Court and A5191, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure a satisfactory means of access to the highway.

11. Prior to the commencement of the use hereby approved details of a travel plan regarding the whole of the development shall be submitted to and approved in writing by the Local Planning Authority. The applicant shall implement and monitor the approved travel plan for each subsequent occupation of the development thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority. The Plan as approved shall be monitored and reviewed on an annual basis, and a copy of that annual review and action plan arising shall be submitted to the Local Planning Authority. The measures described in the action plan shall be implemented in the time period identified.

Reason: To ensure sustainable transport is promoted and to provide an opportunity to review the occupation of the development and the level of parking provision.

12. No development, or phasing as agreed below (other than works that relate to the conservation and restoration of the buildings) shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on ESI Geo-environmental Assessment, dated June 2016 (Ref 64382), and subsequent correspondence (Dated 12 September 2016) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

4) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 3 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (2 and 3). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

13. a) Prior to commencement of any landscaping work or works in connection with the formation of a car park in the area of the Railway Triangle a 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.

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

c) 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 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (a) above, which is subject to the approval in writing by the Local Planning Authority.

d) 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.

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

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

15. Prior to the commencement of development (other than works that relate to the conservation and restoration of the buildings) a scheme of foul drainage, and surface water drainage including full drainage details and calculations of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design. and to ensure satisfactory drainage of the site and to avoid flooding.

16. Prior to construction of the proposed car parking area details of the permeable paving and drainage calculations of the storage volume should be submitted for approval.

Reason: To ensure that the construction of the proposed car park is fully detailed and is of robust design.

17. Prior to commencement of any works in connection with the formation of a car park in the area of the Railway Triangle and prior to erection of any external lighting on the remainder of the site a revised lighting, landscape and layout plan for the car park and revised lighting plan for the remainder of the site shall be submitted to and approved in writing by the local planning authority. The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed ( through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that

areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan, and these shall be maintained thereafter in accordance with the plan, for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. The submitted scheme shall be designed to take into account the current best practice guidance on designing lighting to minimise effects on bats.

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

18. No modification, development or other disturbance of the Cross Mill, Warehouse, underground chamber and Apprentice House mitigation roosts (as indicated on drawing C112753-02-02 April 2013) and flight lines shall take place unless a bat house or other acceptable mitigation has been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England) and made available for use by bats for at least 2 years beforehand.

Reason: To protect bats which are known to be present on the site, all species of bat are European Protected Species.

19. Prior to the commencement of development works on buildings supporting existing nest sites for swifts details of either internal or external artificial nests for swifts and their proposed locations shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the nesting season in which nesting sites are to be destroyed or disturbed.

Reason: To ensure the provision of nesting opportunities for swifts

20. Prior to the first occupation of the development a maintenance and management scheme for the bat mitigation and other wildlife mitigation features shall be submitted to the planning authority for prior approval. The scheme shall include:

- a) Description and location of the features to be maintained and managed;
- b) Legal responsibilities of occupiers of the development with respect to the features;
- c) Labelling, signage and contact numbers for advice;
- d) aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a maintenance schedule;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.
- i) The financial and legal means through which the scheme will be implemented.

The scheme shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect and maintain mitigation features for bats (European Protected Species) and other wildlife.

21. Prior to the commencement of development (other than works that relate to the conservation and restoration of the buildings) full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting,

are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

## APPENDIX 2: EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

16/02872/FUL and 16/02873/LBC  
Ditherington Flax Mill, Shrewsbury  
Repair and restoration of the Main Mill and Kiln; installation of structural strengthening solution; re-opening of windows to all floors; formation of visitor interpretation centre, learning space and cafe; restoration of upper floors for commercial use; landscaping and formation of car parking area (98 spaces) with improved accessibility across the site, Flax Mill St Michaels Street Shrewsbury Shropshire SY1 2SZ

Date of consideration of three tests:

13<sup>th</sup> October 2016

Consideration of three tests carried out by:

Test 3: Dr Sue Swales  
Natural Environment Team Leader (Ecology)  
(01743 258515)  
[sue.swales@shropshire.gov.uk](mailto:sue.swales@shropshire.gov.uk)

Test 1 & 2: Mrs Jane Raymond  
Technical Specialist Planning Officer  
(01743 258723)  
[Jane.raymond@shropshire.gov.uk](mailto:Jane.raymond@shropshire.gov.uk)

**1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

The development is a sustainable heritage-led redevelopment of a Grade I listed Mill complex that is a heritage asset of national and international significance. In addition to the preservation and enhancement of the historic environment it will bring social and economic benefits both for the immediate locality and Shrewsbury.

**2 Is there ‘no satisfactory alternative’?**

There is no alternative as the development requires approval to secure funding so that the buildings can be restored.

### **3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

The historical data search revealed records of seven species of bat within a 2 km radius of the survey area. The bats within the mill complex have been studied since 2007 by various consultants, the results of which are summarised within Middlemarch Environmental Ltd Report Number RT-MME-122753-01 Revision 2. During 2012 and 2013 the surveys were updated and a bat mitigation strategy was developed. These are reported within Middlemarch Environmental Ltd Report Numbers RT-MME-122753-01 Revision 2 and RT-MME-122753-02 Revision 4). This mitigation strategy was provided to the council as part of the previously approved planning permission and a licence was subsequently obtained from Natural England. The 2013 bat mitigation strategy was based upon the mill complex being developed in two stages and providing alternative space for the bats as the building works progressed.

Due to delays in the scheme, this is no longer the case. Some of the bat mitigation has been installed and is being utilised by bats as identified within the subsequent bat monitoring reports (Shrewsbury Flax Mill Maltings, Bat Monitoring surveys 2015, Report No RT-MME-120031, January 2016, by Middlemarch Environmental Ltd.). Bat mitigation has been installed in the Apprentice house, an underground chamber and a new bat loft installed in the Stable Block. The bat mitigation will remain the same as previously agreed with the exception of the timescales of works which will require altering and an amendment to the existing bat licence will be submitted to Natural England. The exact timescales of works have yet to be determined and are dependent on a number of factors including the date of any planning permission and the contractor tender period. However, given the scale of the project, it is possible to programme the works to avoid key areas at critical times (e.g. avoiding works to the Jubilee Tower, a former maternity roost location during the bat maternity season).

Minor changes will be required at the northern end of the car park to the landscaping, lighting and layout of a few car parking spaces. Also minor changes to the lighting plan may be needed adjacent to the Stable Block and boundaries of the site. Both of these will be covered by condition. Design of lighting and landscaping is key to the success of the bat mitigation. Dark high and low level commuting routes will be maintained for bats across the site as shown in drawing C112753-02-28 April 2013 of the mitigation plan.

Given that the same mitigation as agreed in the previous planning permission will be installed which was granted a licence from Natural England, combined with the fact that key bat areas can be avoided at the required times of the year, and dark flight routes protected, the local bat population can still be maintained at a favourable conservation status.

In view of the above, the proposed development will not be detrimental to the maintenance of the populations of the bat species identified on site at a favourable conservation status within their natural range, provided that the conditions detailed in the responses from Sue Swales to Jane Raymond dated 13<sup>th</sup> October 2016 (reference DitheringtonFlaxMill16.02872.lbc02873) are on any decision notice and

are appropriately enforced.

The following conditions should be on the decision notice:

**Condition**

Any demolition, conversion or disturbance on the site to which this consent applies must be undertaken in line with the recommendations in 'Ditherington Flax Mill Phase 1, Bat Species Method Statement Document 1, Survey Results and impact Assessment', 2013, by Middlemarch Environmental Ltd, RT-MME-112753-01 Rev 2 and 'Ditherington Flax Mill Phase 2, Bat Species Method Statement Document 2, Bat Mitigation', 2013, by Middlemarch Environmental Ltd, RT-MME-112753-02 Rev 4, in order to protect bats.

The works must be carried out under a variation of the previously obtained European Protected Species (EPS) Licence with respect to bats unless this is deemed unnecessary by Natural England Wildlife Licensing Section. It is accepted that some aspects of this mitigation scheme may be altered, as required by Natural England, during the European Protected Species Licensing process. Prior to the above work commencing on site a copy of the varied EPS Licence and the accompanying method statement must be submitted to the Local Planning Authority and the final mitigation measures must be retained for the lifetime of the development.

Reason: To protect bats which are known to be present on the site, all species of bats are European Protected Species.

**Condition**

No modification, development or other disturbance of the Cross Mill, Warehouse, underground chamber and Apprentice House mitigation roosts (as indicated on drawing C112753-02-02 April 2013) and flight lines shall take place unless a bat house or other acceptable mitigation has been completed in accordance with details approved in writing by the Local Planning Authority (in consultation with Natural England) and made available for use by bats for at least 2 years beforehand.

Reason: To protect bats which are known to be present on the site, all species of bat are European Protected Species.

**Condition**

Prior to works commencing on the proposed car park between the buildings and the railway line and prior to erection of any external lighting on the remainder of the site a revised lighting, landscape and layout plan for the car park and revised lighting plan for the remainder of the site shall be submitted to and approved in writing by the local planning authority. The plan shall:

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

All external lighting shall be installed in accordance with the specifications and locations set out in the plan, and these shall be maintained thereafter in accordance with the plan, for the lifetime of the development. Under no



circumstances should any other external lighting be installed without prior consent from the local planning authority. The submitted scheme shall be designed to take into account the current best practice guidance on designing lighting to minimise effects on bats.

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

**Condition**

Prior to the first occupation of the development a maintenance and management scheme for the bat mitigation and other wildlife mitigation features shall be submitted to the planning authority for prior approval. The scheme shall include:

- a) Description and location of the features to be maintained and managed;
- b) Legal responsibilities of occupiers of the development with respect to the features;
- c) Labelling, signage and contact numbers for advice;
- d) Areas requiring no or sensitive lighting
- e) Aims and objectives of management;
- f) Appropriate management options for achieving aims and objectives;
- g) Prescriptions for management actions;
- h) Preparation of a maintenance schedule;
- i) Monitoring and remedial/contingencies measures triggered by monitoring.
- j) The financial and legal means through which the scheme will be implemented.

The scheme shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect and maintain mitigation features for bats (European Protected Species) and other wildlife.

**This page is intentionally left blank**



<u>Committee and date</u>
Central Planning Committee
27 October 2016

<u>Item</u>
6
Public

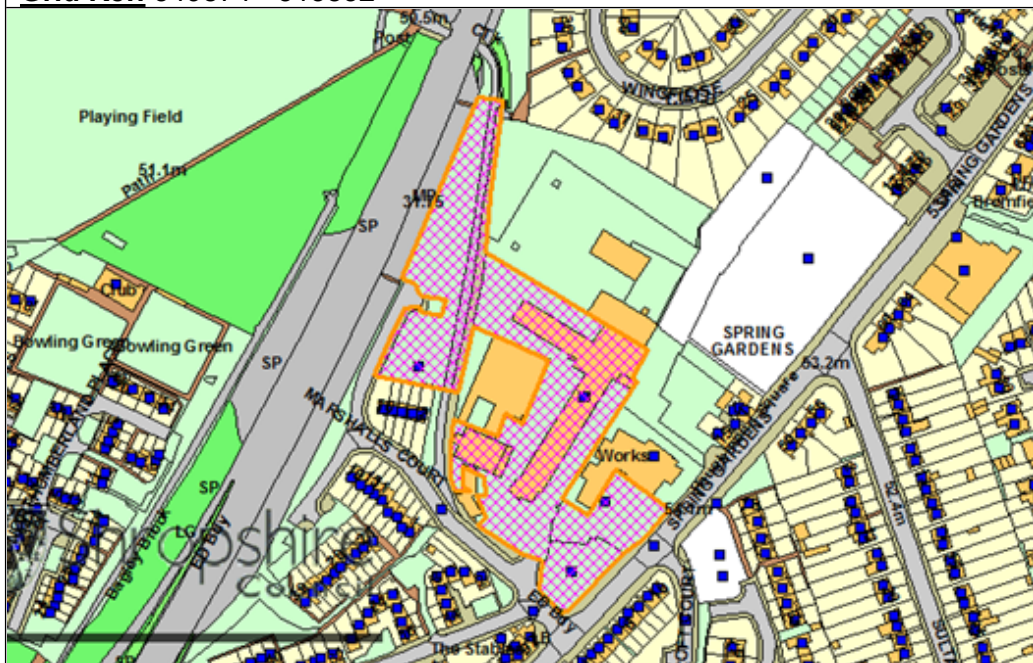
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 16/02873/LBC	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Works for the repair and restoration of the Main Mill and Kiln, installation of structural strengthening solution; re-opening of windows to all floors; installation of services and utilities		
<b><u>Site Address:</u></b> Flax Mill St Michaels Street Shrewsbury Shropshire SY1 2SZ		
<b><u>Applicant:</u></b> Historic England		
<b><u>Case Officer:</u></b> Jane Raymond	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349874 - 313832



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to Listed Building consent for the external and internal alterations required to enable the formation of a visitor interpretation centre, learning space and café on the ground floor and conversion of the upper floors for B1 commercial use (office and light industrial). The works include the repair and restoration of the Main Mill and Kiln, installation of a structural strengthening solution; re-opening of windows to all floors and installation of services and utilities.
- 1.2 The application is accompanied by an application for full planning permission for change of use of the buildings and formation of a car parking area.
- 1.3 This is stage 2 of the Shrewsbury Flax Mill Maltings project and follows on from the 2010 approved Masterplan and Stage I renovation of the Office and Stables to provide a visitor centre. This detailed application for the Stage II project comprises the following:
- ☐ Repair and restoration of the Main Mill and Kiln
  - ☐ Installation of new strengthening solution to allow scaffolding to be removed
  - ☐ Re-opening of blocked up former Flax Mill windows to all floors
  - ☐ Ground floor of Main Mill and North Engine house to be open to the public with interpretation, learning space and cafe managed by Friends of the Flaxmill Maltings
  - ☐ Four upper floors of the main Mill to be restored and finished to shell with the fit-out following on and available for commercial use (offices and creative light industry) for a maximum of 280 people.
  - ☐ The upper floors of the North and South Engine houses to provide services, utilities and access
  - ☐ The Kiln to be fitted with two 13 person internal lifts and will provide a circulation space for the commercial tenants and provide level access to all floors and for visitor tours to the restored Jubilee tower
  - ☐ Landscaped car park and improved accessibility across the site.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application relates to the Grade I listed Main Mill and the attached Grade II listed Kiln which is part of the larger Flax Mill complex (a site of National and International significance) situated in Ditherington approximately one mile to the North of Shrewsbury Town Centre and partially within the Shrewsbury Town Centre Conservation Area. The site is bounded by the mainline railway to the West and Spring Gardens to the East, a busy main road leading into town. Residential properties lie immediately to the North and South of the site and on the opposite side of Spring Gardens to the South East.
- 2.2 The Main Mill building is a former textile factory that was later converted to a Maltings. Built in 1797 it is the oldest iron framed building in the world. The iron framed building has local red brick external walls with a Welsh slate roof and was extended in the form of engine houses to its north and south elevations as part of

its Maltings conversion. The original pattern of fenestration can still be seen with many openings reduced in size, again as part of the buildings conversion to a Maltings.

- 2.3 The Malt Kiln building is a square shaped three storey building built in 1898 as part of the Maltings use of the site. This building links the Main Mill with the Warehouse and Cross Mill and has a pyramidal slate roof with red brick walls. The Warehouse and Cross Mill are not included in this application as no change of use or works are proposed in this phase of the development and these buildings have been excluded from the red line of the application.

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

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land partly owned by the Council which are not in line with its statutory functions. In addition the Town Council have requested that the application is determined at committee due to its strategic importance and the sensitivity of the site locally.

### 4.0 **Community Representations**

#### 4.1 **- Consultee Comments**

##### 4.1.1 **Historic England:**

###### Summary

The main building is one of the first iron framed buildings in the world, and is listed at Grade I. Historic England recommends that this scheme should be approved subject to appropriate conditions.

###### Historic England Advice

The main building is a pioneering example of the use of an iron frame: the 'world's first building with a full internal iron frame'. It was built in the 1790s as a flax mill and converted to maltings in the 1890s. The significance is recognised by its listing at the Grade I. There are a number of associated listed buildings in the complex. The only other one directly affected by the application is the malt kiln attached to the north end of main mill which is listed at Grade II.

The proposals are for the extensive refurbishment of the main building for office and visitor use with the malt kiln serving as the main access.

###### Structural matters

The principal issue in the scheme is the structural integrity of the main building. The alterations to convert it to maltings included adding a layer of concrete to all the floors and the blocking of almost all the windows and their replacement with a much smaller number of openings. Investigation revealed concerns for the load bearing capacity of the iron frame, and its connection to the brick walls. There was a timber ring beam at each floor level providing the window lintels which was linked to the iron frame. The timber has rotted, and at some point in the 19th century all the lintels were replaced.

There has been considerable debate about the structural solution and the application sets out the various approaches considered. The scheme which has been adopted will have minimal visual impact. There will be a small number of new columns on the ground and first floors and some new tie rods at ceiling level on each floor. The only major structural intervention will be within the first floor, which will be concealed within the depth of the floor. This will consist of new steel work trenched into the concrete floor (not the primary construction) and will also involve raising the finished floor level a little. This will have minimal visual impact because there is ample floor to ceiling height to accommodate it.

#### External envelope

The major visual change externally is the re-opening of the primary windows. This will afford the opportunity to repair the external walls in order to restore their structural integrity. A sample bay has been undertaken which has developed the methodology showing that this can be undertaken successfully.

As for the new windows, there is no evidence, apart from the blocked openings, for the primary form of the windows. Since they were removed as recently as the 1890s this seems very surprising, but there has been extensive research on the history of the building which has not brought any more information to light. The proposals are for simple tripartite windows which are an elegant solution, rather than trying to invent a 'historic' window.

#### Fitting out

The proposals are minimal with respect to the main floors of the mill. These are being kept almost entirely open, with lavatories and other services fitted into the spaces at each end of the building which housed the steam engines (there had floors inserted in the malting phase).

The malt kiln becomes the key reception area for the building. This will include, amongst other interventions, the principal lift access. The linkage to the main building will be achieved by internal bridges, and at the higher levels through a partially concealed bridge. These will be unobtrusive externally, whilst providing exciting views of the surrounding landscape.

#### Recording

With such a major scheme on an internationally significant building there should be an appropriate scheme of recording to be integrated with the work undertaken to date to ensure that any further discoveries in the understating of this significant site are adequately recorded.

Overall, this is the first phase of the reoccupation of the site. Thus the other significant building attached to the main mill, the Cross Mill (also Grade I), is not being dealt with but will continue in its mothballed state for the moment. The first phase is a welcome beginning for the future use of the whole complex.

In policy terms whilst there is some minor visual harm and some physical interventions in the fabric these are fully outweighed by the provision of a future use for the Grade I listed building. This is in line with paragraph 134 of the NPPF.

Inevitably there are details which are not included even in the extensive application which has been submitted. Obviously you will wish to impose a range of appropriate conditions in order to control these matters and to fine tune any issues which you have with the scheme.

#### Recommendation

Historic England recommends that the proposals should be approved subject to appropriate conditions.

#### 4.1.2 **SC Archaeology:**

##### Background to Recommendation:

The proposed development comprises the repair and restoration of the 1798 Grade I Listed Main Mill building (NHLE ref. 1270576) and 1898 Grade II Listed Malt Kiln (NHLE ref. 1270576), together with landscaping and the formation of a car parking area with improved access across the site. The proposed works to the buildings will enable them to be brought back into economic use, whilst preserving their nationally important character and significance. The necessary interventions into the structures will provide opportunities to undertake further recording in order to enhance existing understanding of their very substantial archaeological interest. By re-opening the window openings from the 18th century flax mill, this work will also enable the buildings' archaeology to be more easily 'read'.

Archaeological evaluation work in 2016 (Trench 6 & 8 respectively) has targeted three further areas within the proposed development. Firstly, within the First Engine House at the southern end of the Main Mill the remains of two masonry structures were found that had been inserted into the engine pit prior to 1820. The design of the scheme has been amended so that these structures can be retained in situ. Secondly, on the east side of the main mill substantial sub-surface remains of East Terrace Boilers and the associated chimney base were revealed. Finally, the evaluation in the area of the proposed lift pit within the Malt Kiln suggests that the foundations of the kiln have heavily disturbed the site of the former north chimney. In addition, two of the evaluation trenches from the 2010 evaluation trench also lay within the proposed development site. The first of these (Trench 2) targeted the site of the former Thread Makers Shop / Packing House that was demolished in 1970. This revealed numerous structural remains associated with these buildings. Another trench (Trench 3) was positioned on the site of the 1797 boiler house, although the only feature associated with the Flax Mill that was revealed was a narrow brick culvert. Together this work indicates part of the proposed development site holds very high archaeological interest for sub-surface remains.

##### Recommendation:

A Heritage Impact Assessment has been submitted with the application which details what the effects the proposed development will have on the archaeological interest of the site. This further supplements the substantial body of existing information regarding the archaeological significance of the Flax Mill site, including the documents submitted with the 2010 planning applications (refs. 10/03230/FUL, 10/03233/LBC, 10/03237/OUT). It is therefore considered that the requirements of Paragraph 128 of the NPPF and MD13 of the Local Plan have been satisfied.

The Heritage Impact Assessment makes a number of recommendations to mitigate the impact of the proposed development on the sites archaeological interest. We confirm that we are in full agreement with the proposed measures. In view of this, in relation to Paragraph 141 of the NPPF and MD13 of the Local Plan, it is advised that a programme of archaeological work is made a condition of any planning permission for the proposed development. This should comprise an appropriate level of buildings recording, together with the investigation and investigation and recording of below ground remains.

#### 4.1.3 **SC Conservation:**

##### Proposal outline:

The proposal is for the repair and restoration of the Grade I listed Main Mill and Grade II listed Kiln; installation of structural strengthening solution; re-opening of windows to all floors; formation of visitor interpretation centre, learning space and cafe; restoration of upper floors for commercial use; landscaping and formation of car parking area (98 spaces) with improved accessibility across the site.

##### Methodology applied:

Guidance contained within the EH/HE publications including Conservation Principles (2008), Seeing the History in the View (2011) and The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (2015) have been referenced in the production of this response, together with policy MD2 and MD13 of the adopted SAMDEV plan, as this sits within the overall policies for the protection of historic environment as a pillar of sustainable development contained in the NPPF.

##### Policy context:

The proposal site is partially within the Conservation Area and comprises a Grade I and Grade II listed building, adjacent to and surrounded by a number of other associated buildings and structures, which are also listed. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD2 covering design and sustainable development principles and MD13 'The Historic Environment' of the adopted SAMDEV plan, as well as with national policies and guidance, particularly Chapter 12 of the National Planning Policy Framework (NPPF) published in March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 apply.

##### Design context:

The current proposals for the conversion of the Grade I listed Main Mill and Grade II listed Kiln and associated landscaping and enabling works have been the result of a long drawn out phase of investigation and development. The changes in this HLF stage II funding related application largely affect the structural solution and the window openings to all elevations, which have been designed to take account of financial considerations and technical constraints.

The proposals sit within the context of the wider master plan, as approved in outline



form in 2010, and as such represent the first significant phase of implementing this permission. The conversion of the main mill to a mix of public and visitor interpretation space and commercial space for office and conference use, with a relatively light touch design scheme to the upper floors has evolved around the need for a solution to ensure the structural integrity of the buildings. The benefits of opening up all historic windows to each elevation far outweigh any harm caused, which is deemed to be negligible, to the setting of the asset. Fabric impacts are limited to what is necessary, and finishes have been selected and agreed during the pre-application process in order to mitigate and minimise any negative effect on the overall scheme.

Assessment:

The proposals are well thought out and respond to the constraints and context of this incredibly complex historic site. Our involvement and input to refine the details of the proposal during the design and development phases of this proposal have been taken on board, and this phase has resulted in what is the most pragmatic and sustainable approach to regenerating this part of the asset, acting it is hoped as a catalyst for the ongoing works to conserve and enhance the surrounding land and adjacent buildings on site.

This ensures that the development conforms with policies at a national and regional level for the protection of the historic environment and the promotion of lifetime homes through high quality design and Building in Context, and conforms to the relevant policies, as follows:

NPPF Chapter 12 in particular

MD2 and 13 of the SAMDEV plan

Good Practice Advice Note 2 and 3 produced by Historic England

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Recommendation and conditions:

The exact colours of the paint finishes and internal flooring, doors and lighting shall be determined through a specific pre commencement condition, together with landscaping materials, which are not yet approved, as it is felt that further refinement is needed. All other matters are agreed and the proposals deemed a welcome step forward in securing the future of this significant structure.

We require, as a result of this work, to be satisfied that the revised proposals can be deemed to have negligible or less than substantial harm on the significance of these internationally significant heritage assets, and that any residual impacts are satisfactorily mitigated through design solutions and the wider public benefits from bringing this long redundant site back into sustainable use

**4.1.4 SC Ecology:**

Preliminary Ecological Assessment

An ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken in spring and summer 2016, in order to provide an update on the previous 2012 survey by Middlemarch Environmental Ltd. The survey identified only minor habitat changes and there were no significant ecological changes. Part of the area covered, to the north, lies outside the current

red-line boundary and does not form part of this planning application.

### Bats

The desk study revealed records of seven species of bat within a 2 km radius of the survey area. The bats within the mill complex have been studied since 2007 by various consultants, the results of which are summarised within Middlemarch Environmental Ltd Report Number RT-MME-122753-01 Revision 2. During 2012 and 2013 the surveys were updated and a bat mitigation strategy was developed. These are reported within Middlemarch Environmental Ltd Report Numbers RT-MME-122753-01 Revision 2 and RT-MME-122753-02 Revision 4). This mitigation strategy was provided to the council as part of the previously approved planning permission and a licence was subsequently obtained from Natural England. The 2013 bat mitigation strategy was based upon the mill complex being undertaken in two stages and providing alternative space for the bats as the building works progressed.

Due to delays in the scheme, this is no longer the case. Some of the bat mitigation has been installed and is being utilised by bats as identified within the subsequent bat monitoring reports. Bat mitigation has been installed in the Apprentice house, an underground chamber and a new bat loft installed in the Stable Block. The bat mitigation will remain the same as previously agreed with the exception of the timescales of works which will require altering and an amendment to the existing bat licence will be submitted to Natural England. The exact timescales of works have yet to be determined and are dependent on a number of factors including the date of any planning permission and the contractor tender period. However, given the scale of the project, it is possible to programme the works to avoid key areas at critical times (e.g. avoiding works to the Jubilee Tower, a former maternity roost location during the bat maternity season).

Given that the same mitigation as agreed in the previous planning permission will be installed which was granted a licence from Natural England, combined with the fact that key bat areas can be avoided at the required times of the year, the local bat population can still be maintained at a favourable conservation status. A 3 test matrix form has been submitted with this consultee response and the Favourable Conservation Status test has been completed. The planning case officer must complete the first two tests and planning permission can only be granted if all three tests can be passed. The 3 test matrix must be attached to the committee report and should be brought to the councillor's attention for consideration.

In my previous responses for 12/04435/FUL I said I was concerned about the provision for bats in Phase 2 (drawing C112753-02-03 (November 2012). I asked for the building of the bat house to be brought forward as soon as possible in Phase 1, and provision made for its retention and maintenance, together with other mitigation features, for the life time of the development. The condition placed on the 12/04435/FUL permission should be repeated on the decision notice for this application if permission is granted.

### Lighting and landscaping

Appropriately designed lighting for the site including the car park is essential to ensure that the mitigation measures installed for bats can be utilised by them. The

main commuting routes for bats to and from the site are across the railway line and the proposed car park. Dark commuting routes were shown in the revised drawing C112753-02-28 (April 2013) in reference 3 above. Lighting has been shown on several plans but in key places I believe the dark bat commuting routes have been compromised. This can be remedied by localised revisions to the lighting plan, with localised modifications to the landscaping and, in the extreme north end of the car park, the parking spaces. Following my previous response, a slight change has been made on amended plan Drawing number 1821/P/002 Rev H, but this still does not comply with the licenced mitigation strategy (see drawing C112753-02-28 (April 2013)). There also appears to be a potential dark route across the back gardens of the houses at the southern end of the car park (close to the Stable Block) dependant on minor changes in lighting.

The car park is currently shown to be lit by up to 4m high columns embedded in the trees, the only landscaping proposed for the site. This is likely to form a barrier for commuting bats. In order for the species which are more sensitive to light to reach the Old River Bed and other foraging areas, light levels at the northern end of the car park must be reduced. This is also the location of the proposed bat house for the later stages of the phased development. I would be happy to discuss the details of this with the applicant and their agent/consultants in order to discharge the suggested lighting condition.

#### Birds

The Preliminary Ecological Appraisal states that swifts are known to nest within the Flax Mill and Cross Mill and the proposed works are likely to impact upon them. Measures will need to be taken in to prevent disturbance of nesting birds and enhancements for this species have been recommended. Swift nesting boxes should be installed on the Apprentice House and the nesting entrances on the Flax Mill (or other areas which will be impacted) blocked up by the third week in April. Swift calls should also be played near the new swift boxes on the Apprentice House to attract the swifts and encourage them to use these new nesting boxes. Opportunities to install artificial swift nests on buildings once works have been completed should also be identified as the Apprentice House is due to be converted in later phases of the development.

#### Other wildlife

The Preliminary Ecological Assessment states that whilst areas of suitable habitat present on site are limited, it is considered possible that reptiles and amphibians might pass through the survey area. As such, to avoid negatively impacting upon any herpetofauna on site, it is recommended that the areas of tall herb and scrub are strimmed back, in a directional manner towards the northern and eastern site boundaries, immediately prior to works commencing to encourage any reptiles and amphibians present to move elsewhere.

A confidential addendum to this consultee response (in relation to badgers) has been forwarded to the planning case officer.

## 4.2 - Public Comments

### 4.2.1 **Association for Industrial Archaeology:** The proposal to re-open the windows

will not only enable the building to be re-used more easily, it will also show to a greater extent what the flax mill would have looked like when first constructed. (It is noted that the smaller windows of the malting phase are to be retained.) With one exception, the Association is supportive of the proposals. That exception is that the opening of the windows to the fourth floor results in the cutting through of the painted banner sign-age which at present is "Allbrew Maltsters Limited Shropshire Maltings". The visualisation indicates that this is to be replaced by "Shrewsbury Flaxmill Maltings", still cut through by the re-opened windows. This raises two points. The first is the removal of authentic sign-age, which is a part of the building's history, and replacing it by a clumsy new made up name. This is extremely regrettable in what is an otherwise excellent set of proposals to safeguard the future of these buildings. If it is felt that a maltings sign-age is no longer appropriate on the front of the building, it would be better to remove it altogether by painting over it and leaving it as shown a photograph on page 10 of the Heritage Impact Assessment, or page 9 of the Design and Access Statement. However, if either the Allbrew Maltsters sign or the new sign is to be cut across by the windows, then some way needs to be found to show the whole sign, not part truncated letters, such as by means of a gauze across those windows or even external shutters to them.

Therefore, the Association is supportive of this application with the one exception details of which are given above. Recording to be carried out as appropriate.

- 4.2.2 **Shrewsbury Civic Society:** The Shrewsbury Civic Society welcomes the progress being made, at long last, by Historic England and other bodies to ensure the preservation of what is arguably the most important building in Shrewsbury. We are concerned, however, that its international status may be subordinated to local interests. Whilst its later history as a Maltings is important -that part of its history is well within living memory of a great many local people; its 'iconic' status (that much overused word is apt in this case) lies in its revolutionary structure as a mill building. The intention of the current planning application to reopen the original large window openings will have the effect of revealing the original intentions of the builders but the simultaneous retention of the smaller window openings created when the building became a Maltings will surely create confusion both visually and in the understanding of the visitor. No doubt Historic England and its advisors, with the best of intentions, have weighed up the arguments for and against the arrangement of fenestration but we believe that, if only for the sake of clarity, only the original mill window openings should be retained - at least in the main building, in order to retain the integrity and significance of the original conception. It is to be hoped that upon the completion of the restoration, the Flax Mill may be a worthy candidate for World Heritage status. This may, however, be jeopardised by the decision to dilute the primary conception of the builders. Even at this late stage the Shrewsbury Civic Society urges Historic England to reconsider this part of the current application.
- 4.2.3 **Shrewsbury Town Council:** Is highly supportive of the development of the Flax Mill and associated buildings to create a mixed-use facility which will provide modern employment space as well as an important visitor space that will aid the promotion and enhancement of the Flax Mill's reputation and national/international standing.

However in supporting this application there are implications to the local residential amenity of the area we feel must be addressed to ensure that this development sits in harmony with its surroundings. Members feel that the transport plan needs greater consideration to the impact on the local residents, particularly those of Marshalls Court.

The comments relating to transport and traffic are available in full on the file and within the report for the planning application. These issues that are not relevant to the determination of this application for LB consent are considered within the planning report.

- 4.2.4 Objections have been received from residents in Marshalls Court that mainly relate to the traffic and transport implications of the associated application for planning permission. As these comments do not relate to issues requiring Listed Building consent they have been summarised and referred to within the accompanying planning report.

## 5.0 THE MAIN ISSUES

- 5.1 The proposal is partially within a conservation area and affects a listed building and has the potential to impact on these heritage assets. The proposal therefore has to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving or enhancing the character or appearance of a Conservation area and preserving a listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 The key issues in determining this application for Listed Building consent are:
- ☐ Impact on the historic fabric and
  - ☐ Impact on the character and appearance of the building.

A full Heritage Impact assessment has been submitted as required by paragraph 128 of the NPPF.

- 5.3 Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2010 provides that '*A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions*'. Therefore the ecological implications of the proposed alterations to the buildings also need to be considered in determining this application for listed building consent as also required by CS17 and MD12.

## 6.0 OFFICER APPRAISAL

- 6.1 **Impact on the internal historic fabric**

- 6.1.1 The proposal includes internal alterations to stabilise the structure and this includes a small number of new steel columns on the ground and first floors and some new tie rods at ceiling level on each floor. New steel work will be concealed within the first floor (which is a later concrete floor and not historic fabric). This also requires the finished floor level to be slightly raised but this will have minimal visual impact due to the existing internal ceiling heights.
- 6.1.2 In addition to the installation of the structural strengthening solution the remainder of the internal alterations include the installation of services and utilities within the engine houses at each end of the main floors of the main mill which will remain entirely open. A lift will be installed within the adjoining malt kiln building which will be linked to the main mill by internal bridges and an external 'sky bridge' between the Kiln roof and the Main Mill fourth floor and also giving access to the Jubilee Tower to be restored.
- 6.1.3 A gazetteer of each building has been submitted including a comprehensive list and assessment of components, structures, features, fixtures and fittings. The application also provides details of the existing and proposed internal and external materials. Notwithstanding these details conditions are recommended to be imposed to ensure that all alterations, finishes, works of making good and new additions are completed to a high standard and with minimal harm or loss of historic fabric. Compliance with conditions will be overseen by Historic England and Conservation.
- 6.2 **External alterations and the impact on the character and appearance of the building**
- 6.2.1 The major visual change externally is the re-opening of the former Flax Mill openings with new simple aluminium tripartite windows formed in the openings and painted black and the smaller Maltings windows restored with a new glazing system and painted reddish brown (the original colour for the Maltings joinery). This will enable the external walls to be repaired and their structural integrity restored. A sample bay has been undertaken which demonstrates that these alterations can be undertaken successfully.
- 6.2.2 In addition it is proposed that the existing painted sign which displays the words 'ALBREW MALSTERS LIMITED SHROPSHIRE MALTINGS' is to be replaced with 'SHREWSBURY FLAXMILL MALTINGS'. The openings of the fourth floor will cut through some of the lettering of the proposed sign.
- 6.2.3 Both the Association for Industrial Archaeology (AIA) and the Civic Society whilst supportive of the proposal overall, have reservations about the proposed sign and the treatment of the windows respectively. The AIA consider that the 'ALBREW...' sign is part of the buildings history and if not retained should be painted over altogether or if retained or replaced by a new sign then a way needs to be found to show the whole sign such as a gauze across the windows or external shutters.
- 6.2.4 The Civic Society consider that the retention of the smaller Maltings openings in addition to opening up the original larger Flax mill openings will create confusion both visually and in the understanding of the visitor. The Civic Society consider that

for the sake of clarity only the original mill window openings should be retained in order to retain the integrity and significance of the original conception.

- 6.2.5 Historic England have provided a response to both of these concerns and outline that the project team has *'sought to develop a philosophical approach which acknowledges the significance of the change from Flax Mill to Maltings and provides a framework for a new third age referred to as Shrewsbury Flaxmill Maltings. The approach seeks to retain existing fabric where it can serve a practical use or contribute to understanding. It seeks to use traditional materials to repair the existing fabric and introduced new materials where they are required to support the new use as a clearly defined new layer'*.
- 6.2.6 This approach is supported by officers and Conservation and it is considered that removal of the Maltings windows whilst perhaps restoring the building to its original form would result in the loss of an important aspect of its history. It is considered that the relationship between the two historic functions and the corresponding design requirement is part of the significance of the building that would be lost if the proposal was to restore the building to its original form.
- 6.2.7 Similarly the new name for the building 'Shrewsbury Flax Mill Maltings' serves to acknowledge its previous historic uses but at the same time give it a new name to which it can be referred during this next phase of the buildings history. The 'ALBREW ...' signage in any case painted over the previous 'WILLIAM JONES & SON...' signage which is now lost on this elevation but still evident on the Dye House. The 'ALBREW ...' signage on the gable end of the Cross Mill is however proposed to be retained and will serve as a reminder of this phase in the buildings history.
- 6.2.4 If the 'ALBREW ...' sign was to be retained across the front of the main mill then only 30% of it would be visible due to the restoration of every two of three Flax Mill Windows. The proposed 'SHREWSBURY FLAX MILL MALTINGS' sign will have a much larger proportion of its lettering visible so that it will be easily recognisable and legible.
- 6.2.5 It is considered that the suggestion of covering the windows with gauze or the use of shutters so that the letters can be viewed in full would adversely impact on the appearance of the building by introducing a feature not evident during its previous use and would also restrict light to the inside. It is also not considered necessary for the letters to be seen in full and that the words will still be legible in their truncated form.
- 6.2.6 It is considered that subject to compliance with suggested conditions the alterations and additions required to convert the building to its proposed new use would have minimal impact on the historic fabric and would preserve those features of special architectural or historic interest and would preserve and enhance the character and appearance of the building and the locality as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposal would have negligible or less than substantial harm on the significance of these internationally significant heritage assets, and that any residual impacts are far outweighed by the benefit of bringing this long redundant site back into

sustainable use.

### 6.3 **Ecological implications**

- 6.3.1 The relevant ecological surveys have been undertaken and a full ecological report including mitigation strategy has been submitted. A reptile survey discovered no reptiles or amphibians; feral pigeons, house sparrows and swifts were found to be breeding within the buildings and endangered species of bats have been confirmed to be roosting within the complex of buildings.
- 6.3.2 The submitted badger report and the Ecologists comments are confidential. An informative advising the developer of the protection afforded to badgers under the Protection of Badgers Act 1992 is recommended.
- 6.3.3 A mitigation strategy and a licence application have been agreed as part of the previous approvals and implementation has commenced. An amendment to the existing licence will be required due to the changes in the proposed timetable for the mitigation strategy. The Councils is not satisfied with the current lighting proposal particularly to the proposed car park and therefore a condition is recommended to require a full lighting strategy be submitted prior to the erection of any external lights.
- 6.3.4 The 'European Protected Species 3 tests matrix' has been completed (see appendix 2). It is considered that the mitigation scheme satisfactorily justifies how the proposed development will not be detrimental to the local bat population that can be maintained at a favourable conservation status within their natural range provided that the recommended conditions are imposed and complied with. It is therefore considered that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and accords with Local plan policies CS6, CS17 and MD12.

### 7.0 **CONCLUSION**

- 7.1 It is considered that subject to compliance with suggested conditions the alterations and additions required to convert the buildings to their proposed new use would have minimal impact on the historic fabric, would preserve those features of special architectural or historic interest, and would preserve and enhance the character and appearance of the building and the locality. It is considered that the proposal would have negligible or less than substantial harm on the significance of these heritage assets of international importance, and that any residual impacts are far outweighed by the benefit of bringing this long redundant site back into sustainable use.
- 7.2 The proposal is therefore considered to accord with section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 12 of the NPPF and local plan policies MD2, MD13, CS6 and CS17.
- 7.3 Provided the conditions recommended by the Ecologist are imposed and complied with it is considered that the mitigation scheme satisfactorily justifies how the proposed development will not be detrimental to the local bat population that can



be maintained at a favourable conservation status within their natural range. It is therefore considered that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and accords with Local plan policies CS6, CS17 and MD12.

## 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: Section 12 of the NPPF

Local Plan Policies: MD2, MD12, MD13, CS6 and CS17

### Relevant Planning History:

10/03230/FUL Repair and re-use of the Main Mill, Warehouse, Malt Kiln and Cross Mill for Business Use (B1) and Non-Residential Institutions (D1), landscaping of areas around the Mill, provision of a temporary car park, demolition of north silo and demolition of all non-listed buildings on the Spring Gardens sites (excluding existing takeaways) GRANT 9th March 2011

10/03233/LBC Listed Building application for the repair and alterations of the Main Mill, Warehouse, Malt Kiln and Cross Mill to facilitate their proposed re-use for Business Use (B1) and Non-Residential Institutions (D1) affecting a Grade I Listed Building GRANT 9th March 2011

10/03237/OUT Outline application for the mixed use re-development of Ditherington Flaxmill comprising repair and re-use of historic buildings to create workspace and associated cultural activities, new retail/commercial office and residential development, associated access, landscaping and car parking and demolition of non-listed buildings GRANT 28th March 2011

11/04899/LBC Works to facilitate removal of the mezzanine floor; roof sections and floor sections in the Dye House; insertion of suspended floor structure; repairs to roof structure affecting a Grade II\* Listed Building GRANT 19th January 2012

12/04197/LBC Demolition of the North Silo GRANT 9th November 2012

12/04435/FUL Repair and conservation of the Dye and Stove House, office and stables to provide mixed use development (use classes A1-A3, B1-B2, B8 and D1-D2); new landscaping GRANT 1st July 2013

12/04436/LBC Works to facilitate repair and conservation of the Dye and Stove House, office and stables to provide mixed use development (use classes A1-A3, B1-B2, B8 and D1-D2); new landscaping GRANT 1st July 2013

13/02383/LBC Demolition of existing south silo structure affecting a Grade I Listed Building GRANT 26th July 2013

## 11. Additional Information

List of Background Papers: File 16/02873/LBC
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member : Cllr Alan Mosley
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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. All works shall be carried out in complete accordance with the terms of the application and approved plans.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until the applicant, or their agent 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 Local Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest

4. Any demolition, conversion or disturbance on the site to which this consent applies must be undertaken in line with the recommendations in 'Ditherington Flax Mill Phase 1, Bat Species Method Statement Document 1, Survey Results and impact Assessment', 2013, by Middlemarch Environmental Ltd, RT-MME-112753-01 Rev 2 and 'Ditherington Flax Mill Phase

2, Bat Species Method Statement Document 2, Bat Mitigation', 2013, by Middlemarch Environmental Ltd, RT-MME-112753-02 Rev 4, in order to protect bats.

The works must be carried out under a variation of the previously obtained European Protected Species (EPS) Licence with respect to bats unless this is deemed unnecessary by Natural England Wildlife Licensing Section. It is accepted that some aspects of this mitigation scheme may be altered, as required by Natural England, during the European Protected Species Licensing process. Prior to commencement of development a copy of the varied EPS Licence and the accompanying method statement must be submitted to the Local Planning Authority and the final mitigation measures must be retained for the lifetime of the development.

Reason: To protect bats which are known to be present on the site, all species of bats are European Protected Species.

5. A schedule of building works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

6. A schedule of features of architectural and historic interest marked and identified clearly on plans indicating which individual items are remaining in situ as is for the duration of the works, which are to be removed for restoration pending reinstatement and which are to be removed permanently, shall be submitted to and agreed in writing by the Local Planning Authority prior to the relevant works commencing. These features shall be recorded in photographs and/or scale drawings, and their sections and profiles accurately recorded and lodged with the Local Planning Authority.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

7. No modification, development or other disturbance of the Cross Mill, Warehouse, underground chamber and Apprentice House mitigation roosts (as indicated on drawing C112753-02-02 April 2013) and flight lines shall take place unless a bat house or other acceptable mitigation has been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England) and made available for use by bats for at least 2 years beforehand.

Reason: To protect bats which are known to be present on the site, all species of bat are European Protected Species.

8. Prior to the commencement of development works on buildings supporting existing nest sites for swifts details of either internal or external artificial nests for swifts and their proposed locations shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the nesting season in which nesting sites are to be destroyed or disturbed.

Reason: To ensure the provision of nesting opportunities for swifts

9. Prior to the erection of any external lighting on the buildings a revised lighting plan for the site shall be submitted to and approved in writing by the local planning authority. The plan shall:

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

All external lighting shall be installed in accordance with the specifications and locations set out in the plan, and these shall be maintained thereafter in accordance with the plan, for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. The submitted scheme shall be designed to take into account the current best practice guidance on designing lighting to minimise effects on bats.

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

10. All routes for mechanical and electrical services and drainage shall be arranged to be visually unobtrusive and cause the minimum disturbance to historic fabric. Details of Internal and external services shall be submitted to and approved in writing by the Local Planning Authority prior to installation. These shall include types, sizes and positions of soil and vent pipes, waste pipes, rainwater pipes, boiler flues and ventilation terminals, meter boxes, exterior cabling etc and interior fittings such as radiators, internal lighting, electrical socket outlets and switch plates and the type and method of fixing of all fixtures for heating, lighting, kitchens and all other fittings associated with the conversion. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Listed Building.

11. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details. Roofing to be repaired and restored to traditional finishes on the kiln as per approved plans, with any damaged slates or ridges replaced like for like.

Reason: To ensure satisfactory preservation of the Heritage Asset.

12. No pointing or re-pointing of existing or proposed masonry shall commence until the Local Planning Authority has approved the following items in writing:

- a drawing showing the proposed area(s) of repointing
- the mortar mix
- the method of removing existing mortar, please note that old mortar shall not be removed using any mechanical tool or angle grinder.
- an inconspicuous pointing sample provided on site following approval of the above items

Reason: To safeguard the historic interest and character of the Heritage Asset and ensure an appropriate external appearance.

13. Windows shall be of the colour, material and style and make as shown on the approved plans. Prior to the commencement of the relevant work details of all windows and doors

including detail of doors and exact colour and finish of all joinery and hardware and any other joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

14. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the architectural and historic interest and character of the Listed Building.

15. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Heritage Asset.

16. Details of the proposed decorative finishes and colour scheme to include flooring materials and colours and window and door treatments shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

17. Prior to the first occupation of the development a maintenance and management scheme for the bat mitigation and other wildlife mitigation features shall be submitted to the planning authority for prior approval. The scheme shall include:

- a) Description and location of the features to be maintained and managed;
- b) Legal responsibilities of occupiers of the development with respect to the features;
- c) Labelling, signage and contact numbers for advice;
- d) Areas requiring no or sensitive lighting
- e) Aims and objectives of management;
- f) Appropriate management options for achieving aims and objectives;
- g) Prescriptions for management actions;
- h) Preparation of a maintenance schedule;
- i) Monitoring and remedial/contingencies measures triggered by monitoring.
- j) The financial and legal means through which the scheme will be implemented.

The scheme shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect and maintain mitigation features for bats (European Protected Species) and other wildlife.

## **APPENDIX 2: EUROPEAN PROTECTED SPECIES – Consideration of the three tests**

Application name and reference number:

16/02872/FUL and 16/02873/LBC

Ditherington Flax Mill, Shrewsbury

Repair and restoration of the Main Mill and Kiln; installation of structural

strengthening solution; re-opening of windows to all floors; formation of visitor interpretation centre, learning space and cafe; restoration of upper floors for commercial use; landscaping and formation of car parking area (98 spaces) with improved accessibility across the site, Flax Mill St Michaels Street Shrewsbury Shropshire SY1 2SZ

Date of consideration of three tests:

13<sup>th</sup> October 2016

Consideration of three tests carried out by:

Test 3: Dr Sue Swales  
Natural Environment Team Leader (Ecology)  
(01743 258515)  
[sue.swales@shropshire.gov.uk](mailto:sue.swales@shropshire.gov.uk)

Test 1 & 2: Mrs Jane Raymond  
Technical Specialist Planning Officer  
(01743 258723)  
[Jane.raymond@shropshire.gov.uk](mailto:Jane.raymond@shropshire.gov.uk)

**1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

The development is a sustainable heritage-led redevelopment of a Grade I listed Mill complex that is a heritage asset of national and international significance. In addition to the preservation and enhancement of the historic environment it will bring social and economic benefits both for the immediate locality and Shrewsbury.

**2 Is there ‘no satisfactory alternative’?**

There is no alternative as the development requires approval to secure funding so that the buildings can be restored.

**3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

The historical data search revealed records of seven species of bat within a 2 km radius of the survey area. The bats within the mill complex have been studied since 2007 by various consultants, the results of which are summarised within Middlemarch Environmental Ltd Report Number RT-MME-122753-01 Revision 2. During 2012 and 2013 the surveys were updated and a bat mitigation strategy was developed. These are reported within Middlemarch Environmental Ltd Report Numbers RT-MME-122753-01 Revision 2 and RT-MME-122753-02 Revision 4). This mitigation strategy was provided to the council as part of the previously approved planning permission and a licence was subsequently obtained from Natural England. The 2013 bat mitigation strategy was based upon the mill complex being developed in two stages and providing alternative space for the bats as the building works

progressed.

Due to delays in the scheme, this is no longer the case. Some of the bat mitigation has been installed and is being utilised by bats as identified within the subsequent bat monitoring reports (Shrewsbury Flax Mill Maltings, Bat Monitoring surveys 2015, Report No RT-MME-120031, January 2016, by Middlemarch Environmental Ltd.). Bat mitigation has been installed in the Apprentice house, an underground chamber and a new bat loft installed in the Stable Block. The bat mitigation will remain the same as previously agreed with the exception of the timescales of works which will require altering and an amendment to the existing bat licence will be submitted to Natural England. The exact timescales of works have yet to be determined and are dependent on a number of factors including the date of any planning permission and the contractor tender period. However, given the scale of the project, it is possible to programme the works to avoid key areas at critical times (e.g. avoiding works to the Jubilee Tower, a former maternity roost location during the bat maternity season).

Minor changes will be required at the northern end of the car park to the landscaping, lighting and layout of a few car parking spaces. Also minor changes to the lighting plan may be needed adjacent to the Stable Block and boundaries of the site. Both of these will be covered by condition. Design of lighting and landscaping is key to the success of the bat mitigation. Dark high and low level commuting routes will be maintained for bats across the site as shown in drawing C112753-02-28 April 2013 of the mitigation plan.

Given that the same mitigation as agreed in the previous planning permission will be installed which was granted a licence from Natural England, combined with the fact that key bat areas can be avoided at the required times of the year, and dark flight routes protected, the local bat population can still be maintained at a favourable conservation status.

In view of the above, the proposed development will not be detrimental to the maintenance of the populations of the bat species identified on site at a favourable conservation status within their natural range, provided that the conditions detailed in the responses from Sue Swales to Jane Raymond dated 13<sup>th</sup> October 2016 (reference DitheringtonFlaxMill16.02872.lbc02873) are on any decision notice and are appropriately enforced.

The following conditions should be on the decision notice:

**Condition**

Any demolition, conversion or disturbance on the site to which this consent applies must be undertaken in line with the recommendations in 'Ditherington Flax Mill Phase 1, Bat Species Method Statement Document 1, Survey Results and impact Assessment', 2013, by Middlemarch Environmental Ltd, RT-MME-112753-01 Rev 2 and 'Ditherington Flax Mill Phase 2, Bat Species Method Statement Document 2, Bat Mitigation', 2013, by Middlemarch Environmental Ltd, RT-MME-112753-02 Rev 4, in order to protect bats.

The works must be carried out under a variation of the previously obtained European Protected Species (EPS) Licence with respect to bats unless this is deemed unnecessary by Natural England Wildlife Licensing Section. It is accepted that some aspects of this mitigation scheme may be altered, as required by Natural England, during the European Protected Species Licensing process. Prior to the above work commencing on site a copy of the varied EPS Licence and the accompanying method statement must be submitted to the Local Planning Authority and the final mitigation measures must be retained for the lifetime of the development.



Reason: To protect bats which are known to be present on the site, all species of bats are European Protected Species.

**Condition**

No modification, development or other disturbance of the Cross Mill, Warehouse, underground chamber and Apprentice House mitigation roosts (as indicated on drawing C112753-02-02 April 2013) and flight lines shall take place unless a bat house or other acceptable mitigation has been completed in accordance with details approved in writing by the Local Planning Authority (in consultation with Natural England) and made available for use by bats for at least 2 years beforehand.

Reason: To protect bats which are known to be present on the site, all species of bat are European Protected Species.

**Condition**

Prior to works commencing on the proposed car park between the buildings and the railway line and prior to erection of any external lighting on the remainder of the site a revised lighting, landscape and layout plan for the car park and revised lighting plan for the remainder of the site shall be submitted to and approved in writing by the local planning authority. The plan shall:

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

All external lighting shall be installed in accordance with the specifications and locations set out in the plan, and these shall be maintained thereafter in accordance with the plan, for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. The submitted scheme shall be designed to take into account the current best practice guidance on designing lighting to minimise effects on bats.

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

**Condition**

Prior to the first occupation of the development a maintenance and management scheme for the bat mitigation and other wildlife mitigation features shall be submitted to the planning authority for prior approval. The scheme shall include:

- a) Description and location of the features to be maintained and managed;
- b) Legal responsibilities of occupiers of the development with respect to the features;
- c) Labelling, signage and contact numbers for advice;

- d) Areas requiring no or sensitive lighting
- e) Aims and objectives of management;
- f) Appropriate management options for achieving aims and objectives;
- g) Prescriptions for management actions;
- h) Preparation of a maintenance schedule;
- i) Monitoring and remedial/contingencies measures triggered by monitoring.
- j) The financial and legal means through which the scheme will be implemented.

The scheme shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect and maintain mitigation features for bats (European Protected Species) and other wildlife.

# Agenda Item 7



<u>Committee and date</u>
Central Planning Committee
27 October 2016

<u>Item</u>
<b>7</b>
Public

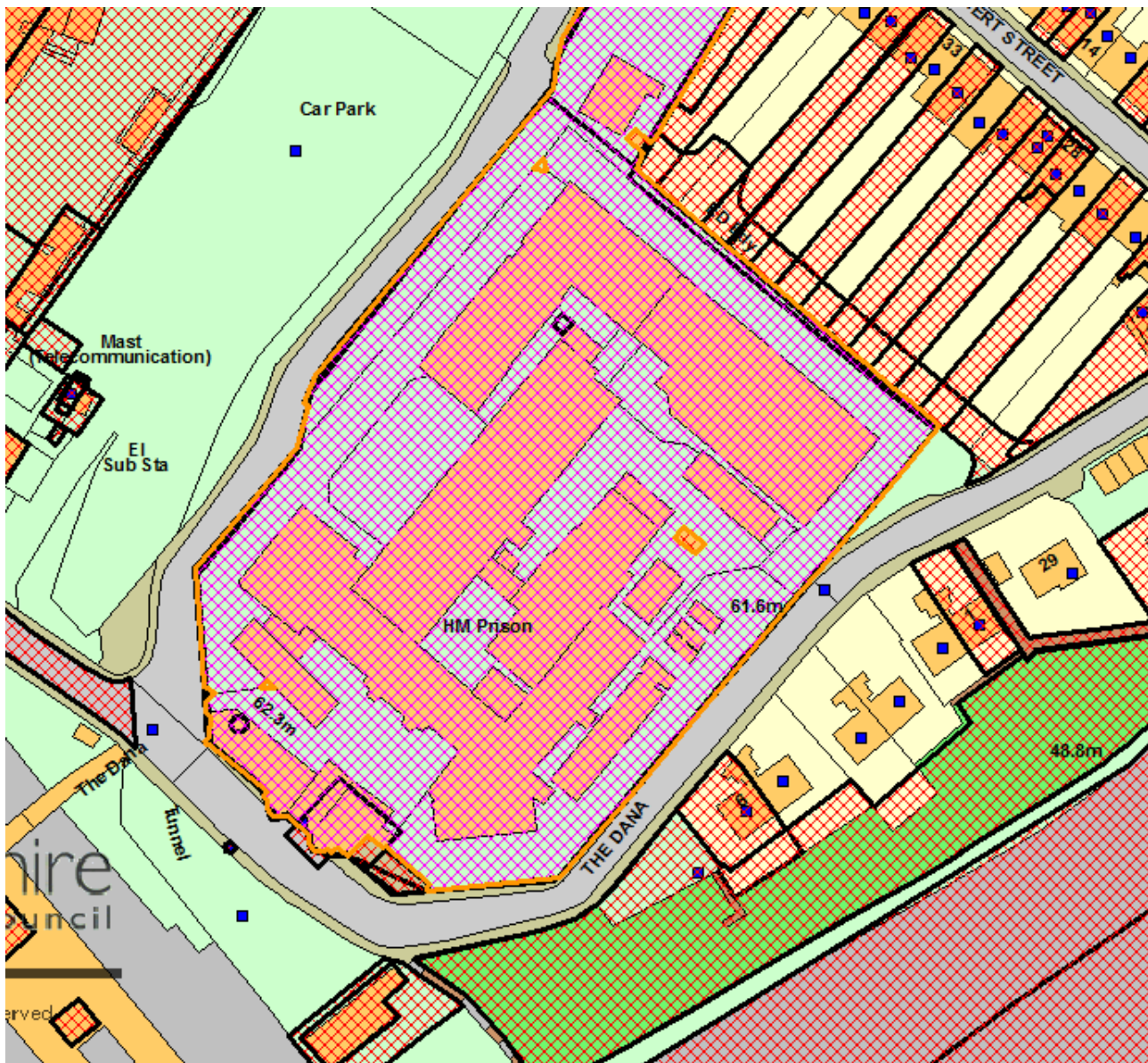
## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 15/05591/OUT	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Outline application for the redevelopment of former Dana Prison into mixed use development to include student accommodation, residential dwellings, retail/restaurant, business non-residential institutions, a gymnasium and extensive landscaping works		
<b><u>Site Address:</u></b> Former HMP Prison, The Dana, Shrewsbury, Shropshire		
<b><u>Applicant:</u></b> Mr Trevor Osborne		
<b><u>Case Officer:</u></b> Mark Lynch	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	



**Recommendation:- REFUSE Planning Permission for the reasons set out in Appendix 1.**

**REPORT**

1	<b>THE PROPOSAL</b>
1.1	This is an outline planning application with all matters reserved submitted in respect of converting a number of buildings on the prison site to alternative uses, together with the removal of a series of modern additions and their replacement with new development. An illustrative master plan has been submitted indicating how the site could be developed. This is detailed in the following paragraphs.
1.2	The prison is Grade II listed and contains a range of buildings dating from the 18 <sup>th</sup> Century right through to the 20 <sup>th</sup> Century. It is the intention of the applicant to preserve the more important heritage elements of the existing site with other less

	<p>valuable elements, dating mainly the 20<sup>th</sup> Century, to be removed. Cleared areas will enable new buildings to be constructed. Parts of the site date from the Georgian Period when the prison was first established. The Gatehouse and the B and D Wings are the oldest part of the prison with the central block dating from 1787. The main cell wings, A and C, date from the 1880's. This group of buildings is a mixture of two, three and four storeys and offers an opportunity for sensitive re-use. The buildings proposed for retention and re-use are listed later in this part of the report.</p>
1.3	<p>The Lancasterian School building on the corner of Albert Street and Beacalls Lane is two and half storeys in height. It is not listed in its own right and is to be retained and converted into apartments. The existing gymnasium and workshop buildings on the north western side of the site are approximately two storeys in height and will be retained and refurbished. The gymnasium will continue to be used for that purpose but open to public use. The workshops will be used to provide accommodation for starter businesses.</p>
1.4	<p>The buildings proposed for removal are largely single storey, of recent vintage and of modern, functional appearance. There are also several metal storage containers on the site; some of which are stacked on top of each other, that will be removed. These structures are situated to the rear of the gymnasium and workshop buildings facing the northwest curtain wall to the prison and within the area around C Wing and the kitchen building. Their removal will reveal the more historic structures and allow them to have more of a sense of setting, according to the Design and Access Statement.</p>
1.5	<p>The reception building within the front courtyard is a single storey redbrick and slate building located behind the gatehouse. It is in poor condition and its removal will reveal the front elevation of the more impressive B Wing on entry to the site. The gatehouse itself will not be altered although the crude, flat roofed visitor entrance structure added to its side wall will be removed.</p>
1.6	<p>The application is in outline only but a set of indicative drawings and a masterplan accompanied by a set of written Urban Design Principles have been submitted demonstrating how the site could be developed. The proposed development and incorporated uses are listed as follows:</p> <ul style="list-style-type: none"> <li>• The Gatehouse – to be converted and re-used as 2 residential units (Use Class C3) and retail (Class A1) and/or restaurant (Class A3) uses (approximately 115m<sup>2</sup>).</li> <li>• A Wing – to be converted and re-used for student accommodation purposes. Maximum of 104 or minimum of 88 (this is dependent on kitchen location requirements to be determined during the development of the servicing and fire strategy)</li> <li>• B Wing and D Wing– (this is the combined front range) – to be converted and re-used as residential providing a maximum of 16 apartments.</li> <li>• C Wing – to be converted and re-used as residential apartments or student facilities (16 student rooms).</li> </ul>

	<ul style="list-style-type: none"> <li>• The Prison Kitchen – to be converted and re-used as either retail or a restaurant/cafe use. Floor space for each use will be 198m<sup>2</sup>.</li> <li>• The Education Block – to be converted and re-used for either retail (A1) or restaurant use (A3) at ground floor with business use (Class B1) or Non-Residential Institution Use (Class D1). the various uses (A1, A3, B1 and D1) will extend to a total of 1697m<sup>2</sup></li> <li>• The Workshop – to be converted and re-used as residential (Class C3) use.</li> <li>• The Lancasterian School to be converted into 11 apartments.</li> <li>• New Building A - to be office on ground with C3 residential above. (Office approx. 240 m<sup>2</sup> and 8 residential units) of three and a half storeys.</li> <li>• New Building B - to be two and a half storeys of C3 residential (8 units).</li> <li>• Extensive re-landscaping of the site as a whole.</li> <li>• Creation of a walled garden around the interior of the site.</li> <li>• Provision of 43 on-site car parking spaces</li> </ul>
1.7	<p>In respect of the Urban Design Principles that are to be applied, the Design and Access Statement lists them as follows:</p> <ul style="list-style-type: none"> <li>• Create a Walled Garden of Shrewsbury and improve the link to the Riverside walk</li> <li>• Improve pedestrian access around the site and creating several controlled entry points through the prison wall to make connections with the surrounding streets</li> <li>• Improve views into the prison by opening up the south corner by removing the unlisted section of boundary wall</li> <li>• Provide an enhanced entrance into the prison site</li> <li>• Provide access to a range of unique buildings for the public</li> <li>• Bring sustainable uses to existing empty Victorian and Georgian buildings</li> <li>• Provide a mix of uses which encourages diversity within the area</li> <li>• Green the site. The current prison site has zero vegetation. The proposal is to create a garden within the walls, and make horticulture the heart of this development, both vertically and horizontally</li> <li>• Give impetus to possibilities of upgrading the underwhelming railway footbridge and The Dana footpath as a gateway to the new development</li> <li>• Improve the surrounding public realm</li> <li>• Create a variety of landscaped courtyards</li> <li>• Make a feature of the existing boundary wall</li> <li>• Promote permeability, activity and wider regeneration throughout this area of the Town</li> </ul>
1.8	<p>Two new buildings are proposed referred to as Building A and Building B on the illustrative masterplan. Building A will be located adjacent to the gymnasium building and Building B will replace the existing detached garage at the rear of the Lancasterian School adjacent to the wall that forms the boundary with the dwellings on Albert Street. Building A is proposed to either office space or non-residential institutional use at ground floor level with residential above. Submitted drawings indicate Building B will have car parking at ground floor level with a shop and café above, although the Design and Access Statement suggests the upper floors will be used as residential accommodation. These buildings will be three and a half storeys in height. No official elevations of these buildings have been submitted and</p>

	their design and appearance remains a reserved matter.
1.9	The application proposes removal of a section of the wall to form a new access point and which will help to open up views of the site from the Dana.
1.10	The works to convert the retained historic buildings will be a matter for the next stage in the application process. However, the applicant has emphasised the desire to affect as little as possible the character and appearance of the buildings, including the interiors.
1.11	The application is accompanied by the following documents: <ul style="list-style-type: none"> <li>• Planning Statement</li> <li>• Design and Access Statement</li> <li>• Heritage Statement</li> <li>• Transport Statement</li> <li>• Noise Assessment</li> <li>• Bat Survey Reports and Preliminary Roost Assessment</li> </ul>
1.12	Although the application is in outline with all matters reserved, members are being asked to agree a specific quantum of development and development parameters including the siting of new development, overall building heights and massing envelopes, floor space and car parking and service provision. The reserved matters will develop these themes further by adding precise detail to the various elements of the development.
2.0	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The site is the former HMP Shrewsbury, which was closed in 2012. It is a rectangular site enclosed by a tall brick wall with a Georgian gate house located on the south western side. The site of the prison is listed Grade II and is located within the Castlefields Conservation Area. The application site also includes another element containing the Lancasterian School building and its curtilage which projects as a limb to the northeast of the main walled prison site. It is largely self-contained within its own grounds. The site was originally developed as a prison in the 18 <sup>th</sup> Century and was remodelled and extended over the following centuries to form the building that exists today. Little remains of its Georgian origins although some base levels of walls within the older parts of the prison appear to date from this period.
2.2	The site lies on the northern bank of the River Severn on elevated ground. There are streets of dense, traditional terraced dwellings immediately to the north east and east and a range of two storey semi-detached and detached dwellings to the south east on land that is at a lower level. To the west is the railway line and Shrewsbury Station with Shrewsbury Castle located just beyond. To the north across Beacalls lane is the Network Rail car park with the Royal mail sorting office beyond it. All of these surrounding developments are on land that is at a lower level

	to that of the prison.
2.3	The site of the prison is encircled by a tall red brick with the gatehouse forming the focal point on approach from the west. The walls have been increased in height over the years and there is a distinct line along the wall that denotes the original height of the wall dating from Georgian and Victorian periods. The gatehouse dates from the 18 <sup>th</sup> Century and contains the main access to and egress from the site. The majority of the buildings that are to be retained are constructed from traditional red brick with slate roofs, although several of the more recent buildings are rendered and have flat roofs. There are also elements of ashlar stone within the site, most notably the gatehouse building.
2.4	The main prison blocks A, B, C and D are three and four storeys in height. The cell windows are relatively small and have multiple lights. The fenestration arrangements on the buildings create a distinct vertical emphasis contrary to the horizontal mass of the buildings. A Wing is the tallest and most substantial building on the site. It contains a number of distinctive ornate chimneys which dominate views across the site and these are to be retained. The roof also supports three lantern lights that run along the length of the ridge between the chimney stacks, which allow light to pass via light wells into the structure down to the ground floor. The building contains a substantial number of cells and these are arranged around the central atrium. This is dominated by prison stairwells, walkways and balconies. The gallery around each well has original iron brackets which support the walkways.
2.5	The uniform cells of the interior have narrow doorways and vaulted ceilings. On all except the ground floor a number of original cell doors remain. The original doors are timber with a metal panel fixed to the inside, unlike later doors which are steel.
2.6	The intention is to refurbish the building by utilising the cells as study bedrooms for students. Each group of three cells is proposed to be subdivided into two study bedrooms by converting the central cell into a pair of en-suite shower rooms. The high level prison windows will be retained as they are but with bars removed. The cell door of the shower rooms will be filled in but with a high level window inserted. The shower room will be accessed from within each corresponding study bedroom by breaching the internal wall to create a doorway. Each floor will be subdivided into four 'cluster' flats consisting of 6 to 8 bedrooms, a communal kitchen and dining area and an access staircase. The staircases will be inserted within existing cells and involve breaking through the floor to the levels below. The galleries on each floor will incorporate several communal seating areas.
2.7	B and D Wings form part of the same range of three storey red brick buildings to the rear of the gatehouse. They date from 1787 and were extended between 1885 and 1888 and include the former Governor's House. The interior of the building was subject to radical alteration during the 20 <sup>th</sup> Century and very little of the original interiors remain.
2.8	The area surrounding the prison site is a mixture of residential and commercial. The area to the north east of the site is predominantly residential in nature comprising narrow closely knit Victorian streets. The River Severn flows along to



	the south east of the site at the base of a steep bank. To the west is the Shrewsbury Railway Station and the main line runs immediately to the south west of the proposed car park on the Dana. Beyond the line on elevated ground and overlooking the station car park sits Shrewsbury Castle. To the north west on the opposite side of Beacalls Lane, a one-way street is the station car park.
2.9	The former prison car park is located across the Dana to the south west of the prison itself, adjacent to the railway line. This facility is to be retained to provide car parking to serve the needs of the proposed development.
3.0	<b>REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION</b>
3.1	The application is reported to the planning committee because of the scale and nature of the proposal, the degree of public interest and local Member interest.
4.0	<b>COMMUNITY REPRESENTATIONS</b>  - Consultee Comments – comment.
4.1.1	<b><u>Town Council</u></b> – Neither supports nor objects:  Shrewsbury Town Council - Whilst the Town Council welcomes the re-development of the site in general terms, members feel that there is a lack of detail in respect of on-site parking and a Travel Plan for the application. Members have expressed concerns regarding potential traffic problems in an area of town which experiences regular congestion and where adequate parking provision is at a premium.
4.1.2	<b><u>SC Drainage</u></b> - comment:  No objection. The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted:  The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. On the Design and Access Statement, it states that hard surfaces will be replaced with grass and planted courtyards, with gravel edging and permeable paving. A plan showing 50% betterment of replacing hard surfaces with soft landscaping and permeable surfaces should be submitted for approval.
4.1.3	<b><u>SC Ecology</u></b> – Initial Comment:  Recommendation: Additional information is required in relation to bats. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).  <b><u>Comments on the submitted Ecological Survey Reports:</u></b>

**Bats**

Cellars are present under cell blocks A and C and a hibernation survey was carried out. Temperatures were found to be too high in the cellars (13-15.3 degrees centigrade) for bat hibernation, with low humidity, and static bat detectors showed no signs of bat activity between February and April (while temperatures periodically reached below zero through into April outside). No droppings or other physical signs of bats were found. It is highly unlikely bats use the cellars for hibernation.

The day time preliminary roost assessment identified a range of possible bat entry points and potential roosting sites throughout the building complex but no direct evidence of bats was found except small numbers of old droppings in the roof spaces of D Wing, C Wing, the Kitchen and the Lancastrian School.

Summer activity surveys were carried out to determine use of the site outside of the hibernation period. The amount of bat activity increased through the summer season with second emergence surveys showing there was a constant amount of bat activity of Pipistrelle species concentrated in the C wing courtyard and A wing sports pitch every survey and most nights according to the externally mounted static detectors. Some bats commute in from the river direction whilst others roost on site. Most nights revealed occasional passes of Noctule Bats either commuting or foraging across the site, but the majority of bats recorded were Common and Soprano Pipistrelle Bats. The externally placed detectors recorded a Brown Long-eared Bat on the 29th June. The data showed that the sports pitch and courtyard are used extensively for foraging during the first one to two hours after sunset and sporadically thereafter until dawn or one hour before.

The report concludes that B wing roof coverings are presently used as a summer day roost for two to four pipistrelle bats. Judging by the lack of fresh droppings or any recordings on internally placed monitoring detectors, it is concluded that bats did not use the roof spaces during the survey period. Given the habit of bats to change their roost sites, it is likely that the prison is being used in conjunction with other roosts in the local area. There was no evidence to suggest the presence of a maternity roost, where females gather to give birth and raise their young, in the building.

The report states that given the size, nature and complexity of the site, is perhaps surprising that so few roosts exist but there are various factors that may deter bats from occupying this site. These include the former intensive use of the buildings, the use of close-fitting composite tiles, general good state of repair of the structures and high levels of security lighting.

The bat populations roosting in and foraging around the site will be adversely affected by the development and mitigation will be required. Likely impacts during demolition, construction and long-term occupation of the development include:

- Disturbance from noise, vibration and alteration to light levels;
- Destruction of roosts, particularly through roof repairs and blocking of access points with scaffolding;
- Risk of killing or injury of individual bats when lifting slates, ridge tiles etc.;

- Human disturbance.

In view of these likely impacts, a European Protected Species Mitigation Licence for bat species will be required from Natural England before works on the buildings, including erection of scaffolding or changes to lighting commence. The three tests under the Conservation of Habitats and Species Regulations 2010 must be considered before a planning decision is made. A European Protected Species 3 tests matrix has been submitted with this consultation response, which provides an assessment of the 'maintaining a Favourable Conservation Status test'. The planning officer is required to complete sections 1 and 2, 'overriding public interest' and 'no satisfactory alternative'. Please note, the conclusions I have reached under the Favourable Conservation Status test are only valid if any stated conditions are added to the planning permission if granted. If problems arise with the conditions, please contact me.

The bat survey report (reference 1 above) suggests the installation of two Schwegler 1FQ Woodcrete bat boxes on the north-west gable of B wing and the raising of one or two ridge tiles in the approximate location of where bats were seen to be exiting during the activity surveys. It also suggests maintaining the dark commuting route from the Dana buildings to the river. These measures would be the minimum required to maintain the favourable conservation status of the summer day roost for 2 to 4 pipistrelle bats that was identified on the roof of B wing.

The following **conditions** should be attached to any planning permission:

1. Modification, demolition, changes to lighting or scaffolding of the Gate House, Wings A, B, C, D, the Kitchen block and the Lancasterian School as identified in the Existing Site Layout Plan Drawing Number P/002 Rev. A shall not in any circumstances commence unless the local planning authority has been provided with either:
  - a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
  - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.  
**Reason:** To ensure the protection of bats, which are European Protected Species.
2. Prior to commencement of development, a lighting design strategy and plan shall be submitted to the local planning authority for its written approval. The strategy and plan shall:
  - a) identify those areas/features on site that are particularly sensitive for bats and nesting birds, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for

foraging;

b) clearly show on the plan the proposed dark commuting routes for bats providing a connection to the river corridor and

c) show how and where external lighting shall be installed ( through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy before the development is first occupied, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. The submitted scheme shall be designed to take into account the latest best practice guidance on lighting and maintenance of bat populations.

**Reason:** To minimise disturbance to bats, nesting birds and other nocturnal wildlife.

#### Lighting informative

The latest Bat Conservation Trust guidance on bats and lighting is currently available at [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html). Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

Although mitigation has been proposed for the roost that was identified during the activity surveys, the site appears to be used for foraging by four species of bat and a few bat droppings were found in the roof spaces of four buildings on site, showing previous access. On such a complicated site, no bat survey can guarantee to find all bat roosts, especially for one or two crevice dwelling species. The LPA, through its Biodiversity Duty under the NERC Act 2006 and under the National Planning Policy Framework (see paragraphs 109, 117 and 118) must seek opportunities to enhance and restore biodiversity, including aiding the recovery of priority species populations. The Dana Prison also lies immediately adjacent to, and in the buffer zone, of the Shropshire Environmental Network which is covered by the Shropshire Core strategy policy 'CS17 Environmental networks'. This policy also seeks enhancement of the network, in this case the river Severn, which acts as a corridor for commuting and foraging bats.

In this application, the buildings with large roof spaces are to remain and opportunities should be sought to provide at least one bat loft suitable for species requiring space to fly (such as Brown Long-eared Bats) before leaving the roost. The Bat Mitigation Guidelines (English Nature) section 8.4.1 states that a void of dimensions of more than 2m high (floor to ridge board) and a floor area of over 5X5m would be necessary for species that fly in roof voids. In addition, due to the

scale of the development and evidence of previous use by bats, additional bat boxes, bat bricks or bat tiles etc. should be provided on the prison buildings and the school. A few bat droppings were found in the roof of the Lancastrian School, and although well-lit at night, there may be potential to use the side of the building facing the back gardens and towards the river. The following **conditions** would be required:

3. The first submission of reserved matters shall include an updated and detailed Bat Mitigation and Enhancement Scheme and Method Statement, and these works shall be carried out as approved for the lifetime of the development. The submitted scheme shall include:
  - a) the recommendations in the 'Bat Survey Report, The Dana Prison, Activity Surveys, Shrewsbury, SJ495129 VC40', 16th May – 18th July 2016, by Treetec;
  - b) at least one bat loft of appropriate design and dimensions;
  - c) additional features such as raised tiles, bat tiles, bat bricks, bat boxes etc.;
  - d) provision for monitoring after construction;
  - e) provision for continued maintenance when the development is occupied;
  - f) a plan indicating the location of bat roost features and the dimensions of the bat loft.

**Reason:** To ensure the protection of bats, which are European Protected Species.

4. Prior to commencement of the development, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the Bat Mitigation and Enhancement Strategy and Method Statement and other ecological mitigation and enhancement measures are adhered to. The ECW shall provide a report to the Local Planning Authority demonstrating implementation of these measures. This shall include photographs of installed features such as bat and bird boxes once in place, details and dates of wildlife protection and mitigation measures in place, and findings of all pre-commencement checks undertaken for the protection of wildlife, and provision of replacement habitat and enhancements. The ecological clerk of works shall also provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place, as they progress.

**Reason:** To demonstrate compliance with ecological mitigation and enhancement proposals.

### **Birds**

Two active nests for Swifts were observed at the Dana with two more unused, all situated on B Wing. Potential nesting sites appear to have been blocked and it is probable that more Swifts nested on the buildings in the past. Swift numbers are declining rapidly and they are an amber-listed species on the list of Birds of Conservation Concern. The Bat Survey Report (document 1 above) recommends that two Schwegler No 17A swift boxes are installed in the absence of suitable holes in the buildings at height. It is possible that at least 4 swift nesting sites will be lost through repair works on Wing B and this level of mitigation is not enough. In

addition, we would be seeking enhancements for this species. It may be that 'swift bricks' would be more acceptable as they would blend into the brickwork better than swift boxes and some of the buildings are listed. A full range of artificial nests can be found at :<http://www.swift-conservation.org/index.htm>

The following **condition** should be attached to any planning permission:

5. As part of the Reserved Matters details for the provision of nesting opportunities for swifts shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the buildings.

**Reason:** To ensure the provision of nesting opportunities for swifts.

### Informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing 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 conversion, renovation and demolition of buildings should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an 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.

If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.

### **Landscaping**

The existing Dana Prison and school site is currently almost devoid of vegetation. The landscaping of courtyards and the perimeter of the site is welcomed and is likely to provide biodiversity as well as aesthetic benefits. Where possible, species chosen should provide a source of nectar, pollen and fruit for pollinating insects, birds and other wildlife. I assume detailed landscaping details will be submitted at reserved matters.

I note on the Ground floor Plan in the Transport Plan that the trees towards the river appear to have been removed and replaced with formal planting and a revised pedestrian route constructed. This falls outside the red line boundary and would contradict the recommendations of the Bat Report as it would interfere, at least temporarily, with the dark commuting and foraging route for bats to and from the

	<p>river.</p> <p>Any Construction Management Plan should take into consideration the Bat Mitigation and Enhancement Strategy, including restricting lighting during construction to prevent disturbance to bat roosts.</p>
4.1.4	<p><b><u>SC PROW Officer</u></b> – Comments:</p> <p>There are no legally recorded public rights of way at any status within the site boundary of the former prison.</p>
4.1.5	<p><b><u>SC Public Protection</u></b> – Comments:</p> <p>Having considered the noise assessment it is noted that certain assumptions are made about the fabric of the building. The noise assessment assumes that the construction of the walls in residential properties is 255m cavity brickwork. I anticipate that the walls will be of a similar composition and therefore have no further comment on this matter.</p> <p>The noise assessment highlights the need for there to be improvements to the glazing of residential dwellings. Glazing to provide 29dB noise reduction is proposed. Please could the applicant state how this will be achieved. Alternatively the following <b>condition</b> is recommended:</p> <ol style="list-style-type: none"> <li>1. Prior to inhabitation details of the specific glazing used in residential dwellings on site shall be submitted to the local planning authority for approval in writing. The glazing must be capable of a reducing noise between the internal and external façade by at least 29dB. <b>Reason:</b> to protect the health and wellbeing of future residents.</li> </ol> <p>In order to maintain a good level of internal noise amenity particularly in bedrooms windows must be capable of being closed at night. Alternative ventilation must therefore be provided. Please could the applicant provide details of the ventilation to be provided into habitable rooms? The ventilation must not impact on the acoustic features provided. Alternatively the following <b>condition</b> is recommended:</p> <ol style="list-style-type: none"> <li>2. Prior to inhabitation details of ventilation into habitable rooms shall be submitted to the local planning authority for approval in writing. <b>Reason:</b> to protect the health and wellbeing of future residents.</li> </ol> <p>Due to the mixed use of the properties on site there is the potential for some activities to have a detrimental impact on other land uses on the same site. For example the gymnasium may have music playing. I do not consider it necessary to place any conditions on the gymnasium however the applicant should be aware that should complaints be received they will be investigated and if substantiated enforcement action will be taken where appropriate.</p> <p>In relation to the kitchen building if any extraction system is to be installed details of the position and height of any flue will be required. Odour and noise abatement details will be required. All of these aspects will be required prior to installation. As</p>

	<p>a result I propose the following <b>condition</b>:</p> <p>3. Prior to any extraction system being installed into any A3-A5 use on the site details of the odour and noise abatement equipment to be installed, grease baffling/coils in any cooking hood and location and height of any flue shall be submitted to the planning authority for approval in writing. <b>Reason:</b> to protect the amenity of the area.</p> <p>There are proposed B1 and B8 uses on site. I recommend the following <b>condition</b> in relation to these uses:</p> <p>4. Any B1 and B8 land uses shall operate between the hours of 07:00 20:00 on any day. <b>Reason:</b> to protect the residential amenity in the area.</p>
4.1.6	<p><b>SC Archaeology</b> – Comment:</p> <p>The county gaol was originally established at this location in Shrewsbury, on previously undeveloped land beyond the areas of medieval and post-medieval occupation, in 1787-1793. Details of the prisons subsequent development are provided within the Heritage Statement which has been submitted with the application. However, in summary, the late 18th century prison was subject to a major phase of re-ordering and rebuilding from 1883 1888, and subsequent incremental development in the later 20th century, including the addition of significant new buildings in the 1970s and 1990s.</p> <p>The principal impact on any below ground archaeological remains will come from the proposed new build unit between the end of C-Wing and the 1990s gymnasium building. The Heritage Statement and Heritage Impact Assessment indicate that this area was originally partially occupied by one of the wings of the Georgian prison and it is possible that archaeological remains of this building may survive below ground. However, this part of the prison was demolished as part of the Victorian reordering and subsequently utilised as the prisons exercise yard (which had an associated toilet block). In the 20th century a boiler house was added to the northern end of 'C' Wing, and this was subsequently demolished and replaced by a number of steel framed structures in the closing decades of the prisons life. It is, therefore, likely that any surviving remains of the 18th century prison buildings will have been disturbed and truncated by later construction, demolition and servicing activities. Additionally, later 20th century plans of the prison site indicate that the site of the proposed new build unit was not utilised as one of the prisons burial ground, and is it not therefore expected that any human remains will be present. As a consequence, this part of the proposed development site is considered to have low-moderate archaeological potential.</p> <p><u>Recommendation:</u></p> <p>The Principal Conservation and Design Officer will provide advice on the effects the proposed development will have on the significance of the Listed Buildings, Conservation Area and built non-designated heritage assets. These comments therefore relate to the archaeological interest of the site as outlined above.</p>



	<p>A Heritage Statement and Design and Access and Heritage Impact Assessment have been submitted with the application to meet the requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Local Plan. It is understood that these will be supplemented as appropriate with additional information with subsequent Reserved Matters applications.</p> <p>In view of the above, and in relation to Paragraph 141 of the NPPF, it is therefore recommended that a programme of archaeological work, to comprise a watching brief during any ground works for the new build unit, be made a condition of any planning permission. An appropriate <b>condition</b> of any such consent would be: -</p> <ol style="list-style-type: none"> <li>1. 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.</li> </ol> <p><b>Reason:</b> The site is known to hold archaeological interest.</p>
4.1.7	<p><b><u>Shropshire Fire And Rescue Service</u></b> – Comment:</p> <p>As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:  <a href="http://www.shropshirefire.gov.uk/planning-applications">http://www.shropshirefire.gov.uk/planning-applications</a></p>
4.1.8	<p><b><u>SC Highways</u></b> – Comment on the initially submitted Transport Statement:</p> <p>Parking demand in the locality is high and is a material consideration of this planning application. The Transport Statement (TS) however briefly considers the former prison site and states “The previous use of the prison site will have generated significant traffic, mainly staff, servicing and visitors.” It goes on to state that “We understand that staff and visitors often parked in local streets in the past.” What the report does not do however is to in any way quantify what that prison use parking demand generated. Whilst this may be difficult given that the prison closed some 3 years ago it is not helpful that the former prison use has not been considered insofar as parking demand is/was concerned.</p> <p>On-street parking beat surveys were carried out on the Friday 4<sup>th</sup> and Saturday 5<sup>th</sup> December, within the survey area shown on Plan 5 attached to the TS. As stated the methodology was agreed with the highway authority. Parking accumulation numbers were also carried out at the Howard Street Car Park on the basis that the applicant considers this car park could be available to support the developments parking demand. Whilst it is accepted that December is not an ideal month to carry out surveys, it is however considered to be a robust month.</p> <p>The on-street parking beat surveys indicated that the on-street parking demand is essentially at capacity. Whilst capacity did not reach 100% and parking spaces were</p>

available, the available spaces changed from street to street at various time periods. In essence therefore whilst limited on-street parking is available it requires drivers to search out those spaces. The survey indicated also that the same vehicle could be seen on more than one occasion searching a space out on a particular road. The fact that the parking beat surveys showed that the local streets around the Dana are in effect at capacity is no surprise. It demonstrates also that parking in these local streets is already challenging for residents.

The parking accumulation surveys carried out at the Howard Street Car Park on the Friday and Saturday showed that there were a number of spaces available from the overall 220 spaces on the car park. On Friday the maximum accumulation reached 152 at 11.45 and on Saturday 136 at 18.45. This however represents a sample of the parking demand at this car park. The car parking charging regime is as follows:-

- 24 hours £4.80
- 2 days £9.60
- 3 days £14.40
- 1 week pass £18.20

Following the results of the survey information, Section 5 of the TS covers the predicted travel demand of the development and seeks to look at both trip generation and parking accumulation. At the outset however it is not clear how these figures have been arrived at. Without this information the highway authority cannot validate the figures provided as being robust. Nevertheless we have considered what has been submitted and make the following observations:-

The TS assumes that “student travel by car will be minimal due to the ability of the university and its management procedures to restrict car use for students in official accommodation”. Whilst the highway authority would agree that student car ownership is likely to be low due to the location of the site to the town centre, bus station, railway station and University we do not consider that it can be simply ignored as having no impact on parking demand in the area. It is difficult to see how the University could impose car usage by students on the basis that the accommodation is not controlled by the University. How would such a regime be implemented and policed? Parking demand would be generated by student visitors/family/friends. A Travel Plan would assist to some extent, particularly as regards the dropping off and picking up of students and belongings. The highway authority has concerns also as regards the future use of the student accommodation, albeit that any consent granted would restrict the student accommodation under the terms of a Section 106 Agreement.

The A1/A3 uses assume a nil impact upon parking demand. It is difficult to reconcile how such an assumption can be arrived at. The users are unknown and therefore its attraction to its customer focus is unknown. There would be staff working with a potential need to park locally. There are of course a multitude of uses within classes A1 and A3 which in themselves generate different types of traffic movements and parking demand.

The TS states that the parking demand for B1/B8/D1 is difficult to quantify and suggests that these uses should be regarded as aspirational. These uses could be linked to the University but could also be completely unrelated. It goes on to state that once the uses and users have been established then the likely trip generation and the ability to manage travel demand can be finalised. The TS finally states that the “traffic generation from these uses has been excluded from the analysis, albeit that the actual movements of vehicles is expected to be minimal”. In the same way as above therefore this element of parking demand has been excluded. Again the highway authority finds it difficult to reconcile this stated position and methodology.

The Travel Demand section of the TS therefore concentrates the trip generation predictions on the private residential element of the development proposal and the commercial gym. The parking demand assumption associated with the private residential is based upon the census data for the Ditherington and Castlefields ward, which indicates 37% of households in the ward do not own cars. By implication therefore 63% of households in the ward do own a car. The TS further states that in total 1667 cars are owned by household residents in the ward. On the basis that 63% of ward households do own cars, the TS simply applies a  $47 \times 0.63 = 30$  cars seeking parking provision. This is a somewhat simplistic approach without any validation to confirm that a 0.63 parking provision per residential unit is robust. It fails also to consider the dynamics of the area in terms of the domestic types which include terraced, flats etc. Nor does it consider the type of residential accommodation to be developed within the prison complex, which is more likely to be more up market and may therefore effect the likely parking demand.

Again trip generation and parking accumulation forecasts for the commercial gym use have been provided. No information however has been provided to show how these figures have been arrived at and therefore we are unable to validate the figures as being robust. Notwithstanding this point, the TS suggests a maximum of 33 car parking demand spaces for gym users at its peak would be directed to use the pay and display car park in Howard Street. This assumes therefore that gym members would be first attracted to this pay and display car park and content also to pay a £4.80 parking charge, as it currently stands. This is a disappointing assumption and in our view carries little weight in the overall parking demand considerations. On a further note a gym use comes under a D2 use class and therefore would have potential alternative uses within that same use class. No weight can be applied to the current gym building within the site since that was used in the context of the prison.

Whilst parking demand in the locality is considered to be the main highway issue, the highway authority is concerned that the trip rates themselves for all the development elements are suggested to be low and are therefore not a material consideration. We would agree with the assertion that the locality of the site and accessibility to the town centre, bus station and railway station is good but the TS does not provide us with any confidence or certainty that traffic generation would be as low as suggested. Traffic queuing at the Howards Bank signal junction is sensitive simply because it cannot be given additional ‘Green Time’ without having an adverse impact upon the traffic signal gyratory arrangement. On the basis that

the TS trip assumptions are questionable it is not clear what the traffic impact would be at this junction point.

Overall the highway authority considers that the TS does not provide a robust assessment of the parking needs of this development and therefore its impact upon the locality. Moreover, there are some elements within the development which have not been considered and it appears apparent to us that this is a speculative development proposal where there are a number of unknowns. This however does bring us back to what in actual fact this application is seeking and how therefore an approval of this application would then provide the baseline for any subsequent development amendment of the scheme. Notwithstanding that some parking provision is being made available the highway authority's strong view is that parking provision is deficient and that this development, as presented, would have an adverse impact upon parking in the locality. The consequences of this are the potential constant circulation of the local streets to find a parking space. This already happens to a certain extent but operates principally because they relate to residents who have a legitimate reason to traffic these local roads. An increase in drivers searching for parking spaces in the locality could lead to enhanced traffic problems and road safety issues.

In addition to the above but not considered in the TS is refuse collection. It is understood that some discussion has taken place with Waste Officers. A development of this scale will generate significant domestic and commercial waste and it is not apparent how this could be satisfactorily achieved. This is a fundamental aspect of the development proposal that is clearly linked to the deficiencies of the local road infrastructure in the locality.

At the outset, the highway authority acknowledges that the prison site area complex has listed status and therefore there is a need to find an alternative, suitable and viable use of the site. The issue therefore for the highway authority to consider is whether the potential harm of the development in its local surrounds as set out above is acceptable. In this regard the highway authority accept also that the redevelopment of the site will inevitably lead to some harm on the Castlefields parking situation but our strong view is that, as presented, the highway authority cannot support this development. It is our view that parking provision within the grounds of the development footprint should be considered and a more robust TS assessment should be undertaken.

Subject therefore to clarification as to the precise nature of the development coming under this outline submission, the highway authority are minded raise a highway objection to the development proposal on the basis that the development would be likely to result in an unacceptable highway/parking adverse impact upon the local area.

**Comments on the Updated Transport Statement (dated July and September 2016):**

The Highway Authority has reviewed the additional information submitted, and

	<p>would summarise that the development remains significantly unchanged and the majority of previous comments submitted in May 2016 are still relevant when considering the likely Highway impact of the proposed development. Whilst the revised Transport Assessment provides additional information with regard to parking accumulation for A1 and B1 use, the Transport Assessment continues to make assumptions that the Highway Authority cannot agree with and continues an over reliance on Howard Street Car Park. The Highway Authority position remains unchanged.</p>
	<p><b><u>SC Housing Officer</u></b> – Comment:</p> <p>Core Strategy Policy CS11 provides that all open market residential development contributes to the provision of affordable housing with a number of exemptions, which are noted in Paragraph 4.24 of the SPD Type and Affordability of Housing. One noted exemption relates to the conversion of Listed Buildings, which also includes the curtilage of a Listed Building. The rationale for this exemption relates to the increased costs that are often involved with works to Listed Building due to enhanced build specifications and secondly, as a way of the Council supporting ‘enabling’ development. Therefore, there is no requirement for a contribution towards the provision of affordable housing from this development.</p>
4.1.9	<p><b><u>Historic England</u></b> – Comment:</p> <p>Historic England supports this application in principle.</p> <p><u>Historic England Advice:</u></p> <p>We are grateful that our earlier informal advice has been taken into account, and are glad to say that we support this application in principle as an appropriate, constructive and creative approach to the re-invigoration of this remarkable historic site and the resulting enhancement of the conservation area. Our advice particularly takes into account the well-being of the site itself and its listed historic buildings, the conservation area, wider benefits to the fine historic town of Shrewsbury, and the setting of the Castle, a Scheduled Ancient Monument.</p> <p>The proposed new uses have the potential to work well with the particular significance and challenges of each building, but success here will be heavily dependent on a high quality of design and execution. In particular, the windows of A and C Wings will demand imagination and flexibility by all concerned, and we look forward to joining the discussion.</p> <p>Another difficult design issue will be how to make openings in the perimeter wall. Whilst we have no objections to lowering the wall back to its former height, new openings should be kept to a reasonable minimum commensurate with the new activities within. We would encourage a consciously 'non-architectural' solution to the new opening designs, working in conjunction with the excellent emphasis on</p>

	<p>greenery that the project envisages.</p> <p><u>Recommendation:</u></p> <p>Outline planning permission should be granted, with reserved matters encouraging continuing involvement of your Council's specialist officers, and ourselves, in the development of the scheme towards applications for full planning permission and listed building consent.</p>
4.1.10	<p><b><u>SC Conservation</u></b> – Comment:</p> <p>The outline proposal is for the conversion of the main cell blocks to accommodate student rooms, and for the Grade II listed, more significant historic built elements to be adapted to form residential apartments and ancillary catering and office space. The modern blocks will be retained and re-used for leisure and workshop space, linked to the main use of the site, creating facilities associated with the expansion of the university. It has been discussed as to the matter of parking and provision for cycle storage within the site boundaries, and solutions are being worked up.</p> <p><u>Background</u></p> <p>The site is a significant landmark in the historic townscape of the Castlefields area, and consists of a number of listed Georgian and Victorian prison buildings, and associated structures. It is a rare example of a recently occupied prison, which has significance nationally and regionally for its architectural integrity, cultural and historic association with internationally renowned engineers and architects, and to the social history associated with its use and occupation.</p> <p><u>Constraints</u></p> <p>The following historic environment constraints apply to the redevelopment of the site.</p> <p><u>Castlefields and Spring Gardens Special Character Area 11:</u></p> <p>The site sits at the far south eastern boundary of the above character area, and as such performs a key function as a physical and visual gateway for the north of the town centre. It would have formed the area of open land adjacent to the Castle, and was used for mineral extraction during the medieval period. As referenced in the proposal for its designation in 1997, 'the Castlefields and Spring Gardens area to the north east of the town centre is an area of outstanding importance in terms of the economic and social history of the growth of Shrewsbury in the late 18<sup>th</sup> and throughout the 19<sup>th</sup> century'.</p> <p>Paragraph 2.8 refers to the prison building, which was constructed in two main phases; one of the earliest Georgian prisons when it was first constructed in the late 18<sup>th</sup> Century, it underwent a major re- building in the 19<sup>th</sup> Century, when the original plan form within the walls was substantially altered in the name of improvements to the living conditions of inmates.</p>

The site forms the physical boundary to the well-defined and settled area of 19<sup>th</sup> century social housing to the North, which has a strong distinctive architectural character with the Church of All Saints providing a focal point in the area. As it links the town centre to this area, the areas of car parking within the prison curtilage and the off-site footbridge connecting the castle to the Dana are mentioned as negative factors which detract from the appearance of the area.

#### Additional impact on setting of Shrewsbury Town Centre Conservation Area

The views of the site from the Castle and walls from the south, and from the entrance to the town via train from the north and the west are significant in appreciating the townscape setting of the Prison in its historic context.

#### Grade II listing of the prison and perimeter walls

The listing text follows:

“GV II

*Prison. 1787-1793. By John Hiram Haycock, executed by Thomas Telford, incorporating modifications suggested by John Howard. Brick with some stonework and Welsh slate roofs. High boundary wall with gate surrounds inner buildings: main block with canted wings each side, and wing to rear. Central projecting pediment over 3-window range possibly rebuilt with 3-window range each side linking to wings or pavilions each end which have 4 paired windows with 2 similar windows above. Windows throughout have round-arched heads.*

*Rear wing of greater height, with hipped roof. Perimeter wall is brick with vermiculated stone piers or buttresses, and stone-coped plinth. Rusticated ashlar entrance block with central round-arched main door with grille in tympanum suggesting portcullis, flanked by drum towers each with window with pedimented head possibly formerly doorways. Plain heavy cornice over, and central pediment over bust of John Howard according to whose principles this prison was designed.*

*Listing NGR: SJ4958712980”*

#### Methodology applied:

The assessment below has been prepared on the basis of a site visit in mid-February and desk based research.

#### Policy context:

The proposal site is within the Castlefields Conservation Area and is a complex of Grade II listed buildings and structures, lying adjacent to the Shrewsbury Castle Scheduled Ancient Monument but separated from it by the Shrewsbury station complex and mainline.

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, Policy MD13 'The Historic Environment' of SAMDev, as well as with national policies and guidance, National Planning Policy Framework (NPPF)

published March 2012. Sections 69 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 apply. Consideration of the significance of heritage assets and the impact of any proposed works to those assets should be undertaken in line with guidance contained within the EH/HE publications including Conservation Principles (2008), Seeing the History in the View (2011) and The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (2015) and any other relevant guidance documents to be notified by Historic England.

Design context:

The design is in outline, and is presented as a master plan for a mixed use development of commercial and residential elements focusing on the provision of student accommodation.

Assessment:

In assessing the design scheme proposals, it is considered that the following points are relevant in determining the result of this outline application, and respond to the illustrative masterplan submitted:

- Perimeter wall - new openings should be the subject of detailed appraisal in the Listed Building Consent application (LBC), lowering of the wall with removal of later courses is acceptable, and any other removal of modern sections to be agreed, especially those at the rear of the site
- Walled garden - planting and landscaping plan should avoid damage to historic fabric
- New window openings in historic fabric of cell blocks - internal layout, amalgamation of cells and associated impact of changes on the external elevations should be the subject of detailed appraisal in LBC
- Removal/demolition of single storey building to front of Governors House - needs a full evaluation of significance and recording prior to removal
- Retention of historic fabric - principles established in outline for the retention of as much historic fabric as possible within the new scheme and the removal of modern additions to expose historic form. Detailing of treatments and finishes to be the subject of design negotiation in LBC
- Replacement of modern temporary building elements with new build blocks A and B - position and scale of these buildings need to be the subject of careful consideration in order to minimise impact on the setting of the historic buildings and the conservation area
- Retention of modern elements to the rear of the site – whilst the argument for their retention is understood it is felt, on balance, that the removal of these buildings would be more beneficial to the overall scheme and that a well-designed replacement would more considerably enhance the setting of the historic buildings and the conservation area as a whole

Recommendation and conditions:

The principle of the re-use and mix of uses on site is agreed, subject to the detailing of the conversion works, and of demolition and new build elements, which will be covered in the process of negotiating listed building and detailed planning



	<p>consent.</p> <p><u>Condition topics:</u></p> <p>Building recording of any demolitions to Level 2</p> <p>Retention and reuse of historic materials on site within scheme</p> <p>Design and external finishes for new build elements</p> <p>Landscaping scheme to be locally distinctive and avoid damage to the historic fabric of surfaces</p>
4.1.11	<p><b><u>Friends of the Earth</u></b> – Comment:</p> <p>In principle, the sympathetic conversion of the Prison is something we would support. There are some hurdles yet to leap, as we comment below. Page numbers refer to the Design, Access and Historic Impact Assessment Statement.</p> <p><u>Traffic and Access:</u></p> <p>No study of traffic has yet been submitted, which may reflect of how difficult this is to solve. It is not clear to us what is proposed in the ‘Access’ page (p58). We cannot comment fully until this is received, so our observations may need amending.</p> <p>We agree entirely with the objective of making walking and cycling the majority mode for access to the site - for obvious environmental reasons. So, we are very interested in how this will be achieved.</p> <p>There are already a number of conflicts and hazards between pedestrians, cycles, cars and commercial vehicles in the area. Visibility is limited by solid walls pitched at sharp angles, in narrow streets. Pavements are missing in places, particularly at the top of Victoria Street. The opportunity to improve this substandard situation should be seized wherever possible. The current proposal adds a substantial number of person movements, by whatever mode. If we are to believe p57 and 58, many of these are located very close to the area of maximum hazard at the top of Victoria Street. This conflict is surely best avoided?</p> <p>To achieve the objective of making walking and cycling the predominant modes, the following need to be incorporated.</p> <p>Attractive and convenient floor surfaces within the site, and improved pavements outside is a key provision for pedestrians. The need for upgrading the railway footbridge is noted, and the long-awaited ramp at the far end of the Dana is crucial for both walkers and cyclists.</p> <p>Essential provision to make cycling attractive includes secure, covered, cycle parking and storage facilities, in public view to prevent stealing. The quantity will depend on detailed study, but a rule of thumb gives at least 50% of the number of residents. This is considerably more than is shown on p.59.</p> <p>It is important that the design of access points to the site gives the right message.</p>

Hence, the formal main entrances (shown on p57, an alternative might be to the left of the entrance, facing down Howard Street) should be designed to exclude vehicles, and vehicular access(es) should be discretely located elsewhere.

The need for eliminating hazards is noted above. No proposals are made, so the stated objective 'to improve the surrounding public realm' (p 24) remains unfulfilled in this respect.

The common practice at other universities of having students sign agreements not to bring cars to the campus would induce good practice, encouraging students to discover non-car routes around the area. Using the Shropshire Co-wheels car pool scheme may be useful in reducing car parking demand.

#### Sustainability/Ecology:

A Sustainability and Ecology report is tucked away at the end of the document. It has all the air of being an afterthought; scarcely the overarching golden thread of the NPPF. It typically uses 'we will seek to' and 'it is our aim to', which we know often means in practice 'we needn't bother to'.

A claim for Sustainability is made for anything it possibly can. For instance, the listed buildings have 'a good thermal mass' is some sort of bonus, yes but not north-facing walls, and dependent on the detailing. Better would have been a commitment to achieve as high a level of insulation as is compatible with the listing.

Claiming the gardens as sustainable local food production is utterly tokenistic!

We hope this is intended to be re-written in a final application, to include robust sustainable targets. The new buildings, constructed to Passivhaus standards for instance, could help compensate for lower insulation standards in the existing ones; they might also support renewable energy installation.

#### Comments on the Transport Assessment:

This is a beguiling document. It says, simply, that:

\*As the students will have signed an agreement not to bring a car to the area, there would be no demand for car parking for them. They will be primarily walking and cycling, for which there is 'excellent' provision.

\* Other new Dana residents who want to park a car near to the site can be accommodated by using the former prison employees car park, or tucked away on the site;

\*To take up whatever shortfall there may be, the NCP car park has empty spaces nearly all the time. So, it says, there would be no impact on those existing residents who want to park cars on the street.

It all sounds very neat. As advocates of sustainability, we like the strong emphasis on walking and cycling. There are some points of disagreement and missing details.

Reality is somewhat different from the description of Shrewsbury Town Centre. It's

not really a great place to walk around. Traffic is not 'restricted in many streets' (2.2.2) - there is only one traffic-free street safe for pedestrians. Air pollution is high. And it isn't all that easy to cycle in either, although some improvements have taken place. The car still rules.

A problem and a solution:

'Excellent access for pedestrians' to the site is claimed (2.1.1). The two main routes are Howard Street, a steep hill which leads out of the toxic stew that is our own Slough of Despond under the railway bridges. The other is the Dana itself. The route goes over the tatty bridge above the station and along the Dana walk to Castle Gates. The bridge needs replacing, and the pathway terminates in a steep flight of steps. Efforts to add a ramp have met with an entrenched reluctance from the Shropshire Horticultural Society, its reluctant owners. No-one seems to know why.

At least one of these problem routes will need to be brought up to a much higher standard before 'excellent access' will fit. Of the two, the Dana route to Castle Gates is the obvious candidate. We commend this to the developers; it will bring them a very great deal of kudos in the community. Reconstructing the bridge would need the active participation of the appropriate railway authority. The route needs of course to be a dual use route for pedestrians and cyclists, without conflict.

Here is an opportunity to make a real and valued contribution to the community of Castlefields. They have already been waiting a long time, even organizing petitions and commissioning designs. If upgrading could be made a condition of consent, we would support that.

Cycling:

The application relies on making cycling and walking the normal mode for access by students to the site. Cycling will need to be made an attractive option, and to do this, several conditions must be met.

First, there needs to be an adequate provision of cycle parking – if there are 120 student flats, we must presume a minimum of 80 cycle parking spaces, which could be 40 doubled stands. In addition there needs to be provision for the residents of the 47 flats, and particularly, gym users – a group whose cycle use is above average.

Secondly, the cycle parking should be under cover; and the third requirement is security. This is often achieved by siting the parking in public view, not tucked away out of site. There are other solutions.

For the proposal to succeed, there will need to be cycle parking for over 100 cycles. The space allowed on the plans is clearly well short of the target.

Car parking:

As the applicant states, residents' cars already take up the on-street parking spaces. To avoid conflict between existing residents and new residents of the Dana, it would seem useful to remove the element of competition. We have no brief to go beyond

	<p>that. However, a message on the gym's website encouraging gym users who come by car to use the NCP car park, does not qualify as robust enough!</p> <p><u>Conclusion:</u></p> <p>We look forward to seeing some more detailed proposals, hopefully incorporating our suggestions with respect to reconstructing the access bridge, and adequate provision for cyclists.</p>
4.1.	<p>- <u>Public Comments:</u></p> <p>Thirty two letters of objection and two letters of support have been received.</p> <p><b><u>Objections:</u></b></p> <p><u>Traffic, Parking and Transport</u></p> <ul style="list-style-type: none"> <li>• The parking provision for the proposed development is entirely inadequate for the proposed residential use, and takes no account of visitor parking, deliveries, removals etc. or the proposed non-residential aspects of the development.</li> <li>• There isn't any available on-street parking in the area which is already saturated both in and outside working hours, a point which the developer's consultants surely cannot have failed to appreciate.</li> <li>• The proposed vehicular access from Beacalls Lane (p58 of the Design and Access Statement) ignores the one-way traffic flow on Beacalls Lane. To make use of these proposed vehicle access points traffic will need to go down Victoria Street, one of the narrow side streets, and then the narrow Beacalls Lane itself.</li> <li>• Concerned that the 12 parking places to be provided and a rather wishful and unsubstantiated proposal for parking on the Royal Mail site will suffice for the scale of development proposed. 'Free parking' always wins out against 'pay to park'.</li> <li>• Already we have a problem with parking and holidaymakers and town employees using this area rather than pay for any parking.</li> <li>• There is no agreement on the hypothetical arrangement with Royal Mail. Anyway it is too far away for deliveries</li> <li>• Parking is already being badly affected by the Dana Prison Tours.</li> <li>• Short of making Castlefields area into a 'residents' only' parking zone, I can see that this development will just exacerbate an already difficult situation.</li> <li>• The parking area in front of the Prison Gate was designed for this purpose and we feel it should be earmarked for temporary parking not developed separately as a hotel or housing.</li> <li>• Cannot see how Student vehicle ownership can be monitored despite contracts being signed.</li> <li>• In reality, the creation of up to 120 student units, each of which effectively represents an individual residence, creates the potential for up to an additional 120 vehicles.</li> </ul>

- Will the University employ wardens to patrol the streets, armed with facial recognition equipment in order to spot students arriving or leaving by car? Would the contract signed by students stand up to a legal challenge?
- Potential controlled entrances are proposed. How would these potential controlled entrances be 'controlled'?
- When you consider the narrowness of the road (Victoria Street and The Dana) there is no pedestrian space adjacent to the prison wall, (opposite no's 4 & 5 The Dana) there will be a great danger of incidents with vehicles. Persons walking or running out of a 'hole in the wall' straight onto the highway is likely.
- This is already a major concern on safety for pavement users, pram and disabled peoples access and access for emergency vehicles including fire and ambulance.
- There will be a total of 49 'lost' parking options based on the developer's current proposal.
- Over the years that the parking problem has increased with indiscriminate parking worsening and this adverse impact moving outwards so it is not only those streets nearest to the proposed development that are impacted but also those wider afield in both the 'old' and 'new' parts of Castlefields.
- Lack of enforcement of parking laws at present so there is no deterrent to unlawful parking locally.
- Consideration needs to be given to the potential to create parking spaces at the rear of the development between the perimeter wall and the gardens of the properties on Albert Street that back onto the wall.
- I note from researching the impact of the Malmaison/Oxford Gaol development that there are only 35 designated car parking spaces there, and car parking by visitors to the gaol overflows into Oxford, so there is some history of these component not being taken seriously enough by the developer in the past.
- The parking assessment is considered to be seriously flawed given the explicit omission of any parking demands associated with future students, any visitors to the development (i.e., friends and family of students/residents), or any of the allied commercial, retail or other site uses (A1/A3/B1/B8/D1) currently proposed. As such, the identified parking burden is considered to be hugely underestimated.
- Concerned about the additional car traffic which would result on the narrow residential Castlefield streets. Numerous young children play in and around the streets (including the 'corner garden' between Victoria St and Albert St which is a real community hub) and the increase in traffic flows (not least resulting from drivers circulating the streets seeking out a parking space) would inevitably increase the risk of accident.
- The IMA Transport and Parking Survey raises many more questions than it answers. It is suggested that visitors to the site will be directed to the Howard Street Car Park. This is a statement and has no supporting evidence, and therefore should be disregarded. It is suggested that there is significant free space in the Howard Street car park for visitors to the site to park as there is no parking provided in the Dana Prison. This view is based on a survey of only two days and is therefore wholly inadequate in assessing the amount of free spaces. It is well known in the area that the Howard Street car park is sometimes full. It is for this reason that the Osborne Group had been in discussion with Network Rail to create a second tier on the site.

- It is suggested that the amount of parking spaces for the gym will form part of a later application. This information should be required for this application, and should part of a revised application.
- The amended proposals include the previous prison car park adjacent the railway line. However, even with this addition of 22 spaces there will be inadequate parking provision to meet the demands of the development.

#### Heritage

- The building cannot be left to deteriorate and good use must be made of it, a balance yes BUT not to the detriment of the environment, wildlife and residents who must be considered.
- The majority of the wall was extended up by five courses during the 1880's, including the south east side and the raised semi-circular section of wall here. Surely demolition of this SE side will be both environmentally and economically unsustainable and unnecessary?

#### Amenity

- Since 1880, homes have been built (1920's) on The Dana (that's the name of our Road not of Shrewsbury Prison) all of whom will suffer a loss of privacy from the overlooking top floor windows of C wing and the end of B & D wing, with downward views into our bedrooms and gardens. Those dwellings will also be subject to being overlooked by the 'new build office/commercial block' (the use of which is a little vague and raises further questions), shown on the plans, in front of the existing 1880's semi-circular section of brickwork. Will obscure glass be fitted?
- Lowering the boundary wall will allow direct overlooking of bedrooms and gardens of existing dwellings on the Dana.
- We will be subject to unnecessary noise and abuse, both during demolition and making good of the existing boundary wall.
- The raised semi-circular section of wall on the south east side (which is the most well preserved original stretch of wall) surely this is an important part of the heritage, architecture and history of The Prison and should be retained as such?
- Retaining the eastern boundary wall will also reduce the further loss of privacy etc. to numbers 1 - 6 The Dana by the proposed 'New Building'.
- The Architects drawing appears to show a roof line above that of the existing prison buildings, can this be clarified please? Will it be a flat roof or pitched? If pitched will it be an 'occupied' floor? That would then require skylight windows? If yes another invasion of privacy for the existing houses on The Dana! (Clearly the developer wants rid of the semi-circular wall frontage to allow a 'better view' from his new build.
- The C wing courtyard garden by its designed function will inevitably increase the noise and impact on existing neighbours and must surely be yet another reason for retaining the full height of the boundary walls?
- The scheme is an over-development of the site.
- The proposal to build flats in the current playground/carpark of the old Lancasterian School is completely unacceptable.

- This would impact on the personal privacy of about the first eight houses rear gardens/dwelling spaces in Albert Street, and provides no proposal for the provision of parking.
- It would also reduce the light coming into the first three houses quite dramatically, reduce the quality of life for those residents in those houses, and affect their resale values significantly.
- Object to the construction of any building on the site of the car park adjacent to the school, particularly when such a building would impede and reduce significantly the light in our property. It is our understanding that a right to light can be construed as a planning issue when a new development, or proposed development affects the access to light of an adjoining property. The plans which have been submitted show a three-storey building, the height and width of which would have an impact on our access to light.
- We are also anxious that a proposed commercial development, which would overlook our house, would have a detrimental effect on our privacy and quality of life.
- If the Lancasterian School is converted into Flats opposite Consort House this will diminish privacy of the existing residents in Consort House because they will be directly looked down upon by any new flats.
- Concerned about the social impact on the area. Already it can be noisy from the Buttermarket. They had promised at the outset to not play music louder than was tolerable, but that pledge has not always been kept, which shows once planning is given, very often, once the developer has got what they want, their previous commitments soon fade.
- We are concerned that the south side of the new build (garden centre) appears to be directly on the boundary wall between our garden and the present Lancastrian School car park. At present we do not know the exact height of the proposed building but for it to contain a car park and retail outlet over the top and for the main door of the retail unit to be presumably at the same level as the ramp running up the north side of the prison, it can only be a tall structure which will be out of scale with the housing and will greatly reduce the light levels in our garden.
- We would be very annoyed to find that noisy fans, ventilation units and any other constant noise from machinery was installed along the south side of the building directly on our garden boundary wall. This would completely deprive us of the enjoyment of our garden and we would view this very seriously. Again, constant piped music would be intolerable.

#### Ecology

- Ducks and other wildlife use the walls around the prison. Reducing the height of the walls will affect the ecological interests of the site.

#### Design, Scale and Appearance

- The current plans include an unsustainable level of development, with excessive resident/student numbers (in the context of the ability of the local community/infrastructure to absorb such increases).
- The garden centre proposed for the north east corner of the site to be very unsuited to the physical setting.

Need

- It is unclear whether a student block containing 120 units is a viable proposition in the context of the ongoing uncertainties around level of university interest.
- Bearing possible 'doubts over student numbers' is there a basis for targeting the prison conversion towards students? Would it be more beneficial for all to be residential dwellings? Surely parking allowance would then be a requirement?
- The viability of a large gym complex is also considered to be questionable, given both the availability of numerous other gyms in Shrewsbury and the well documented absence of parking close to the proposed facility (I would assume this may be a significant deterrent to many gym users).

Comments in support:

- Shrewsbury Business Chamber consider it vital to preserve this historic building in the town.
- It will provide accommodation for the growth in student population to the University. In doing so it will increase the footfall to the businesses at the East End of Shrewsbury with this group having access to new disposable income.
- The issue of traffic flow and residential parking in the area should not influence this application. These objections should be addressed through the Shropshire Council's Shrewsbury Integrated Transport Package (SITP).
- Shrewsbury Civic Society regard this as an excellent development and suggests a sensitive re-use of buildings, which could be a catalyst for the regeneration of this somewhat "tired" area of the town. The principles of mixed-use, public access and balance of heritage and community are well employed. The notion of the walled garden is exciting, (although further environmental and "green" features could enhance it). Shrewsbury is lucky that the conceptualization behind these plans will avoid the very many less thoughtful possibilities for developing the area.
- Aware that the original plans involve aspirations for the complementary development of adjoining land areas. To some extent this could affect the current application. For example, an important issue both now and for the scheme is that of traffic and parking. In the narrow, surrounding roads residents already have considerable difficulties with cars. The point is that we suspect this application should be considered within the context of realistic thoughts and plans for the long term of this area's development, ie some form of area plan.
- Generally happy with the demolitions proposed although we suggest a "historic building recording" condition. We agree that the piercing of a large hole in the prison wall (parts of which we understand are Listed) is a necessary way to encourage public access. We understand that the economic viability of the various buildings' uses has been adequately researched, so avoiding any possible empty or unmaintained sections.
- Overall, the Civic Society welcomes this imaginative scheme, hoping it will gain your approval after further public consultation, and looks forward to the



details that are likely to describe better its impact for the area.

**Comments received from Councillor Alan Mosley:**

**Comments**

Many recognise that some development of the former Dana Prison site is necessary and has advantages. I believe that there is the potential for positive outcomes:

- It is a site which was always going to be sold and developed.
- It is an important listed site with high heritage values and obligations to conserve/restore.
- It has the potential to bring significant gains for Shrewsbury in terms of regeneration, amenity, services, facilities, etc.
- It may enhance the amenities of the local area.

**Significant Objections**

However, I wish to object to the current application and call for its refusal. The main grounds for my objection are as follows:

- a. The inadequacy and veracity of information within the Transport Plan and the conclusions arising especially given that there is a lack of clarity on usage within what is a largely speculative application – see below.
- b. The plans will result in the of over-development of the site with some conflicting uses,
- c. The impact of the proposal in and around the old Lancasterian School,
- d. The financial viability of the proposals as they stand making future variations inevitable e.g.
  1. the need for students accommodation given levels of recruitment at the University and the high proportion of ‘home’ students being recruited
  2. the existence of other proposals for substantial units of student accommodation within the town centre.
  3. the need for teaching and other university areas given their plans and existing capacity of the University,
  4. the gym given its location, absence of parking and high levels of competition throughout the area,
  5. the speculative usage of existing buildings and new build,
  6. the viability of all units must be questioned without adequate associated parking.
- e. some of the potentially attractive elements of the proposal cannot be guaranteed e.g. the freely accessible walled gardens, while other features included in the initial public consultation have been removed e.g. associated car parking on new floor on the Network Rail land, the landscaping and public access to a newly landscaped Dana Gardens including the adjacent Network Rail land, not to mention the amphitheatre.

## The Transport Plan

1. The applicant clearly identifies that issues surrounding traffic and parking are enormously significant problems and great weaknesses in the application. Hence, the original proposals made during public consultation showed an upper floor to be built over the adjacent Network Rail land for use as parking. This has now been abandoned.
2. It should be noted that there have been significant changes to the Transport plan with each new iteration. For example it is now proposed that no car parking is required on the Lancasterian site either for the 11 proposed apartments in the original school building or the unspecified number in the new build B.
3. Throughout the Plan the applicant seeks to show that the proposals will not generate parking demand in excess of that when the site was in full operation as a prison and hence, would have no additional adverse net effects on the area. However:
  - Estimates of staff numbers and users at the Prison may be a significant over-estimate. Ludicrously, the report claims that “we have no accessible records of staff numbers as these would have been shredded / archived when the gaol was closed”. Yet I have found it easy to view The HMP Shrewsbury IMB Annual Report 2012 – 13 which shows that 219 staff, including volunteers, worked at the Prison
  - The Plan identifies that parking for staff was available on land opposite the Gatehouse for some 25 vehicles. It fails to mention the parking available on the ramp off Beacalls Lane nor the small car parks adjacent to the Gatehouse and one off Victoria Street. As the staff habitually double parked by arrangement, the spaces available is significantly underestimated.
  - Certainly the extent of on-street parking demands by prison staff, i.e. 100 – 130, is grossly exaggerated as reported by residents and former prison officers I have spoken to.
4. Significant weight is given to the availability of spaces on the Network Rail land car park. However,
  - This is pay and display currently at £4.80 per day and all evidence is that users of the site will tour the streets to seek on-street parking in the residential areas rather than pay.
  - Nearby residents report that there are occasions when that car park is full.
  - The developer has no control over the car park, pricing policy or its long-term continuation in use as a car park.
5. Claims that special arrangements will be made for users of the site e.g. the gym, are not detailed or substantiated. The site is in fact owned by Network

Rail and operated by a third party.

6. The developer puts great emphasis on the efficacy of a Student Management Plan which is highly ambitious.
  - In some way the SMP is going to ensure that “car ownership is strictly prohibited.” This will be policed and enforced by a third party agency. Obviously, no spaces will be provided on-site but how enforcement and policing is going to ensure they don’t own cars, bring cars to Shrewsbury and park on-street is unclear and highly unlikely to occur. Nor does the plan take account of visitors to the student accommodation
  - The Plan in July states that there will be “a student management plan to prevent students bringing cars to site. This is a system in place in many other Cities and will be rigorously enforced.” In Chester the University does not provide student parking on its accommodation sites but cannot prevent students parking cars on-street nearby. However, the Plan in September states “a stipulation for students living in the university accommodation here at the Dana will be that they will not be allowed to bring a car on site nor to park in the vicinity”. Obviously, they are trying to plug a loophole but without any explanation of how they can police and enforce no parking “in the vicinity”.
7. The Plan alludes to the student facility not being in place until 2019 and at other places maintains that further work can be done until there is general implementation. What further work is proposed and what might trigger it?? Many of the proposed uses appear highly speculative and a greater degree of certainty must be achieved before taking risks which can bring great detriment to the surrounding neighbourhood.
8. The Plan claims that spaces will be available for the residential units but:
  - It states that new build A may have an unspecified number of residential units on the upper floor. There is no proposal for parking!
  - Changes to the proposals and plan indicate that parking associated with the Lancasterian School has been removed while additional residential is proposed for New Build B. Hence 11 plus 5 (?) residential with no parking allocated!! This is justified by the location being so close to the town centre that parking provision is unnecessary. “The converted Lancasterian School and new build residential block will be developed and sold without car parking spaces. Pedestrian links will be created such that residents will be able to leave the site on foot via the Dana. The sustainable location is such that it is not considered a concern to develop this part of the site without car parking as there will be strong demand for flats so close to the town centre, such that car parking for these is not required.” (5.1.4). This, of course, flies in the face of reality and contrasts

	<p>massively with the claim that “there are no development proposals which propose on street parking in this area (as we are well aware that these are unlikely to be well received by local residents).”</p> <ul style="list-style-type: none"> <li>• In fact, the September Plan states: “The existing entrance to the rear of the Lancastrian School, from Beacall’s Lane, will be retained to provide access to cars that will serve the residential units in this part of the development. (3.1.4) While in the same Plan the Executive Summary states, “.....residential apartments in the former Lancasterian School and the adjoining new build residential block (both outside of the Gaol wall) will have no car parking associated with the units when they are sold” and 3.6.1 states that the Lancasterian access will be closed. I wonder if they know what they are doing at all!</li> <li>• Hence, the Plan identifies some 47 private residential apartments while giving details of only 25 designated parking spaces, surely this cannot be permitted?</li> </ul> <p>9. The plan identifies significant additional uses which will attract large numbers of employees, users, visitors, suppliers, etc. which cannot be realistically be assessed until further details are known.</p> <ul style="list-style-type: none"> <li>• A public gym facility of 980 square metres GFA</li> <li>• Up to 1900m2 of conference/exhibition/flexible office space (B1 and D1 use)</li> <li>• Up to 450m2 of A1/A3 space</li> </ul> <p>No associated parking is planned except that drivers will be “directed” to the Network Rail/NCP pay and display car park.</p> <p>10. While the developer claims that there will be minimal consequences for traffic flow it is obvious that many of the uses identified are speculative and hence the actual likely impact cannot be assessed. The Howard Street junction affects a wide range of routes and appears to be at maximum capacity. The developer’s calculations appear to not be robust and hence, mis-represent the likely reality with consequent significant adverse effects.</p> <p>11. I am aware of the analysis presented by Highways in May and concur with the general findings and conclusions.</p>
<p>5.0</p>	<p><b>THE MAIN ISSUES</b></p> <p>The main planning issues concern the following:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Siting, scale and design of development</li> <li>• Visual impact, amenity and landscaping.</li> <li>• Impact on local residential amenity</li> </ul>

	<ul style="list-style-type: none"> <li>• Heritage impact</li> <li>• Highway Safety, Traffic and Transport</li> <li>• Drainage and flood risk</li> <li>• Ecology</li> </ul>
6.0	<b>OFFICER APPRAISAL</b>
6.1	<b><u>Principle of Development</u></b>
6.1.1	The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
6.1.2	Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015.
6.1.3	The SAMDev Plan is the second part of the Local Development Framework for the county. The Core Strategy policies are complimented by the SAMDev Plan DPD, which provides additional detail to the over-arching policies contained in the Core Strategy. Following its adoption on 17 <sup>th</sup> December 2015 previously saved policies of the South Shropshire District Local Plan have been superseded.
6.1.4	Other material planning considerations also have to be taken into account when assessing the proposals. One such material planning consideration is the National Planning Policy Framework (the Framework). In March 2012, the Framework replaced all previous PPG's and PPS's and confirmed the Coalition Government's commitment to a presumption in favour of sustainable growth and development. In terms of decision making, this means approving developments that accord with the development plan 'without delay' and, where the development plan contains either no relevant policies or where those policies are out of date, granting planning permission unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted'.
6.1.5	The Framework sets out a presumption in favour of sustainable development.

	There are three dimensions to this, namely: an economic role, a social role and an environmental role. These roles are mutually dependent.
6.1.6	Policy CS1 of the Core Strategy establishes a settlement hierarchy with new development focussed in Shrewsbury, the Market Towns, other identified Key Centres and, in the rural areas, the Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth. SAMDev Policy MD1 supports sustainable development within Shrewsbury, having regard to other policies contained in the Core Strategy and the SAMDev Plan.
6.1.7	Shrewsbury is regarded as being the most sustainable settlement in the county. The site lies within the settlement development boundary for Shrewsbury and its development for alternative uses is acceptable in principle.
6.1.8	Core Strategy Policy CS2 establishes Shrewsbury as the primary focus for new development for Shropshire and the priority will be making the best use of previously developed land and buildings for housing and other uses within the built-up area.
6.1.9	The application is in outline with all matters reserved and proposes a mixed use development including alterations to the listed buildings, demolition of existing structures and construction of new buildings on the site. All specific details will be considered at the next, reserved matters, stage. At present, the local planning authority is being requested to consider the principle of the proposed uses and quantum, height and massing of proposed new build on the site and the provision of parking and servicing areas. The proposals affect a range of planning policies as a result. These are considered in detail in the following sections.
6.1.10	In terms of principle, there is policy support for the proposals. The site is located within the urban area of Shrewsbury and its re-use for a mixed form of development is supported by Policies CS1 and CS2 of the Core Strategy, in particular. Policy CS1 sets the overall strategic approach for development in the county. It confirms that Shrewsbury will be the focus for new residential and commercial development over the lifetime of the local plan. Policy CS2 sets the development strategy for Shrewsbury. It states that a comprehensive and co-ordinated approach will be pursued in respect of the planning and development of Shrewsbury to enable the town to achieve a significant level of housing and economic growth whilst protecting and enhancing the town's role, character and the unique qualities of its historic built and natural environment.
6.1.11	This policy references the Shrewsbury Vision, the aim of which is to provide a comprehensive plan that identifies regeneration opportunities within the town and integrates with the Local Development Framework (LDF), Community Strategy and Cultural Strategy. It provides a business plan, a delivery plan and a spatial plan for Shrewsbury and links directly with the Core Strategy. It also references the Northern Corridor Regeneration Framework covering a wedge of the town stretching away to the northwest of the application site. This seeks to enhance existing major commercial, employment and mixed use areas, such as the Ditherington Flaxmill. In addition, the site lies within the area of the Castle Foregate

	Regeneration Area.
6.1.12	The policy also emphasises the need to make the best use of previously developed land and buildings within the town, especially those that make a contribution to the enhancement of the town centre, the redevelopment of edge-of-centre areas and the regeneration of the Shrewsbury Northern Corridor, which is recognised as a 'key area of change' in the SAMDev Plan. It also specifically mentions the importance of promoting, conserving and enhancing the town's natural and historic features.
6.1.13	Policy MD1 of the SAMDev Plan states that sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy. Sustainable development within Shrewsbury will be supported.
6.1.14	The supporting text to Policy CS2 explains that it is important that Shrewsbury should develop in a balanced and sustainable way as a community and a place in which to live, work, visit and spend leisure time in. Policies CS2 and S16 of the SAMDev are intended to facilitate development, change and regeneration to achieve this aspiration.
6.1.15	Policy CS13 of the Core Strategy is relevant in that it promotes new business activity across the district and specifically mentions supporting the development of local further and higher education and training facilities. The proposed development envisages such facilities being incorporated within the overall site.
6.1.16	<p>Policy S16 sets out the development strategy for Shrewsbury and states that the town will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire's growth point. Appropriate development and redevelopment that accords with the Strategy will be encouraged on suitable sites within the town's development boundary. Key areas of change in Shrewsbury are the 'Heart' of Shrewsbury and the Shrewsbury Northern Corridor, where proposals for new development/redevelopments and enhancements should have regard to the principles, priorities and objectives of the Shrewsbury Vision and Northern Corridor Regeneration Frameworks, as appropriate, aiming to:</p> <ul style="list-style-type: none"> <li>i. Provide a sustainable and complementary mix of retail, community, employment and residential uses;</li> <li>ii. Support economic and community development;</li> <li>iii. Protect and enhance heritage, environmental and conservation assets, and deliver environmental improvements;</li> <li>iv. Incorporate approaches to access, parking and movement which support the integrated and sustainable transport strategy for Shrewsbury.</li> </ul>
6.1.17	The application site lies within the Castle Foregate Regeneration Area. This establishes a framework for the redevelopment of the wider area and the vision for Castle Foregate is to develop its gateway role and particularly the sense of arrival around the station. In the longer term, it can develop its potential as part of the

	<p>commercial heart of the town centre, linking the centre to the Northern Corridor. Aspirations for the area include:</p> <ul style="list-style-type: none"> <li>• the improvement of the railway station forecourt</li> <li>• improvements to the Dana Footbridge and potentially deliver a new link from the station to Abbey Foregate</li> <li>• improving the existing buildings along Castle Foregate opposite the station and Royal Mail delivery office</li> <li>• the event that the Royal Mail delivery office relocates, reusing the site for a new office development</li> <li>• should the prison be relocated, possible re-use for hotel and related facilities including residential</li> <li>• enhancement of the pedestrian experience</li> </ul>
6.1.18	<p>The development proposals comprise an eclectic mix of different uses, as set out in paragraph 1.6 above. These include a residential apartments, commercial floor space and student accommodation. It should be noted that the University is not party to this application and the student accommodation does not have any official endorsement by that institution. In relation to these policies, the proposed development meets many of the stated aspirations. It is a substantial regeneration project anticipated to deliver an investment in the region of £24 million. It is located within the Castle Foregate Regeneration Area and close to the area of the Northern Corridor, which are specific regeneration areas for the town. As a mixed use development, it proposes a range of uses that the applicant considers are complementary to one another as well as being appropriate to the nature of the surrounding area. It will involve the refurbishment and re-use of an important designated heritage asset that constitutes a landmark local building. The proposals will lead to the refurbishment of this important site within the regeneration area. Provided it respects the character and appearance of the heritage asset its re-use as proposed would be acceptable in principle.</p>
6.1.19	<p>The Framework also supports the reuse of previously developed land and promotes the delivery of mixed use developments that lead to multiple social and economic benefits whilst also enhancing heritage and environmental assets. In this respect, the basic principle of the development fits with these aspirations.</p>
6.1.20	<p>There are other important planning issues that need to be satisfied including matters of scale, design, traffic impact and effects on heritage and environmental interests. These are explored in the following sections of the report, but it is considered that the proposals are acceptable in principle.</p>
6.2	<p><b><u>Siting, scale and design of development</u></b></p>
6.2.1	<p>Section 7 of the Framework is concerned with promoting good design and re-affirms previous national guidance that permission should be refused for development of poor design. It is necessary for new development to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and history, create a safe and accessible environment and be visually attractive. It also states, however, that permission should not be refused for development because of concerns about incompatibility</p>



	with an existing townscape (notwithstanding effects on designated heritage assets, which may justify a refusal), especially where that development promotes high levels of sustainability. It requires that new developments make a positive contribution to their surroundings. In terms of design and layout, the form of the proposed development has been described above in Section 1.
6.2.2	Policy CS6 of the Core Strategy is concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by Policy MD2 of the emerging SAMDev Plan. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes “embracing opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”
6.2.3	The application is an outline one with all matters reserved. An indicative master plan has been submitted but little specific detail has been provided regarding the proposed alterations to those buildings that are to be retained or the design and appearance of the two new buildings. General parameters have been provided regarding how the site might be developed but with the details to be considered at the next stage in the process.
6.2.4	The majority of the historic buildings on the site are proposed for retention and conversion into a mix of different uses. The buildings to be removed are mostly functional, utilitarian and relatively modern in age. The intention is to open up the more historic buildings that are currently compromised by the existence of these structures in the interests of providing a more sensitive development. The cleared space will also be subject to the addition of two new buildings: one three and a half storey building (Building A) and one two and a half storey building (Building B).
6.2.5	The detail of how the retained buildings will be altered to ease conversion to alternative uses will be considered at the reserved matters application stage. The alterations will also be the subject of a detailed Listed Building Consent application. The specific detail of the works will be evaluated and managed at that more appropriate time. In the meantime, the principle of these alterations are considered to be broadly acceptable in line with Policies CS6 and MD2.
6.2.6	The majority of works proposed to the retained listed buildings are considered later in Section 6.4 of this report. The removal of the modern, functional and utilitarian structures within the site is considered to be a benefit as they currently detract from the setting of the listed buildings. These will be carefully removed so that no damage is caused to the listed structures and a suitable planning condition will secure this approach.
6.2.7	It is not anticipated that the retention of the existing prison gymnasium, education, workshop and training buildings at the rear of the site and their conversion to a

	fitness suite, retail, restaurant, small business offices, non-residential institution and residential uses will give rise to any siting or design issues. The precise detail of how any physical changes will manifest themselves is a matter to be considered at the next stage in the planning process. However, indicative illustrations reveal how the interior prison wall could be planted as a walled garden with the retained modern buildings to be re-clad in part and their form softened with the addition of green walls and cladding. These details can be secured through a set of suitable landscaping and materials conditions.
6.2.8	However, the issue of scale must also involve an understanding of the quantum of development proposed which includes an assessment of the mix of uses, the density of development and the space allocated within the site to provide for amenity, car parking, turning and servicing for each of the uses. There are concerns that relate to the complexity and intensity of uses that are proposed within the site envelope, mainly in respect of the potential adverse impacts that these will have for neighbouring occupiers but also for the future occupiers of the site.
6.2.9	In particular, the level of car parking to serve the site is of serious concern and is considered in detail later in this report. Suffice to say that the amount of car parking proposed falls very significantly short of what is considered to be an appropriate provision. The site area is slightly larger than one hectare (1.15 ha) and will, if approved, accommodate up to 50 residential apartments, up to 120 student bedrooms and a number of café/restaurant uses, office space, a gymnasium/fitness centre and workshops. Although most of these will be accommodated within existing built fabric, this constitutes a particularly dense urban form and concentration of people within a confined site. The implication of this in terms of lack of internal servicing space leading to potential adverse impacts outside of the site is directly related to the scale of the proposed development.
6.2.10	Specifically, there remains concern about the impact of Building B in relation to scale, siting and design. Originally submitted as a three and a half storey building to be located within the rear curtilage of the Lancasterian School adjacent to the 2m high side boundary wall with the neighbouring two storey terraced property at 39 Albert Street, it has been reduced in height to a two and a half storey building. Previously, it comprised one floor of car parking (13 spaces) with two and half floors of residential over (eight apartments). The amended plan has removed the undercroft car parking and the building as proposed will now be two and a half storeys.
6.2.11	The building will replace an existing hipped roof single storey garage structure at the back of the School. The indicative master plan shows it to have a footprint covering a large proportion of the curtilage, although in reality this is likely to be different once the design has been fully resolved, as the indicative drawings show. The building will still accommodate 8 apartments and it will be located very close to the Beacalls Lane boundary wall. Further indicative drawings show that its position, height and massing on the street frontage will be likely to obscure the rear elevation of the Lancasterian School building, which is a local landmark building and it makes a positive contribution to the amenity of the area, when viewed from the south west.
6.2.12	The Lancasterian School is not formally listed although it does constitute a non-

	designated heritage asset. The conservation area, however, is a designated heritage asset and the harm caused to a component element (in this case to the feature building that is the Lancasterian School) is a matter of concern. It is considered that this juxtaposition would cause harm to the setting and appearance of the conservation area. This matter is considered later in this report under Section 6.4
6.2.13	The harm caused by Building B to the streetscape of Beacalls Lane is contrary to Policies CS6 and CS16 of the adopted Core Strategy and MD2 and MD13 of the adopted SAMDev Plan. This level of harm weighs against the proposal and will have to be weighed in the planning balance. This exercise is undertaken later in this report.
6.3	<b><u>Impact on Local Amenities</u></b>
6.3.1	The Framework is particularly concerned with the impact that new development may have on the amenities of local residents. Amongst the core land-use planning principles that it embodies, those that affect this particular issue include the need to secure high quality design and a good standard of amenity for all existing and future occupants.
6.3.2	<p>Core Strategy Policy CS6 also requires new development to contribute to the health and well-being of communities, including safeguarding residential and local amenity. Policy MD2 of the SAMDev Plan expects development proposals (amongst other things) to contribute to and respect locally distinctive or valued character and existing amenity value. This should be done by:</p> <ul style="list-style-type: none"> <li>i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and</li> <li>ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and</li> <li>iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and</li> <li>iv. Enhancing, incorporating or recreating natural assets in accordance with MD12</li> </ul> <p>Many of these aspects are matters of detail and are more appropriately considered at the reserved matters stage. Nevertheless, it is possible to assess the impact of the outline proposals in relation to several of these matters.</p>
6.3.3	In terms of visual impact, the main effects will arise from the removal of modern, functional structures, the removal of a portion of and reduction in height of the boundary wall, the erection of two new three and a half storey building and the physical alterations to be carried out to the retained buildings on the site, including the historic buildings.
6.3.4	The modern structures that are to be removed are mainly 20 <sup>th</sup> Century functional buildings and containers that have either low degrees of heritage significance or

	<p>which detract from the setting of the heritage assets on the site. Most of these structures are low level and are not visible from outside of the site. The direct impact of their removal on the amenity of the surrounding area is restricted because of this low degree of inter-visibility.</p>
6.3.5	<p>The lowering of the prison curtain wall will potentially expose more of the buildings to public view, especially the retained gymnasium building and the attached workshop, chapel and education buildings, which already project above the existing wall. From certain vantage points, these buildings are visible from outside the site and they detract from the setting of the listed buildings within the prison.</p>
6.3.6	<p>The gymnasium building was constructed comparatively recently (2006) and is of a particularly functional and incongruous design and appearance. It is in good structural condition and the applicant wishes to retain the building and re-use it as a gymnasium/fitness centre which may be used by non-residents of the site.</p>
6.3.7	<p>Greater exposure of this building to public view by reducing the boundary wall will create a potential adverse visual impact. The upper part of this building is already visible from Victoria Street immediately outside the site. There are intermittent views further to the east on this street towards the intersection with Albert Street. However, the narrowness of the street and the presence of roadside vegetation restrict views of the site until one is close to the south east corner of the prison. The reduction in height of the wall by approximately 1m is unlikely to adversely affect local views of the site.</p>
6.3.8	<p>The applicant also proposes to clad this building in the form of a “living wall” comprising hanging planting or vines added to the facades of the building. The applicant acknowledges there is a lack of vegetation on the site and is interested in adding as much natural planting to ‘green’ the site as much as possible given the degree of constraints. Although precise details are to be agreed, illustrative images have been provided that demonstrate how this could be achieved at the reserved matters stage. It is possible that such an approach would make a significant contribution to softening the hard, urban appearance of the gymnasium building to the benefit of external views of the building from Victoria Street. A suitable landscaping condition could secure these improvements.</p>
6.3.9	<p>The other two modern buildings attached to the gymnasium building and which turn the corner along Beacalls Lane date from the 1970’s and have a similar functional and discordant appearance. The workshop building is taller than the gymnasium and is more prominent in views from the north, northeast and northwest where it appears as a dominant feature of the site. The proposed greening treatment applied to the gymnasium will also be applied to these two buildings in an attempt to lessen their current incongruous appearance. The lift shaft and external roof housing will be retained and re-clad in materials to be agreed to improve its physical appearance.</p>
6.3.10	<p>The effects of construction traffic, deliveries and noise upon local residential amenity arising from development activities are also potential sources of harm although it is possible to limit these effects through a construction management plan condition should planning permission be granted. This will ensure that all work, including</p>

	deliveries and storage of materials, is carried out between specific times, on specific days and at specified locations on the site to reduce noise and disturbance to reasonable levels.
6.3.11	Subject to the above matters being addressed through suitable planning conditions, it is considered that the impact of these elements of the development upon local amenities can be satisfactorily managed and would be compliant with Policies CS6 and MD2.
6.3.12	However, there are concerns about the effects of the proposed new building to the rear of the Lancasterian School ('Building B'), which has been reduced from three and a half to two and a half storeys in height. The building will be located adjacent to the 2m high side boundary wall with the neighbouring two storey terraced property at 39 Albert Street. The indicative master plan shows it to have a footprint covering a large proportion of the curtilage, although the final design and arrangement will potentially be different and cover less of the site. Nevertheless, the building will accommodate 8 apartments and indicative drawings show windows that face across the rear gardens of the neighbouring Albert Street properties.
6.3.13	Indications are that the building is likely to have an asymmetrical roof profile with the tallest part facing north west towards Beacalls Lane and the Network Rail car park beyond. The elevation facing across the rear gardens of Albert Street will be lower at two storeys. Windows on that elevation are likely to be angled to avoid as far as possible overlooking of the rear of the adjacent dwellings, but it is likely that the rear gardens would still be overlooked to a significant extent.
6.3.14	The Lancasterian School building is three storeys high and already projects outwards from the rear of 39 Albert Street affecting the outlook at the back of that property. The new building will be of similar height and is shown on the masterplan to extend a considerable distance along the shared boundary. Save for a modest gap between the two buildings, the mass of building along the common boundary would be almost continuous, based on the illustrative master plan. The proximity of such a tall and bulky building to the private gardens of the Albert Street dwellings beyond and its depth along the boundary, regardless of the treatment of windows, would create an overbearing form of development that is likely to severely affect the private enjoyment of those properties to the detriment of the amenity of residents.
6.3.15	It is also likely to have adverse implications for future occupants of the apartments planned for the Lancasterian School. The building in question would restrict the outlook of future occupiers residing in the converted Lancasterian School building, which is proposed to be converted into 11 apartments. Externally, a very small area of private amenity space is proposed. Directly outside this amenity area is the site for the new two and a half storey building approximately 7 metres away from the rear elevation. This elevation contains a number of primary windows that will serve main habitable rooms within the apartments. Although indicative drawings of the type of building that could be erected on the site have been provided, these have not been formally submitted for consideration and are simply an illustration of a potential building that could be constructed here. Therefore, the parameters shown on the masterplan and outlined in the design and access and planning statements are what are being applied for, which would facilitate a larger building. The degree of site coverage and design and overall height may not coincide with the indicative

	drawings when the reserved matters are submitted and the local planning authority should bear this in mind when determining the current outline application.
6.3.16	As far as the masterplan is concerned, the proximity and height of the new building is likely to exert a severe and unacceptable level of harm to the amenity of future occupiers of the apartments. In addition, three car parking spaces are shown located between the new building and the amenity area serving the new Lancasterian School apartments which are very close to the rear of the proposed amenity space. Users of the parking spaces will find it challenging to turn on site and will have to reverse into or out of the site. The access is located directly outside the very limited amenity area serving the Lancasterian School, which is likely to adversely affect its potential usefulness. The manoeuvring area is extremely restricted in this area and especially so for two way traffic flows. It is highly unlikely to be usable and constitutes, in the opinion of the Highway Authority, a severe risk to traffic safety along Beacalls Lane, which is already subject to heavy levels of congestion.
6.3.17	It is concluded, therefore, that Building B in particular has the potential to cause severe harm to local amenity and that this element of the proposed development would be contrary to Policies CS6 of the Core Strategy and MD2 of the SAMDev as well as the guidance contained within the Framework.
6.4	<b><u>Heritage Impact</u></b>
6.4.1	The application site lies within the Castlefields Conservation Area and contains a number of listed buildings and has some archaeological interest as well. It also lies close to a Shrewsbury Castle, which is a Scheduled Ancient Monument. All of these are designated heritage assets. Section 12 of the Framework places high importance on the conservation and enjoyment of the historic environment. Both Historic England and the Conservation Officer have been consulted and their views are set out in detail in Section 4 of this report.
6.4.2	Policy CS6 of the Core Strategy requires new development to protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, having regard to national and local design guidance, landscape character assessments and ecological strategies, where appropriate. This policy also requires development proposals to have appropriate landscaping. The supporting text explains that the quality and local distinctiveness of the county's townscapes are important assets and the new development is expected to complement and relate to its surroundings to maintain and enhance the quality of Shropshire's environment as an attractive, safe, accessible and sustainable place in which to live and work. Heritage assets require careful consideration and management where change is proposed.
6.4.3	Policy CS16 similarly sets out to promote and preserve the distinctive historic, heritage brand and values of Shrewsbury.
6.4.4	SAMDev Policies MD2 and MD13 reflect this approach to preserving and enhancing heritage assets, by ensuring that wherever possible, proposals avoid

	<p>harm or loss of significance to designated or non-designated heritage assets, including their settings. Support is provided for development proposals which deliver positive benefits to heritage assets, as identified within the Place Plans. Support will be given in particular, to proposals which appropriately conserve, manage or enhance the significance of a heritage asset including its setting, especially where these improve the condition of those assets which are recognised as being at risk or in poor condition.</p>
6.4.5	<p>The fact that the site lies within a conservation area and affects listed buildings does not mean that the site should not be developed; even where a degree of harm may arise. The Framework and the adopted Development Plan policies accept the principle of change within such sensitive locations. The test is to ensure that any change is appropriate to its setting and the degree of change minimises harm to the significance of the heritage asset and maximises the opportunity for making positive contributions to local character and distinctiveness, including substantial public benefits, that may outweigh any harm, where relevant.</p>
6.4.6	<p>The proposals involve removal of a series of relatively modern structures on the site, the majority of which are of functional and utilitarian appearance. These have been assessed in the Heritage Impact Assessment and are considered to be of no merit and detract from the setting and appearance of the older, more significant buildings planned for retention. This approach has been endorsed by Historic England and the Council's Conservation Officer has also supported removal of these structures.</p>
6.4.7	<p>However, there are concerns about the detail of how the proposals are likely to affect the fabric of the retained listed buildings on the site. Because of the outline nature of the application, no details have been provided. Rather, the application seeks to establish broad development principles including the alterations to historic fabric and the reuse of the buildings on the site. Both Historic England and the Council's Conservation Officer have expressed general support for the re-use of the site but the latter has reservations about certain elements of the proposals. It is possible that most of the concerns set out above in the Consultation Section could be resolved at the reserved matters stage, which will also have to be accompanied by an application for listed building consent, and the imposition of a number of pre-commencement conditions. Nevertheless, several issues need to be considered at this stage which will establish agreement to the principle of the works that are proposed. These are:</p> <ul style="list-style-type: none"> <li>• The replacement of modern temporary building elements with new build blocks A and B – the position and scale of these buildings need to be the subject of careful consideration in order to minimise impact on the setting of the historic buildings and the conservation area.</li> <li>• The retention of modern elements to the rear of the site including the gymnasium, education and workshop buildings. The Conservation Officer understands the argument for their retention but considers that the removal of these buildings would be more beneficial to the overall scheme and that a well-designed replacement would more considerably enhance the setting of the historic buildings and the conservation area as a whole.</li> </ul>

6.4.8	<p>The applicant has provided a Development Viability Appraisal as part of the supporting documentation. This is a commercially sensitive document and has not been made public at the applicant's request. However, it sets out in detail the costs involved in acquiring and developing the site and the predicted return on investment. The development process has been subjected to a series of evolutionary iterations and a number of development scenarios have been considered. The optimum option which delivers a financially viable development whilst delivering a scheme that respects and brings back into productive use the listed buildings on the site is that which has been submitted for outline planning permission. This is dependent on the retention and conversion of the modern gymnasium, workshop and education buildings rather than their removal and replacement. The degree of alteration required to give them a new lease of life is substantially lower than the cost of demolition, clearance and reconstruction. Therefore, to meet the Conservation Officer's suggestion that they be removed would incur additional cost which would jeopardise the viability of the project. As it is, the viability of the proposed development appears to be marginal.</p>
6.4.9	<p>Historic England has commented on the application and is generally supportive of the proposals. They have identified one issue that is of concern relating to the proposed openings in the perimeter wall. There are no objections to lowering the wall back to its former height but new openings should be kept to a reasonable minimum commensurate with the new activities within. Historic England would encourage a consciously 'non-architectural' solution to the new opening designs, working in conjunction with the emphasis on greenery that the project envisages.</p>
6.4.10	<p>The Conservation Officer holds a similar view and suggests the proposed new openings should be the subject of a detailed appraisal in a future Listed Building Consent application (LBC). Specifically, lowering of the wall with removal of later courses is acceptable, and any other removal of modern sections to be agreed, especially those at the rear of the site. It is considered that these matters may also be assessed in detail as part of a future reserved matters application and suitable conditions could be added to a grant of outline planning permission.</p>
6.4.11	<p>The design, siting and appearance of Buildings A and B have been considered in detail earlier in this report and the Conservation Officer's comments have influenced those assessments. In particular, the Impact of Building B on Beacalls Lane and views of the Lancasterian School building along Beacalls Lane is a matter of concern for the Conservation Officer. The indicative drawings show a building reduced to two and a half storeys but which sits adjacent to the Beacalls Lane site boundary. Due to the way that the road bends around this side of the site, the rear elevation of the Lancasterian School building appears to extend outwards into views along the road from the south west and is an attractive and prominent visual feature within the conservation area. Building B will project in front of the building obscuring it from views and there is concern that in so doing it will have an adverse effect upon the character and appearance of the conservation area.</p>
6.4.12	<p>The Council's Archaeologist has commented on the proposals. His concern relates to the potential impact on sub-surface archaeological remains in the area of the proposed new build unit between the end of C-Wing and the 1990s gymnasium</p>



	<p>building. He observes that the Heritage Statement and Heritage Impact Assessment indicate that this area was originally partially occupied by one of the wings of the Georgian prison and it is possible that archaeological remains of this building may survive below ground.</p>
6.4.13	<p>However, he notes that this part of the prison was demolished as part of the Victorian reordering and subsequently utilised as the prison's exercise yard (which had an associated toilet block). In the 20th century a boiler house was added to the northern end of 'C' Wing, and this was subsequently demolished and replaced by a number of steel framed structures in the closing decades of the prisons life. It is, therefore, likely that any surviving remains of the 18th century prison buildings will have been disturbed and truncated by later construction, demolition and servicing activities. Additionally, later 20th century plans of the prison site indicate that the site of the proposed new build unit was not utilised as one of the prison's burial grounds, and it is not therefore expected that any human remains will be present. As a consequence, this part of the proposed development site is considered to have low-moderate archaeological potential and no objections arise subject to a programme of archaeological work, to comprise a watching brief during any ground works for the new build unit, being made a condition of any planning permission.</p>
6.5	<p><b><u>Impact on Highway Safety</u></b></p>
6.5.1	<p>For many local residents, the issues of traffic generation, highway safety and availability of adequate levels of off-street car parking are of paramount importance. The site lies within reasonably close proximity to the town centre and all of its ices and amenities. In general, it occupies a relatively sustainable location. Policy CS6 requires development proposals that are likely to generate significant levels of traffic to 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. It requires new development to make appropriate levels of car parking provision to serve the development.</p>
6.5.2	<p>The site is located within a particularly tight-knit urban area, where terraced houses fronting the street are reliant upon car parking being available on the street. It is close to the town centre and there are no parking restrictions. As a consequence, visitors and people working in the town centre are attracted to the area due to its convenience and lack of parking charges. Additional demand is likely to arise from people travelling by train from the nearby railway station.</p>
6.5.3	<p>The Highway Authority has been consulted for its assessment of the TS and the impact of the development on the local transport infrastructure. It has confirmed that car parking in the surrounding area is especially problematical, due to the narrow form of the neighbouring streets with few off-road parking opportunities and the need for local residents to park on the street. The area also appears to be used by commuters using the nearby railway station and town centre-based employees and shoppers. Car parking locally is challenging. Local parking demand was raised as an issue early on in the planning process by the Highway Authority and the applicants were requested to consider this matter carefully. Discussions were held between the applicant's highway consultants and the Council's traffic engineers to</p>

	agree a suitable survey area within around the site and within the Castlefields area. The Howard Street pay and display car park was also included in the surveys, being the closest public car park to the application site.
6.5.4	<p>This proposed mixed use development includes a range of elements such as student accommodation, open market residential units, a gymnasium/health club, business/workshop units, non-residential institutional uses (not specified), office space, café/restaurant and retail uses. It also proposes a walled garden that will be open to members of the public. The application was accompanied by a full Transport Statement (TS), which has been produced in respect of the following form of development:</p> <ul style="list-style-type: none"> <li>• Up to 120 student rooms</li> <li>• Up to 47 residential apartments (50 is stated on the application form)</li> <li>• A public gym facility of 980 square metres gross floor area</li> <li>• Up to 1900m2 of conference/exhibition/flexible office space (Class B1 and D1 use)</li> <li>• Up to 450m2 of A1/A3 space</li> </ul>
6.5.5	The Highway Officer's comments on the TS are set out above in Section 4 and are incorporated as commentary in the following paragraphs.
6.5.6	<p>The TS has since been revised during July and September 2016, following comments made by the Highways Officer, and acknowledges that the primary concern of a development in this location is the impact of extra parking on the surrounding streets, which are already close to or at capacity serving the existing needs of the local population. The TS sets out to demonstrate that the needs of the site can be met without impact on existing residents by:</p> <ul style="list-style-type: none"> <li>• Provision of adequate parking for private residents of the redeveloped site in car parks within the confines of the site itself.</li> <li>• Actively encouraging gym customers to the Howard Street Pay and Display car park, with the offer of a reduced rate for car parking.</li> <li>• Encouraging the limited number of site employees towards the Howard Street Car Park.</li> <li>• Using a student management plan to prevent students bringing cars to site. This is a system in place in many other Cities and will be rigorously enforced.</li> <li>• Suggesting that other Use Classes on the site will attract a low level of parking requirement (such as B1 Offices).</li> <li>• Accepting that residential apartments in the former Lancasterian School and the adjoining new build residential block (both outside of the Gaol wall) will have no car parking associated with the units when they are sold.</li> <li>• Offering financial assistance towards the setting up of a residents parking scheme so as to physically constrain other drivers from occupying on street spaces in the area.</li> </ul>
6.5.7	The TS also states that re-development of the site will result in the following benefits:

	<ul style="list-style-type: none"> <li>• There will be a lesser demand for on-street parking than when the prison was fully operational on site. The prison had a demand for at least 100-130 vehicles in the local car parks and surrounding streets.</li> <li>• It will include the development of a travel plan framework for the site which will promote of the use of car club vehicles as well as the use of trains buses, cycling and walking.</li> <li>• It will promote the use of public transport which is in close proximity. The ease of access to the town centre will also provide an incentive not to travel by car.</li> <li>• Student accommodation will not be occupied on the site until at least September 2019.</li> <li>• Student drop off and pick-ups will be managed so they do not all occur at once.</li> <li>• It concludes that the overall the development will have minimal transport impact on the surrounding area as all the ramifications of the development have been carefully considered and the car parking managed to minimise the effect on local residents in the vicinity.</li> </ul>
6.5.8	<p>The TS further clarifies that, whilst the residential use, gym facility and student accommodation are clearly defined, the B1/D1 uses and the A1/A3 space are more flexible as those potential users are not known at this stage. The report places heavy emphasis on the proximity of the site to the town centre and its related sustainable transport credentials; especially for students, where the town centre, university facilities and railway station are within relatively easy walking and cycling distance. It has considered both traffic generation arising from the site and parking availability within and around the site.</p>
	<p><b>Traffic Generation</b></p>
6.5.9	<p>Insofar as trip generation is concerned, the TS concludes that this will be comparatively low and postulates that it will be less than was the case when the prison was operational. One of the reasons set forth to explain the lower trip generation relates to the student accommodation. The TS anticipates that student occupiers will not have cars because the university admissions procedure strongly discourages students bringing their cars to the town, and a stipulation for students living in the university accommodation on the site will be that they will not be allowed to bring a car on site nor to park in the vicinity: this will be included in the student management plan. Students will sign agreements that they will not bring their cars to Shrewsbury and thus normally be dropped off with their belongings at the start of term, and collected at the end. On site management will be implemented to deal with the influx of vehicles at this time, so that drop offs and pick-ups are staggered. However, it is not clear what legal status this enjoys or how this will be enforced. The accommodation is not being provided by the university and it is unlikely that a management plan created and implemented by the university would have much effect on property that it does not control. It should be assumed, therefore, that a proportion of students will possess their own vehicles and will wish to bring them to the site.</p>

6.5.10	<p>Trip generation and parking accumulation forecasts for the commercial gymnasium use have been provided. However, no information has been provided to show how these figures have been arrived at and therefore the highway officer is unable to validate the figures as being robust. Notwithstanding this point, the TS suggests a maximum of 33 car parking demand spaces for gym users at its peak and users would be directed to use the pay and display car park in Howard Street. This assumes therefore that gym members would be first attracted to this pay and display car park and content also to pay a £4.80 parking charge, as it currently stands. As an incentive, a discount could be offered as part of a package when using the gym. Details are yet to be worked up and could be required as part of the reserved matters submissions. However, the fee combined with the relatively remote location of the car park from the entrance to the gymnasium is likely to discourage a high proportion of members from using it, especially at night or during inclement weather. It is anticipated that many members would seek to park as close as possible to the gymnasium which means on local streets. The highway officer considers the assumption contained in the TS to be a disappointing one and it carries little weight in the overall parking demand considerations. The gymnasium when used as part of the prison generated no traffic demands as it was for the sole use of prisoners.</p>
6.5.11	<p>Concerning the retail, café and restaurant uses, the TS states that these are intended to be incidental to the use of the site for student and private residential use and for the gym. It assumes a nil impact upon parking demand arising from these uses. These uses would be available to the wider public including local residents in the surrounding area who may choose to use the facilities as they can walk to them. Traffic generation and parking accumulation for the A1 uses have been provided, but the applicant considers the lack of parking is expected to severely limit trips that are made to the site purely for the A1/A3 uses and thus the traffic generation is a significant over-estimate. The Highway Officer disagrees with this assumption. In his view, it is difficult to reconcile how such an assumption can be arrived at. The end-users are unknown and therefore their attraction to the customer focus is unknown. There would be staff working with a potential need to park locally. There are a multitude of uses within classes A1 and A3 which in themselves generate different types of traffic movements and parking demand.</p>
6.5.12	<p>The TS states that the proposed B1 and D1 uses are more difficult to quantify as there is currently no end-user in place. The scale of these elements of the development mean they cannot be regarded as ancillary to the use of the site, the TS states that the intention is for these facilities to be related to the rest of the site; for example, university administration, teaching and seminar rooms. It is not possible at present to calculate accurately the trip generation and travel management arising from these uses.</p>
6.5.13	<p>This is a mixed use development in outline where each use is considered to be independent rather than there being one principal use and a number of ancillary uses. Although there may be an intention at this outline stage there are very little specific details available and the uses must be assessed as independent B1 and D1 uses. The university has not expressed any interest in this development and</p>

	<p>there is no assurance that the uses will be for university admin etc. The LPA is being asked to approve a specific quantum of development floor space and general uses that allows a degree of flexibility. The worst case scenario has to be considered (the one that generates the greatest demand for parking). The Highway Officer comments that the TS states that once the uses and users have been established then the likely trip generation and the ability to manage travel demand can be finalised. The TS finally states that the “traffic generation from these uses has been excluded from the analysis, albeit that the actual movements of vehicles is expected to be minimal”. In the same way as above therefore this element of parking demand has been excluded. The highway authority finds it difficult to reconcile this stated position and methodology.</p>
6.5.14	<p>The TS applies TRICS to the proposals and suggests that trip generation arising from the development will be low. The TS suggests that only 63% of the new households on the site will be likely to have a motor vehicle. This is based on census data for the Castlefields and Ditherington Wards which shows that these wards have c.63% car ownership. The assumption is that only 63% of the proposed dwellings will have access to a single car per dwelling. The development is estimated by the applicant to generate a requirement for up to 140 parking spaces at the most extreme with the likely requirement being lower due to double-counting of parking spread across several of the uses on the site.</p>
6.5.15	<p>The Highway Officer is not convinced by these arguments. He has a number of deep concerns about the value of the adopted approach in terms of the assumptions upon which it is largely based and of realistically predicting the likely actual traffic demand arising from the development together with the effects of that within the local highway network. In his opinion, there are concerns about the manner in which the trip generation for the development has been calculated. Following the results of the survey information, the TS covers the predicted travel demand of the development and seeks to look at both trip generation and parking accumulation. At the outset however it is not clear how these figures have been arrived at. Without this information the highway authority cannot validate the figures provided as being robust.</p>
6.5.16	<p>In particular, he is concerned that the TS underplays the potential for students occupying the possible 120 proposed student bedrooms to own their own vehicles. Whilst he would agree that student car ownership is likely to be low due to the location of the site to the town centre, bus station, railway station and University we do not consider that it can be simply ignored as having no impact on parking demand in the area. As this is to be left to the University to manage it is difficult to see how the University could impose controls on car usage by students because the accommodation is not controlled by the University. It is not clear how such a regime could be implemented and policed. Parking demand would be generated by student visitors/family/friends. A Travel Plan would assist to some extent, particularly as regards the dropping off and picking up of students and belongings.</p>
6.5.17	<p>In addition, the traffic demand, for the private residential uses has similarly been underplayed. In some instances, there is no acknowledgement that these will require their own parking within the site. The parking demand assumption</p>

	<p>associated with the private residential is based upon the census data for the Ditherington and Castlefields ward, as set out above. The TS makes the assumption that if 63% of ward households do own cars, then it is simply a matter of applying a straightforward formula of 47 (proposed dwellings) x 0.63 = 30 cars seeking parking provision on the development. This is a simplistic approach without any validation to confirm that a 0.63 parking provision per residential unit is robust. It fails also to consider the dynamics of the area in terms of the domestic types which include terraced houses, flats and so forth and the economic and social factors that are unlikely to be reflected in the occupancy of these new residences. The type of residential accommodation to be developed within the prison complex is likely to be more aspirational and may therefore affect the likely parking demand increasing it rather than lowering it.</p>
	<p><b>Car Parking</b></p>
6.5.18	<p>The TS also refers to car parking demand and availability. The TS acknowledges that there is minimal spare capacity for car parking on the local streets around the site. Parking on the neighbouring streets is uncontrolled and is not restricted to use by local residents. To assess demand and availability, the applicant undertook two traffic surveys within the area surrounding the application site on Friday 4<sup>th</sup> and Saturday 5<sup>th</sup> December 2015, including the Howard Street car park, to determine capacity and demand for car parking. In relation to the car park, on both days there was significant spare capacity within the car park even at the busiest times of the day (68 and 84 unused spaces respectively).</p>
6.5.19	<p>It is evident from the letters of representation received that local residents are particularly concerned about the impact that the development proposals would have upon the availability of on-street car parking, which is limited and is relied upon by existing residents to meet their parking needs.</p>
6.5.20	<p>In relation to on-street car parking, the surveys identified 486 spaces within the survey area at the busiest times for car parking. The survey broke the area into 60 different sections ('beats'), for the purposes of easy monitoring ranging in size from 6 to 30 spaces. There were 407 spaces occupied on the Friday (5am) and 412 on the Saturday (2pm). This equates to an occupancy rate of 85%. However, the TS explains that this still leaves around 15% of the spaces unoccupied. Several beats were fully occupied but not all of them were; although evidence was gathered of cars circulating the area whilst their drivers searched for a parking space.</p>
6.5.21	<p>The on-street parking beat surveys indicated that the on-street parking demand is essentially at capacity. Whilst capacity did not reach 100% and parking spaces were available, the available spaces changed from street to street at various time periods. In essence therefore whilst limited on-street parking is available it requires drivers to search out those spaces. The survey indicated also that the same vehicle could be seen on more than one occasion searching a space out on a particular road. The fact that the parking beat surveys showed that the local streets around the Dana are in effect at capacity is no surprise. It demonstrates also that parking in these local streets is already challenging for residents.</p>
6.5.22	<p>The parking accumulation surveys carried out at the Howard Street Car Park on the</p>

	Friday and Saturday showed that there were a number of spaces available from the overall 220 spaces on the car park. On Friday the maximum accumulation reached 152 at 11.45 and on Saturday 136 at 18.45. This however represents only a sample of the parking demand at this car park.
6.5.23	The TS states that the traffic flows in the surrounding streets are very low indeed, being largely one-way and only accommodating residential traffic, except for the length of Howard Street between the A5191 and the car park itself. The timings for the traffic signals at this junction are described as being restricted and any large scale increase in traffic could not be accommodated at this junction.
6.5.24	In order to address the Highway Officer's early comment that a comparison between the former prison use and the proposed development would be helpful from a baseline perspective, the amended TS attempts just that. However, it states that no empirical evidence of the former traffic generation exists following closure of the prison. Nevertheless, the TS attempts to calculate the highway impact that the prison would have exerted on the local area when it was operational based on the views of a former employee (position unknown) that suggests at least 400 persons had access to the prison with approximately 140 on site during daylight hours. It is estimated that around 100 cars driven by prison staff would have arrived each day at the prison with changes in shifts leading to probably a greater number of cars needing to find parking spaces within the area. The prison had parking provision for only 25 cars. All other staff, visitors, contractors and social services professionals would have had to park on the surrounding streets.
6.5.25	Due to the fact that this extrapolation is based on speculation and supposition rather than facts, the weight that may be attributed to this data is limited. In addition, the synopsis does not consider whether the Howard Street pay and display car park emphasised in the TS as a solution to the impact of the application proposals was also used by staff and visitors associated with the prison when operational. It suggests that it was not. It also supposes that no visitors or staff travelled by train or bus or other modes of transport to the site, including car sharing. Given the restricted availability and opportunity for parking locally it is highly probable that alternative ways of getting to and from the prison by staff and visitors would have been undertaken. Its value is therefore lessened.
6.5.26	The TS acknowledges that parking on the site will be very limited, restricted to servicing, drop off or disabled users at the front of the prison. The amended scheme showing a lowered new Building B at the rear of the Lancasterian School has led to a reduction in car parking in this area compared to the original scheme. However, additional car parking has been identified on the ramp alongside Beacalls Lane (9 spaces) and the triangle on the Dana (3 spaces). The TS states that one of the existing service accesses off Beacalls Lane will be closed off and the new apartments in both buildings will be sold without car parking. It is envisaged that as the apartments will be in a highly sustainable location with good quality pedestrian links to the town centre and all of its services and facilities that it is not considered a concern to develop this part of the site without car parking. The TS speculates that there will be such strong demand for flats so close to the town centre that car

	parking for these is not required.
6.5.27	However, the 9-space ramp parking is in tandem and cannot be considered usable as vehicles would have to reverse in or out as there is insufficient manoeuvring space to allow a vehicle to enter and leave in forwards gear. This is a substandard arrangement and is likely to lead to further safety hazards on Beacalls Lane. It is acknowledged that prison staff used the ramp for parking in the past. However, this arrangement would have been for a single user group rather than independent users as proposed and would have been easier to coordinate.
	<b>Servicing, Permeability and Other Highway Matters</b>
6.5.28	In respect of servicing, it is anticipated in the TS that the area outside the main frontage will be used to facilitate service vehicles outside the site boundary, much as it was when the prison was operational. An additional drop-off area is proposed within the site to the rear of the Gate House.
6.5.29	It remains a concern to the highways officer that the site will be largely serviced by stationing service, refuse and delivery vehicles on the public highway outside which, for a mixed use development such as this, is likely to result in regular, perhaps daily, deliveries to service the A1, B1 and A3 uses as well as the servicing of the student accommodation (laundry and cleaning, for example). There is a complex mix of residential and commercial uses proposed, all of which will require servicing by refuse vehicles, deliveries and regular visits by suppliers, not all of which can easily be coordinated. This is a different situation compared with the former prison where servicing could be more easily managed and coordinated. The site contains little other provision for accommodating service vehicles and it is anticipated that larger examples of these vehicles will have to park temporarily on the Dana or on Beacalls Lane. This is likely to further contribute to local on-street congestion and weighs against the proposals.
6.5.30	In terms of permeability, the masterplan shows a number of new pedestrian entrances created within the fabric of the prison wall intended to increase the ability for people to move within and through the site thereby improving connections with its surroundings. The interior wall shows a footway all the way around with areas of landscaped gardens including a walled garden. There appears to be no vehicular access within these areas. Given the nature of the uses proposed this is considered to be an enhancement, subject to details concerning the effects of upon the listed perimeter wall, and weighs in the development's favour.
6.5.31	Cycle storage areas are also proposed within the site adjacent to buildings to encourage an alternative sustainable mode of transport. This is also considered to represent a benefit weighing in the development's favour.
	<b>Highway Conclusions</b>
6.5.32	In summary, whilst parking demand in the locality is considered to be the main highway issue, the highway authority is concerned that the trip rates themselves for all the development elements are suggested to be low and are therefore not a material consideration. The location of the site and its accessibility to the town



	<p>centre, bus station and railway station is good in terms of sustainability but the TS does not provide any confidence or certainty that traffic generation would be as low as suggested. Traffic queuing at the Howards Bank signal junction is sensitive simply because it cannot be given additional 'Green Time' without having an adverse impact upon the traffic signal gyratory arrangement. On the basis that the TS trip assumptions are questionable it is not clear what the traffic impact would be at this junction point.</p>
6.5.33	<p>Overall the highway authority considers that the amended TS does not provide a robust assessment of the parking needs of this development and therefore its impact upon the locality. Moreover, there are some elements within the development which have not been considered and it appears apparent to us that this is a speculative development proposal where there are a number of unknowns. This however does bring us back to what in actual fact this application is seeking and how therefore an approval of this application would then provide the baseline for any subsequent development amendment of the scheme. Notwithstanding that some parking provision is being made available the highway authority's strong view is that parking provision is deficient and that this development, as presented, would have an adverse impact upon parking in the locality. The consequences of this are the potential constant circulation of the local streets to find a parking space. This already happens to a certain extent but operates principally because they relate to residents who have a legitimate reason to traffic these local roads. An increase in drivers searching for parking spaces in the locality could lead to enhanced traffic problems and road safety issues.</p>
6.5.34	<p>The issue therefore for the highway authority to consider is whether the potential harm of the development in its local surrounds as set out above is acceptable. In this regard the highway authority consider that the proposed redevelopment of the site will inevitably lead to some harm on the Castlefields parking situation and its strong view is that, as presented, the highway authority cannot support this development on the basis that the development would be likely to result in an unacceptable highway/parking adverse impact upon the local area.</p>
6.6	<p><b><u>Drainage and Flood Risk</u></b></p>
6.6.1	<p>The Council's Drainage Team has commented on the application and has raised no objection subject to a satisfactory method of foul and surface water drainage being submitted for approval as part of a reserved matters application. There is, therefore, no objection to the proposal on drainage grounds.</p>
6.7	<p><b><u>Biodiversity and Ecological Impacts</u></b></p>
6.7.1	<p>The Conservation of Habitats and Species Regulations 2010 requires local authorities to give due weight to the presence of protected species on a development site. Planning permission may be granted provided there is no detriment to the maintenance of the species population at favourable conservation</p>

	<p>status in their natural range. The Regulations advise that if any detriment would be caused by the proposed development, planning permission should only be granted provided:</p> <ul style="list-style-type: none"> <li>• There is no satisfactory alternative; and</li> <li>• The development is in the interests of public health and safety, or other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.</li> </ul>
6.7.2	<p>The Framework places high importance on protection of biodiversity interests and new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. The Framework places great weight on conserving and enhancing the natural environment. The local plan contains specific policies that are concerned with safeguarding biodiversity interests in the county. Core Strategy Policy CS17, supported by SAMDev Plan Policy MD12, requires all development to minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.</p>
6.7.3	<p>The developer proposes carrying out significant alterations to buildings on the site where there are potential bat roosts. An Extended Phase 1 Habitat Survey was requested and subsequently submitted during August 2016.</p>
6.7.4	<p>Development works that would contravene the protection afforded to European Protected Species, such as bats, requires a Habitats Directive Licence and these applications are considered by Natural England on behalf of the Secretary of State. Before such a licence can be granted, several tests must be satisfied.</p>
6.7.5	<p>Local planning authorities must also consider these tests prior to determination of the application. Authorities would risk breaching the requirements of the Directive and Regulation 9 (5) if the three tests were not considered during the determination of the application. These are considered below.</p>
6.7.6	<p>The Council's Ecologist has been consulted and her response is set out in the Consultations section above. In summary, she initially requested submission of a number of surveys relating to bats and signs of nesting birds and roosting or nesting barn owls. These have been reviewed and the Ecologist's updated comments are also included under the Consultations section of this report. In summary, the Ecologist has no objections in principle to the proposed development and she has recommended a number of planning conditions relating to protected species.</p>
6.7.7	<p>In respect of the three tests and the relative assessment referred to above, these are considered as follows.</p>
6.7.8	<p><b>Test 1: "preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment"</b></p> <p>The proposed development does not address any pressing risk to public health or</p>

	<p>safety. However, it does involve public interests of a social or economic nature, including the reuse and renovation of an important group of listed buildings leading to physical improvements in the ty and appearance of the area. This also involves provision of additional residential accommodation and provision of facilities that may potentially help to enhance the quality of the neighbouring residential area (sports facilities, café/restaurant uses, offices etc). The development will provided environmental enhancements that potential to benefit protected species including additional nesting boxes for birds and bats as well as the addition of new planting to create improved local habitat. Therefore, it is considered that the first Test has been satisfied.</p>
6.7.9	<p><b>Test 2: “that there is no satisfactory alternative”</b></p> <p>The site is a significant previously developed site that is both listed and set within a conservation area. Although it has not been allocated for any specific use in the adopted local plan, it is situated within the defined settlement boundary and its proposed redevelopment for a mix of uses is acceptable in principle. There is no other, similar site available within the locality. It is considered that the proposals will in principle contribute both economically and socially to the local area and will provide a new lease of life for this important designated heritage asset. As such, it is considered that no satisfactory alternative exists and the second test has been met.</p>
6.7.10	<p><b>Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”</b></p> <p>A bat hibernation survey was carried out between February and April 2016 on cellars and other suitable structures in Wings A and C by Tretec using static bat detectors. No physical signs of bats were found and no echolocation calls were recorded. The humidity was low and temperatures were relatively steady between 13 and 15 degrees centigrade, despite periods of freezing conditions outside. It is highly unlikely bats use these structures for hibernation.</p>
6.7.11	<p>Follow up summer activity surveys were carried out between May and July 2016. Small numbers of old droppings were found in the roof spaces of D Wing, C Wing, the Kitchen and the Lancastrian School.</p>
6.7.12	<p>The amount of bat activity increased through the summer season with second emergence surveys showing there was a constant amount of bat activity of pipistrelle species concentrated in the C wing courtyard and A wing sports pitch every survey and most nights according to the externally mounted static detectors. Some bats commute in from the river direction whilst others roost on site. Most nights revealed occasional passes of Noctule Bats either commuting or foraging across the site, but the majority of bats recorded were Common and Soprano Pipistrelle Bats. The externally placed detectors recorded a Brown Long-eared Bat on the 29th June. The data showed that the sports pitch and courtyard are used extensively for foraging during the first one to two hours after sunset and sporadically thereafter until dawn or one hour before.</p>

6.7.13	The report concludes that B wing roof coverings are presently used as a summer day roost for two to four pipistrelle bats and another Pipistrelle bat was observed in a mortar joint. Judging by the lack of fresh droppings or any recordings on internally placed monitoring detectors, it is concluded that bats did not use the roof spaces during the survey period. Given the habit of bats to change their roost sites, it is likely that the prison is being used in conjunction with other roosts in the local area. There was no evidence to suggest the presence of a maternity roost, where females gather to give birth and raise their young, in the buildings.
6.7.14	EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of a bat breeding site or resting place and killing or injury of individual bats. The likely offences cannot be avoided through mitigation measures secured through planning conditions as the buildings are going to be repaired, demolished or converted.
6.7.15	<p>Section 8.4 of the Bat Survey Report contains the following recommended mitigation measures:</p> <ul style="list-style-type: none"> <li>• Roof works to be carried out in the period from October to November or March to April when bats are likely not to be present or have the ability to re-locate;</li> <li>• Two Schwegler 1FQ Woodcrete bat boxes to be fixed to gable of B Wing before work commences to act as alternative roost sites and receive recovered bats during the works period;</li> <li>• Works shall take place under the supervision of an Ecological Clerk of Works who is a licenced bat worker;</li> <li>• Replacement ridge tiles in vicinity of observed roost are to be installed to leave a gap;</li> <li>• Bat access slates to be installed close to where a bat was seen to roost in a verge;</li> <li>• External lighting to be designed to maintain dark commuting and foraging routes, particularly from the river to the development site.</li> <li>• Further enhancement measures for bats will be sought at first submission of reserved matters.</li> </ul>
6.7.16	The Council's Ecologist is satisfied that the proposed development will not be detrimental to the maintenance of the local bat populations at favourable conservation status within their natural range, provided that the recommended conditions set out in the formal consultation response are included on the decision notice and are appropriately enforced. Subsequently, the third test is satisfied.
6.8	<b><u>Other Issues</u></b>
6.8.1	<p>The DCLG has recently extended and clarified its definition of what types of residential accommodation may be taken into account by local planning authorities when assessing the local strategic housing land supply. The DCLG definition of dwellings now includes self-contained student flats with a cluster of 4 to 6 bedrooms. It states:</p> <p><i>“Communal establishments, i.e. establishments providing managed residential</i></p>

	<i>accommodation, are not included in overall housing supply statistics (however, all student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards housing provision in Local Development Plans). These cover university and college student, hospital staff accommodation, hostels/homes, hotels/holiday complexes, defence establishments (not married quarters) and prisons. However, purpose-built (separate) homes (e.g. self-contained flats clustered into units with four to six bedrooms for students) should be included. Each self-contained unit should be counted as a dwelling.”</i>
6.8.2	The key to compliance with the DCLG definition is the degree of self-containment. The proposed student accommodation will be mostly laid out in this cluster arrangement, thereby constituting ‘dwellings’ in line with the DCLG definition and also attracting New Homes Bonus, which represents a considerable boost to the local authority’s financial resources that could be invested locally.
6.8.3	For the purpose of housing land monitoring, housing forecasting and the Council’s Strategic Housing Land Availability Assessment, cluster flats are included in the housing land supply and are counted as one unit per cluster. This is in line with guidance from DCLG. The development would therefore make a modest contribution towards the housing supply. The precise level of contribution remains a matter to be determined at the reserved matters stage, but it is factor that weighs in the scheme’s favour.
6.8.4	Under different circumstances, a development of this nature would be expected to make a contribution towards affordable housing. However, the development relates to bringing back into productive use a listed building and the submitted confidential development appraisal shows that the quantity of new development including the change of use of retained buildings is consistent with delivering an unencumbered planning permission. The Housing Officer has commented on this and agrees that an affordable housing contribution is not warranted in this case due to the additional costs which would prejudice the viability of the development.
6.8.5	Other material planning issues raised in the various representations received following publicity have been covered elsewhere in this report.
7.0	<b>THE PLANNING BALANCE AND CONCLUSIONS</b>
7.1.1	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. The Framework reaffirms the primacy of an up to date Development Plan in the decision making process.
7.1.2	The application is in outline form and is intended to establish the principle of redeveloping this site for the broad purposes contained in the application. The site lies within the defined development boundary for the town and constitutes

	previously developed land. The proposed redevelopment of the prison site is, therefore, acceptable in principle. The site is also considered to be in a sustainable location close to the town centre and with reasonable accessibility for future occupiers to the town's services and shops.
7.1.3	Policy CS32 defines Shrewsbury's broad role in delivering sustainable growth over the Plan period and provides strategic guidance on how and where new development should take place. It is clear that the policy envisages new housing and other development taking place within the limits of defined development boundaries and on allocated sites. The SAMDev plan reflects the strategic objectives of CS3 and defines a development boundary for the town.
7.1.4	The application site lies within the development boundary and the redevelopment of the site for residential purposes is consistent with these policies. In respect of the three aspects of sustainable development set out in the Framework, the following benefits are identified.
7.1.5	The analysis carried out above in this report is based upon the definition of sustainable development set out in the Framework and encompasses matters of principle as well as matters of detail and development impact.
7.1.6	In respect of the three dimensions to sustainable development contained in the Framework, it is considered that the delivery of housing is a contributor to economic growth. The development represents a substantial investment in the town and will generate employment during the construction phase and during the occupation of the building following completion. Further on-going financial benefits will be generated in terms of expenditure by residents in local shops and on services as well as the continuing servicing and maintenance of the site. The development will also qualify for the New Homes Bonus and will generate revenue through commercial rates for the local authority, thereby resulting in direct local economic benefits.
7.1.7	The proposals will fulfil a social role by delivering additional open market housing to meet current and future needs, student accommodation and a number of services and facilities that have the potential to add diversity and choice for local residents. The development will remove a series of unattractive modern functional and utilitarian buildings which are considered to detract from the setting of the listed buildings on the site.
7.1.8	The development will retain the majority of historic buildings and fabric within this listed site. Notwithstanding the outline nature of the application, the development is likely to preserve and enhance the historic setting and character of the site and the local planning authority will be able to exert further control over the precise detail of the development at the reserved matters stage, which will also have to be accompanied by a listed building consent application setting out full details of the proposals.
7.1.9	The site constitutes previously developed land and is adjacent to the town centre where future residents will have access to a variety of cultural, leisure and entertainment facilities. The development is considered to contribute to the

	government's aim of supporting strong, vibrant and healthy communities.
7.1.10	The proposed development will have an environmental impact in the form of a number of substantial new buildings and alterations to the fabric of the existing structures. However, there will be several environmental benefits accruing from the scheme, including retention of historic buildings trees on the site, implementation of a comprehensive landscaping plan, provision of nesting boxes for protected species, the removal of extensive swathes of hard surfaced; all of which have a positive environmental effect. These factors weigh in the development's favour.
7.1.11	However, there are two major concerns with the proposal. The first relates to potential highway safety and traffic issues arising from the density of development and the complex mix of proposed uses and activities within the site. There is insufficient car parking being provided and the site provides minimal on-site accommodation for service and delivery vehicles. The mix of residential, student accommodation and a number of disparate commercial uses all generate independent car parking and servicing requirements that will be very difficult to manage in a coordinated fashion. The on-site parking provision amounts to around 39 spaces including the former prison car park, a small number of spaces adjacent to the former governor's house, a small number on the retained ramp and parking area adjacent to the Dana and the three spaces adjacent to the amended new Building B. This not considered to be sufficient to meet the needs of this scale of development and some of the parking (on the ramp) is unlikely to be usable. The surrounding streets are narrow and subject to congestion and competition for on-street parking spaces. It is considered that the proposed development will result in additional parking of cars and commercial vehicles on the surrounding streets thereby leading to greater inconvenience and hazards for local residents, in particular.
7.1.12	The second major concern relates to the impact arising from the new Building B at the rear of the Lancasterian School building. This has been reduced from three and a half to two and a half storeys but its position, height, massing and length relative to the adjacent residential properties on Albert Street and the proposed residential apartments within the Lancasterian School building is considered to be unneighbourly and would be likely to adversely affect the privacy and enjoyment of those properties to the detriment of residential amenity.
7.1.13	In addition, its siting, mass and height will be likely to obscure views of the rear elevation of the Lancasterian School building which forms an attractive focal point in views along Beacalls Lane from the direction of the railway station. Notwithstanding the presence of the main prison structures, this is likely to adversely affect the character and appearance of the locality to the detriment of visual amenity.
7.1.11	The conclusion reached is that the proposed development constitutes an overdevelopment of this constrained site and should not be approved.
8.0	<b>Risk Assessment and Opportunities Appraisal.</b>

8.1	<p><b>Risk Management</b></p> <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p>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.</p>
8.2	<p><b>Human Rights</b></p>
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	<p><b>Equalities</b></p>
	<p>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.</p>
9.0	<p><b>Financial Implications</b></p>
	<p>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</p>



the decision maker.
---------------------

## 10. Background

National Planning Policy Framework:

The following paragraphs are considered to be relevant:

7, 14, 17, 19, 28, 32, 49, 51, 56, 58, 69, 128, 132, 133, 134 and 141.

Shropshire Adopted Core Strategy:

Policies CS1, CS2, CS6, CS7, CS13, CS16, CS17 and CS18.

Shropshire Adopted SAMDev Plan:

Policies MD1, MD2, MD11, MD13 AND S16.

### RELEVANT PLANNING HISTORY:

SA/03/01129/CIR - Erection of an extension to provide ICT workshop and library on Beacalls Lane elevation. No objection.

SA/04/0992/CIR - Erection of a two storey detached modular building for temporary use until the replacement gymnasium is rebuilt. No objection.

SA/06/0170/CIR - Erection of a two storey gymnasium building. Objection.

SA/06/0770/F - Erection of a two storey extension to existing workshop building to accommodate new gymnasium. No objection.

SA/08/1045/LB - Erection of a single storey extension to existing plant room affecting a Grade II Listed Building. Approved.

SA/96/0136 - Extension of existing kitchens. No objection.

## 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=dates&keyVal=NNBQE4TDK0800>

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)
-----------------------------------

Cllr M. Price
Local Member Cllr Alan Mosley
Appendices APPENDIX 1 – Reasons for Refusal

## APPENDIX 1

### Reasons for Refusal:

1. The site is located within a tightly built-up area within the town of Shrewsbury, characterized by dense terraced housing within narrow streets. The proposed development, by virtue of its scale and diversity of uses, constitutes a form of development likely to generate a significant level of traffic movements. The proposed levels of parking provision available within the site would be inadequate to satisfy the traffic levels generated by the development leading to increased demand for on-street car parking in the locality which does not exist. Has not been demonstrated that the levels of traffic generation can be effectively managed and accommodated within the site. The proposed development would, thereby be highly likely to create increased highway safety hazards and inconvenience for users of the local highway network. The proposals would be contrary to Policies CS6 and CS7 of the adopted Core Strategy and MD2 of the adopted SAMDev Plan and the design guidance contained in the National Planning Policy Framework.
2. The proposed Building B at the rear of the Lancasterian School, by virtue of its siting, height and massing, would be likely to give rise to an unacceptable impact upon the residential amenities of existing residents at the adjacent dwelling houses on Albert Street and future residents of the proposed apartments in the Lancasterian School as a result of overlooking and overshadowing of those properties. The adverse effects are compounded by the proximity and height of the building to those properties which would result in an overbearing form of development. The proposed development would thereby be contrary to Policies CS6 of the adopted Core Strategy and MD2 of the adopted SAMDev Plan and the design guidance contained in the National Planning Policy Framework.
3. The proposals, by virtue of the scale of development, the concentration of multiple uses and the lack of adequate parking and servicing areas within the site, constitutes a cramped and over-intensive use of the site, resulting in a development that is out of character with the surrounding area. As such, the proposals are contrary to the provisions of Policies CS6 of the adopted Core Strategy and MD2 of the adopted SAMDev Plan and the design guidance contained in the National Planning Policy Framework.
4. The proposed height and siting of Building B close to the Beacalls Road frontage would be likely to obstruct views of the rear of the Lancasterian School building, which is an important feature within the area, to the detriment of local visual amenity. The proposed

development would thereby be contrary to Policies CS6 of the adopted Core Strategy and MD2 of the adopted SAMDev Plan and the design guidance contained in the National Planning Policy Framework.

**This page is intentionally left blank**



<u>Committee and date</u>
Central Planning Committee
27 October 2016

<u>Item</u>
<b>8</b>
Public

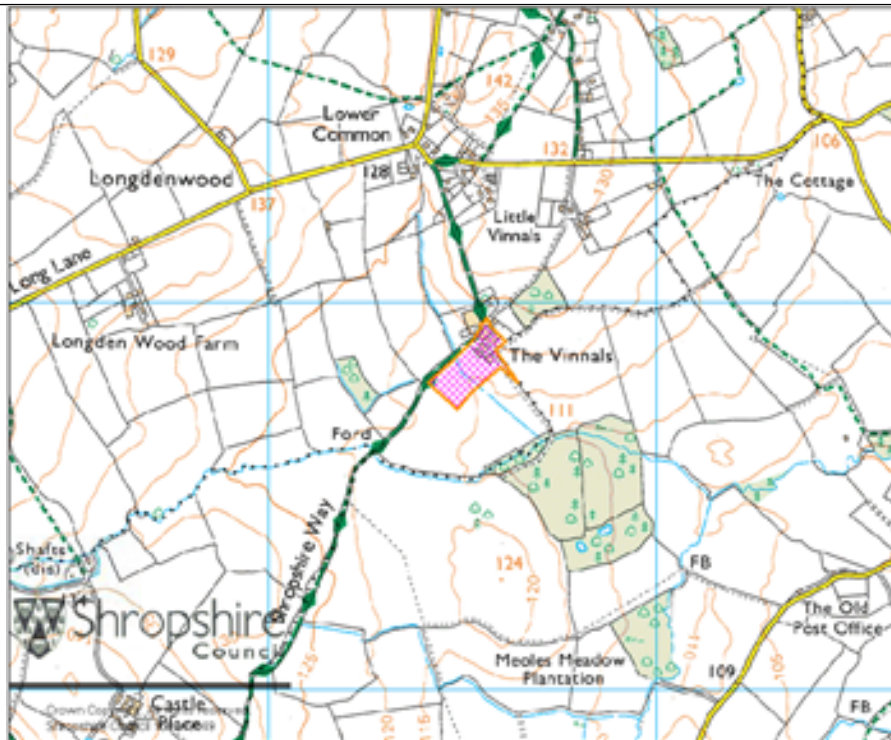
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 16/02752/EIA	<b><u>Parish:</u></b>	Longden
<b><u>Proposal:</u></b> Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping		
<b><u>Site Address:</u></b> Proposed Poultry Units South Of The Vinnals Lower Common Longden Shropshire		
<b><u>Applicant:</u></b> Mr Andrew Davies		
<b><u>Case Officer:</u></b> Kelvin Hall	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 345543 - 304866



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

**Recommendation:- Refuse subject to the conditions set out below.**

## Recommended Reason for Refusal:

Due to the proposed timing of HGV traffic to and from the site, the nature of the access route which includes a stone access track, and the proximity of dwellings to the proposed vehicle route, it is considered that night-time traffic to and from the site would have a detrimental impact upon the living conditions of residents living alongside and in the vicinity of the intended traffic route. It is not considered that the mitigation measures proposed, comprising the resurfacing of the track and the prior notice to residents of night-time HGV movements, would provide sufficient or satisfactory mitigation of this harm. Further it is not considered that the benefits of the proposal, including the diversification of the farming business, would outweigh the identified harm to residents. As such the proposal would be contrary to policies CS5 and CS6 of the Core Strategy, SAMDev Plan policy MD7b, and paragraphs 109 and 123 of the NPPF.

**REPORT****1.0 THE PROPOSAL**

- 1.1 The planning application seeks permission for the erection of two poultry rearing buildings, five feed bins, a biomass boiler building and ancillary development. Each poultry building would accommodate 50,000 birds, with a combined total of 100,000 bird places. They would be of portal framed construction with insulated box profile metal sheeting to the walls and box metal profile sheet roofs, and finished in Juniper Green. Each shed would measure approximately 97.5 metres x 24.4 metres with a height of 2.6 metres to eaves and 4.8 metres to ridge. Each shed would include a fan canopy, 3 metres long, to the rear.
- 1.2 The biomass boiler building would measure 18.3 metres long x 11.6 metres wide, and 5.1 metres to eaves and 7.6 metres to ridge. It would be of similar materials and colour to the poultry buildings. This would accommodate a boiler room and biomass storage area. It would be constructed of concrete composite panel walls with box profile metal sheeting above with a profile metal sheet roof. The feed bins would be of cylindrical design, with a height of 6.6 metres and a diameter of 2.8 metres.
- 1.3 Proposed landscaping would include a 4.5 metres high grassed bund around the north-western and south-western sides of the site, tree planting to the south-west and the gapping up of existing hedgerow.
- 1.4 Production process: Standard weight birds would be grown up to 35-36 days, with a 10 day turn around period, which would result in around 7 crops per year. Prior to chick delivery bedding comprising wood shavings would be added to the buildings. The sheds would be warmed, using heat produced by the biomass boiler. The broilers would be brought in as day old chicks. At the end of the production cycle the birds would be removed and transported to the processing site, following which the buildings are cleaned out and disinfected.
- 1.5 As detailed in section 6.1.1 below, the planning application is accompanied by an Environmental Impact Assessment (EIA), and this includes a detailed set of reports

assessing the potential impacts of the development.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located to the south of the settlement of Lower Common, approximately 2km to the southeast of the village of Longden. The application site covers an area of approximately 1.7 hectares, principally in arable use at present. The site is set on relatively flat ground which slopes down gently to the south-east. The existing agricultural buildings on the site would be removed. Land to the north includes farm buildings and a farmhouse. Farm tracks run along the north-west and north-east sides of the site. Other surrounding land is within agricultural use.
- 2.2 The closest residential property that is not in the applicant's ownership is located approximately 380 metres to the north, at the southern side of Lower Common.
- 2.3 Vehicle access to the site would be obtained via a single vehicle width private track to the north. This track provides access to the farm buildings and farmhouse and has a stone surface. This continues for a length of approximately 300 metres before becoming an unclassified public highway. This section of road continues for approximately 120 metres before meeting the Lower Common to Stapleton Common public highway, another unclassified public highway. This access route is a public bridleway, and this right of way continues along the north-west side of the site.

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

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 Consultee Comments**

- 4.1.1 **Longden Parish Council** Supports the application subject to the following provisions.

The Applicant needs to strengthen existing and add more passing places along the access route. It is imperative that lorries do not go through Stapleton and stick to their designated route at all times. The Parish Council would request that drivers dip their lights when approaching properties in the night journeys. The applicants need to be considerate of their neighbours and notify when there is a cleaning out due.

- 4.1.2 **Environment Agency** No objections.

The proposed development will accommodate to 100,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For

example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership.

#### 4.1.3 **Natural England** No objections.

##### Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to The Stiperstones & Hollies Special Area of Conservation (SAC) which is a European site. The site is also in close proximity to an element of the Midlands Meres and Mosses Phase 1 Ramsar site

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view. This is based on the Environment Agency's assessment that atmospheric emissions from the proposed development are below thresholds that they consider as significant.

##### Other advice



We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- 4.1.4 **SC Public Protection** Unacceptable noise impact on residential properties. Sleep disturbance is likely at the closest residential properties when night time depopulation activities take place. It is unacceptable to expect residents to close windows when such activities take place. This should be given material weight.

Comments 14/9/16: The values presented by the applicant's noise consultant are the output from modelling software and find maximum noise levels inside bedrooms would be 52, 48 and 56 dBmax for properties A, B and C respectively when windows are open if an allowance for an open window reducing noise levels by 15dB is applied.

No information as to what the model has taken into consideration has been provided. Using a distance calculation alone and taking the closest property to the road, property C, which has bedroom windows approximately 5.5m from the closest point at which the noise source will pass, I have calculated that noise levels from a noise source of 99.9dB at source would be 71dB at the facade of the property which correlates with the results provide in the assessment by SLR and I therefore consider the modelling calculations to be acceptable.

When any modelling is carried out it is expected that it will be conservative in nature to ensure that a precautionary scenario is provided. I would consider that a value of 15dB reduction for noise through an open window is not appropriate. Guidelines suggest that between 10 and 15dB reductions could be expected and from my experience it is likely

to be more likely to be in the region of 10 than 15 dB when windows are opened sufficiently to encourage ventilation for cooling. It is considered appropriate to use a precautionary approach and use 10dB as the stated reduction. Taking this into account I would suggest that noise levels with windows open are likely to be in the region of: Property A – 57 dBmax, Property B – 53 dBmax, Property C – 61 dBmax.

In conclusion the assessment has not proposed a conservative prediction. When a conservative element based on open window sound reductions is included it is likely that noise levels will be considerably over the 45dB max target level that would generally be accepted as suitable with windows open. This level is exceeded for all three properties on the access road. In my opinion, based on the max noise levels predicted compared to the generally low night time background noise levels, sleep disturbance with all of the consequent effects such as reduced wellbeing, depression, tiredness, reduced productivity etc. is likely when night time depopulation activities take place at closest residential properties. It is in my opinion unacceptable to expect existing residential properties to be expected to have to change their habits or suffer the effects of sleeping without windows open, particularly on warm nights, to mitigate against the impact of noise likely to be generated by the introduction of new activities in the area particularly when they are situated on a road which is not exposed to general passing traffic which again will make additional movements more noticeable to residents. I would advise that this is given material weight when determination of this application is being made.

Previous comments 10/8/16: It is clear that night time movements will have a significant impact on residents along in close proximity to the access road to the proposed installation. It is my opinion that the noise would be significant enough to disturb residents from sleep on every occasion that a vehicle passes. As a result I do not consider the access proposed to be a suitable route on grounds of noise particularly at night and would recommend that this is given material weight when determining this application.

The agent has proposed that making residents aware of when disturbances will occur will be mitigation enough to stop the impact of the noise. I do not share this view. It may be the case that once informed residents suffer anxiety, sleep deprivation and stress as a result on the build up to the noise knowing that they will be running up to a period when they are going to have sleep disturbed by noise of HGVs tracking past their bedroom windows at regular intervals during the night.

Noise from vehicles at other times will also have an impact on the properties mentioned above. This should not be ignored however night time movements are of more concern as they have greater potential to have a health impact on residents.

In summary the fact that residents can expect to have at least 14 nights of significantly disturbed sleep and potential additional ill health and wellbeing related states in the run up to these events I do not consider this site suitable for use.

Previous comments 26/7/16: Poultry units have the need to bring in many HGVs to the site particularly when depopulation of birds takes place. These movements are not considered by the Environmental Permit which would provide controls to noise at the on site installation alone. As a result it is appropriate for these movements to be considered by the planning regime.

Night time movements would take place in the region of 7 metres from nearest residential bedrooms. It is reasonable to expect that residents have windows open for ventilation unless they have been constructed with other means of ventilation such as mechanical ventilation which is not the case in this setting. As a result it is expected that every HGV and potentially smaller vehicle movement that passes along the road to the installation would create noise levels that in my opinion would be such that it would be likely that residents would be woken from sleep causing significant health and wellbeing impacts on nearby residents.

The information provided does not suggest that there will be no harm to the occupiers of the properties along the private road. The maximum noise levels generated by vehicles passing the residential properties at night are likely in my opinion to cause a significant detrimental impact on the existing residents and this should be a material consideration in the determination of the application. No maximum noise level at residential facades has been provided or modelled and I would suggest that this is likely to be due to the fact that it will evidence the fact of a noise issue which would have a significant observed effect on existing residents.

Finally it should be noted that the road used to access the proposed installation is predominantly a private road and therefore it is not suitable to state that residents living close to the road should expect any amount of road noise at any time of day

Previous comments 20/7/16: Correspondence has been received in the form of a letter from SLR global environmental solutions to Berrys, the agent for this application. It states that depopulation noise will only impact on residents nearest to the private road on 14 nights a year. It is generally expected that poultry houses turn over around 7.5 crops a year. Based on this and the fact that depopulation is expected to take place on 2 nights per crop this figure is correct every other year with years in between receiving 16 nights of depopulation movements.

The SLR letter discussed the recommendations in ProPG: Planning & Noise – Professional Practice Guidance on Planning & Noise, New Residential Development quoting the following statement from the document:

“For a reasonable standard in noise-sensitive rooms at night (e.g. bedrooms) individual noise events should not normally exceed 45dB LAFmax more than 10 times a night.”

Firstly it should be stated that the ProPG is currently in a draft form which states that it “may be subject to change following peer review and consultation with the wider membership of the various relevant professional bodies”. It therefore is not a fully formed document as it stands.

Secondly ProPG is specifically focuses “on proposed new residential development and existing transport noise sources”. This is not the scenario which we have in this application and therefore this draft document should be given even less weight in context of this application.

Thirdly the 45dB LAmax noise level stated in ProPG is used based on evidence discussed in the World Health Organisation (WHO) document Guidelines on Community Noise. This document states that , “effects (on sleep) have been observed at individual LAmax

exposures of 45dB or less”. It goes on to state that, “sleep disturbance from intermittent noise events increases with the maximum noise level. Even if the total equivalent noise level is fairly low a small number of noise events with a high maximum sound pressure level will affect sleep.”

It should therefore be noted that the WHO document is stating that a small number of loud events could have impacts on sleep. In this specific location the SLR noise report submitted with the application states that vehicles will produce a moderate average noise issue due to depopulation when noise is averaged over an hour. It does not state what the LAmax level at residential facades is likely to be. It states that an HGV at 20mph could be expected to generate noise of 105dB at source. As residential properties are a matter of a few meters from the road (nearest bedroom window 5 meters from the centre of the track/road with many other bedroom windows within 20m) it is likely that internal noise levels with windows open will be significantly in excess of 45dB and it is my opinion that noise would be to such a degree that an awakening event and/or other health impacts would be highly likely.

The information provided does not suggest that there will be no harm to the occupiers of the properties along the private road. The maximum noise levels generated by vehicles passing the residential properties at night are likely in my opinion to cause a significant detrimental impact on the existing residents and this should be a material consideration in the determination of the application.

As a result I would recommend a condition should this application be granted approval to ensure that no HGV movements take place between 2300 – 0700 hours in order to protect the health and wellbeing of residents close to the road accessing the development site

Previous comments 5/7/16: No concerns in relation to odour and do not anticipate any significant detrimental impact from the proposed development. This is based on the fact that the proposed location is a significant distance from all nearest residential receptors. In relation to noise on site I do not have any concerns due to distances to nearest residential properties and the topography which will result in significant noise reductions from on site operations.

However, I do have concerns that night time movements may have a significant impact on properties along the access route. There are several properties on the road leading from the proposed development which would be likely to be significantly impacted by noise and potentially vibration due to proximity to the road from vehicles going to and from the site. I do not anticipate that this would have a significant impact during daytime hours however at night I would anticipate that there would be a significant impact on residents trying to sleep. It is important to stress that vehicle movements are not considered by the Environmental Permit which is granted by the Environment Agency (EA) and therefore the EA would not be expected to have any concerns over noise created by vehicles accessing the site.

World Health Organisation guidance suggests that where noise levels exceed 45dB LAmax inside bedrooms in night time hours (2300 - 0700 hours) that effects on sleep could be noted. It is my opinion that noise levels are likely to be well in excess of this at nearest residential properties which would otherwise expect very little night time traffic to pass by hence making the proposed movements very noticeable. As a result I would

recommend that before any decision is made on this application that a noise assessment is carried out which considered the impact of this noise source in terms of LA<sub>max</sub> noise levels. It is noted that average noise levels will be increased by more than 10dB and therefore this is an indication that a significant impact would occur on nights when depopulation is taking place. I appreciate that this will not occur every night however this additional information is required before going any further. I would advise that alternative access which takes vehicles further from residential properties is considered to remove these noise concerns.

- 4.1.5 **SC Highways Development Control** No objections, subject to the development being carried out in accordance with the approved plans and the following conditions and informative notes, and a Section 106 agreement.

The latest information acknowledges the legal and physical restrictions on the surrounding Highway network and proposes an alternative prescribed HGV routing arrangement to and from the A49 via Longden, Annscroft and Exfords Green to be secured under a Section 106 agreement. Clarification has also been provided as to the specific vehicle types (and weights) which are expected to service the proposed poultry units and this confirms which vehicles which will use the proposed prescribed HGV routing arrangement and those which are likely to be able to use Longden Road.

The prescribed HGV routing is shown on the submitted Drawing No. SA16661/sk.02 and whilst the route utilises what are considered to be the more suitable roads for HGV's there are still some concerns in terms of width in places and the following specific issues: -

1. The junction of the prescribed route and the A49 has restricted visibility to the south for exiting vehicles, however, this junction is an existing situation and the expected HGV movements associated with the development are not considered to be significant enough to be able to sustain a recommendation of refusal.

2. The prescribed HGV route from Lower Common to Exfords Green is approximately 3 miles longer than the most direct route, albeit along a considerably less suitable road. Whilst the Section 106 agreement will presumably cover adherence to the prescribed route, the means of monitoring and enforcement during the expected hours of operation may prove to be difficult for the Local Planning Authority.

On balance, it is considered that the submitted further information and prescribed HGV routing arrangement offers a solution to the previous Highway concerns, subject to completion of a Section 106 agreement and the local Planning Authority being confident that compliance with the routing arrangement is capable of being monitored and if necessary enforced.

On the basis of the above, the information within the original Highways Statement has been reviewed with a view to considering a recommendation of approval.

The original Highways Statement (Section 2.3.1) offered a highway infrastructure improvement in the form of a passing-bay on Long Lane which is considered to be acceptable. An additional infrastructure improvement is, however, considered to be appropriate in the form of the reconstruction of the existing widened area of carriageway on Long Lane immediately before the junction with Longden Road and this is included in the conditions and informative notes below.

It is noted that the final section of the HGV access route to the site carries a public right of way. In view of the frequency of the daily operational vehicle movements set out in the submitted Highways Statement, the existing farming use and the lack of any Highway width for effective improvements, there will clearly be an onus upon HGV and other vehicle drivers to exercise caution when encountering users of the public right of way. This situation alone is not, however, considered to be a sustainable reason for the refusal of the planning application but it is considered that appropriate warning signs should be provided in mitigation.

It is recommended that pre-commencement conditions are imposed to cover the following:

- submission of details for approval of passing bay on Long Lane, plus additional kerbing and re-surfacing of the carriageway widening on Long Lane
- submission of details for approval of pedestrian/equestrian warning signage
- the submission of a Construction Method Statement (Traffic Management Plan)

Completion of a Section 106 agreement to secure the prescribed HGV routing agreement.

Previous comments:

Do not approve – There are concerns over the proposed routing of the HGV traffic associated with the development and the likely use of alternative routes. Longden Road does provide a route both north and south from its junction with Long Lane, however, there are vehicle weight, height and length restrictions which appear not to have not been recognised in the submitted Highways Statement (2.2.1 Road Network).

Observations/Comments: [s/v 26th July and 12th August 2016]

The proposal is for two poultry units (maximum 100,000 birds) as a diversification of the current farming business.

The submitted Highways Statement details the expected traffic associated with the cycles of poultry crops over each year of operation, along with the construction and decommissioning phases of the poultry units. The traffic generation identified is taken from the industry operation and practice and there is no reason to question these figures. It should be noted that the suggested increase in average daily operational traffic does not take into account any future traffic reductions based on changes to the farming operations or economies in servicing/deliveries. On this basis, the submitted Highways Statement is considered to be a robust assessment of the expected development traffic.

The expected daily traffic associated with poultry rearing, once operational, is not considered to be significant in terms of the frequency of movements per day when set against a farming operation. There will be increases in HGV, tractor/trailer and other vehicles movements depending on the crop cycle, however, these movements are likely to occur outside of the usual peak traffic periods.

The Highways Statement offers a highway infrastructure improvement in the form of a new (or improved) passing-bay on Long Lane based on the proposed HGV routing to the junction of Long Lane/Longden Road, however, it should be noted that the routing of traffic under a planning condition is not considered to be appropriate or enforceable and there will be the potential for vehicles to use the network of roads to the east, via Exfords Green and Stapleton, to and from the A49; particularly for the HR4 9PB

(Hereford) destination identified in the Highways Statement (2.1.3 Trip Assignment) and for access to and from the A5 for the other feed suppliers and poultry processing company locations listed.

The HGV restrictions currently in place which are not acknowledged in the submitted Highways Statement (2.2.1 Road Network) are as follows: -

1. South from the Long Lane/Longden Road junction there is a 13 metre advisory length restriction at “Walkmill Bridge” approximately 3 miles from the junction with the A489 to the south. At this location a combination of the horizontal alignment of the road, restricted carriageway width and the bridge parapet makes access by HGV’s difficult. The route to and from the south is further compromised by a low bridge (4.8 metres) warning/restriction on the A489 immediately west of its junction with the A49,

2. North from the Long Lane/Longden Road junction an 18 Tonne weight restriction is in place on Longden Road from Nobold to the Little Lyth junction, north-east of Annscroft. It is considered that the above physical and legal restrictions conflict with the HGV routeing identified in the submitted Highways Statement and make the use of the network of roads to the east between the site and the A49 both more likely and legitimate in respect of the development traffic.

Should an alternative traffic route be identified (with mitigation as appropriate) which results in progress towards an approval, it is considered that the HGV routeing for the development should be the subject of a Section 106 planning obligation.

- 4.1.6 **SC Drainage** The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

The proposed surface water drainage is acceptable in principle. The Environment Agency has updated the guidance on Climate Change in March 2016 and 25% should be used for non residential development in the Severn catchment. A revised drainage calculations and plan should be re-submitted for approval.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design

- 4.1.7 **SC Ecologist** Recommends conditions and informatives. Planning Officer to include the Habitat Regulation Assessment screening matrix in their site report.

The poultry buildings will house approximately 100,000 birds in total, split between two sheds.

Bats: The location of the proposed application is currently an arable field. Five mature Oak trees on the northern boundary and three mature Oak trees on the eastern boundary (all outside the site boundary) have features, such as holes, cracks and splits, that could be suitable for use by roosting bats.

Turnstone Ecology has concluded that the improved grassland field margin is unlikely to be important for foraging bats but the hedgerows and trees around the field boundaries, particularly along the north with the ditches, provide optimal foraging and/or commuting habitat.

Environmental Network: The site plan shows a ditch through the arable field but

Turnstone Ecology has recorded no evidence of a ditch and it has been presumed that this has been culverted. To the northern field boundary (between the track and the hedgerow) there is a short section of dry ditch and a ditch with slow flowing water. The ditch with flow is approximately 1 m wide and a maximum of 5 cm deep. Turnstone Ecology has made recommendations which will protect the boundary ditch during construction.

Badgers: Badger footprints were recorded on the tracks at the northern and eastern boundaries of the site. No other Badger signs or setts were recorded within or immediately adjacent to the boundaries of the proposed development. Due to the relatively small loss of suitable foraging habitat, there will not be a significant impact on any local Badger populations and once the construction is complete there will be no significant barriers to the movement for Badgers around the site.

Turnstone Ecology conclude that although significant negative impacts on Badgers are not predicted it would be appropriate to have a survey for Badger setts within 30 m of any proposed groundworks completed prior to construction and for mitigation measures to be put in place to ensure foraging Badgers do not become trapped within, or isolated by, any excavations associated with construction works. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).

Landscape: It is recommended that as part of the landscaping around the poultry units the screening bunds are seeded with an appropriate wildflower and grass seed mix and locally occurring native broadleaved tree species. To improve connectivity around the site it is recommended that consideration is given to planting hedgerows around the eastern and southern boundaries of the poultry units, which would then connect to the existing northern and eastern field boundary hedgerows.

Nesting Birds: Nesting opportunities should be provided for house sparrow and starling.

Reptiles: Although the presence of reptiles within the relatively small areas of suitable habitat is still considered unlikely, it is appropriate that safe working methods are put in place to ensure no reptiles are harmed as a result of the proposed works. All suitable refuges affected by the proposals will need to be removed when reptiles are usually active (March to October inclusive) and under an ecological watching brief. If any reptiles are found they will be moved to suitable habitat away from the works and any possible harm.

Designated Sites: The Environment Agency has provided pre-permitting application advice to the applicant. The Ammonia screening assessment undertaken by the Environment Agency has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm. The Environment Agency has confirmed that based on the information the applicant has provided, ammonia impacts from the proposal screened out and detailed modelling is not required to be submitted with the applicant's permitting application.

Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can



therefore use the Ammonia Screening Output (provided by Kevin Heede via email dated 7th July 2016) to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Site/Ancient Woodlands within 2km. All sites screen out below the permitting thresholds and therefore no further modelling is required to support this planning application.

Habitat Regulation Assessment:

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations).

A Habitat Regulation Assessment matrix has been provided with this memo to the planning case officer. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.

Natural England must be formally consulted on SC Ecology's Habitat Regulation Assessment Memo. The Local Planning Authority must have regard to their representations when making a planning decision. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site.

It is recommended that conditions are imposed regarding the following:

- work shall be carried out strictly in accordance with the ecology report
- the erection of bat boxes
- the submission of a lighting plan prior to any external lighting
- the erection of artificial nests
- the submission of a landscaping scheme
- a pre-commencement badger inspection.

**4.1.8 SC Trees** No objections subject to a condition.

There are a number of trees and hedgerows 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 notes that no trees will be adversely impacted by the proposed development and provides details of how the trees can be retained and protected through the development. No objection is raised to this application, however a condition is recommended requiring the protection of trees and the implementation of tree protection measures.

**4.1.9 SC Conservation** Whilst this application has been amended to take our previous

comments into account regarding the siting of the biomass building, it is regrettable that the non designated remains of the significant historic farmstead have been lost within recent years in the same ownership as the proposal site. If possible, it would be advisable to enhance the setting of the site through landscaping and the retention and repair of any standing historic remains, and to protect the site of the former historic farmhouse to the east of the current application from further encroachment, other than that which would enhance its rural landscape setting and reflect its historic character.

- 4.1.10 **SC Archaeology** An EIA has now been submitted for a proposed poultry unit on land immediately south-west of The Vinnals, Lower Common, Longden. It is understood that this development would comprise the construction of two poultry sheds, biomass and associated infrastructure. The proposed development site stands adjacent now the farmstead of The Vinnals. The Shropshire Historic Environment Record (HER) contains a number of records relating to now largely demolished historic farmstead, both the farmstead as a whole (HER PRN 41459) and the farm house and individual historic farm buildings (HER PRNs 41460 - 41466 ). The larger of the two corrugated iron Dutch barns at the north western end of the proposed development site represents the only surviving component of the pre-1990s farmstead, although some partial structural remains of other buildings remain in situ. Within a 1km radius of the site the HER contains a record of a possible circular cropmark feature (HER PRN 04389) of unknown date c. 755m north-east of the proposed development site; and a substantial triple ditched sub-circular cropmark enclosure of probably Iron Age date (HER PRN 04920) c. 890m south-east of the proposed development site. The proposed development site has not previously been subject to any known archaeological field evaluation, on the basis of the above, it is considered to low-moderate archaeological potential.

A Heritage Impact Assessment has been included at Appendix 5 of the Environment Statement. Whilst this refers to the HER records relating to the historic farmstead, it does not appear to have been informed by a wider search of HER for the area around the site. It does not therefore consider the other records mentioned above, which were previously referred to in our EIA Scoping Opinion (ref. 16/00702/SCO). As such, we consider that, in its present form, the Assessment does not comply with requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Local Plan.

Notwithstanding this, and when considering the extent of the proposed groundworks for the proposed development, we consider that the proposed development does hold archaeological interest as a consequence of the archaeological potential set out above. If the decision taker is minded to approve the development, and with reference to Paragraph 141 of the NPPF, we advised that programme of archaeological work, to comprise a watching brief during intrusive groundworks, be made a condition of any planning permission.

- 4.1.11 **SC Rights of Way** Public Bridleway UN5/4A Longden leaves the County Road and runs along the full length of the access to The Vinnals and the proposed poultry units. Bridleway 4A then turns to run in a south westerly direction and abuts the northern boundary of the proposed area where the units will be situated. The route is shown on the attached plan by way of a blue dashed line. The Bridleway forms part of a long distance promoted route known as 'The Humphrey Kynaston Way' and it should be taken into consideration at the planning stage particularly with regard to the safety of users

(walkers, horse riders and cyclists) as there will be an increase in traffic along the access. The applicants should liaise with the Rights of Way Officer for the area to discuss measures to alleviate any potential conflict of use along the access.

#### 4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 25 properties in the local area have been directly notified. 21 objections have been received from members of the public, 4 objections from user groups, with 4 letters of support. These are summarised below:

##### 4.2.2 **Nesscliffe Hills & District Bridleway Association Parish Paths Partnership Group** Objects.

- Impact on Bridleway 4A, the access track to The Vinnals, part of the important Humphrey Kynaston Lyth Hill Circular multi user route for walkers, cyclists and horse riders, which links to the long distance Humphrey Kynaston Way from Church Stretton via Nesscliffe to Grinshill
- any changes to the surface of a public right of way must be fully consulted on
- horse riders and other users value off road routes to get off tarmac surfaces and away from traffic. Changes to the surface of this quiet stoned access track, especially if this means putting down tarmac, will impact on non-motorised user's enjoyment of this important off-road route, as will the added vehicular use
- 'Humphrey Kynaston Way with Circular Routes Off' was funded by Natural England as part of their Paths for Communities Project to support tourism and the local rural economy, and to connect rural communities. It is promoted by Shropshire Council, and supported by the British Horse Society. The Nesscliffe Hills & District Bridleway Association worked on these important routes with Natural England, supported by Shropshire Council. The Shropshire Way long distance walking route, an important tourist route, passes along Bridleway 4A. The proposed poultry units will impact on these important tourist routes
- Impact on tourism and rural economy – safety and enjoyment of users would be compromised
- possibility of flies; odours, especially when clearing out; noise, including fans etc., and HGV and other traffic movements, in addition to the normal farm movements, this could all impact on the local rural economy
- Poultry Units provide little additional local employment, often only 1 additional job for 2 sheds; workers for catching, clearing out etc. are brought in, so development could actually diminish jobs locally as it could impact on local leisure use and tourism
- Potential for extensions to be granted, as has happened at Felton Butler, Great Ness, Little Ness, Yockleton and Merrington Green; and for additional development such as solar panels, storage etc.
- Concern over no bund to the east
- Damage to highways including surfaces and verges
- Impact on hedgerows
- Level of traffic required to service the development
- Impact on non motorised users;
- Very few places where two vehicles can pass
- Unsuitable approach roads to the site; onward routes have not been considered
- Concern over traffic routing if it goes through Shrewsbury
- 8 ton weight restriction on the railway bridge at Nobold

- Height restriction on railway bridge into Hanwood
- Impact on safety of users using the A49
- Impact on riding stables, livery yards and horses in the area
- Likelihood that short cuts would be taken on unsuitable roads
- Bridleway is the only off-road bridleway link to routes to the south and southwest, and routes to the north and Lyth Hill Countryside site
- Query where manure would be taken to; whether it would be covered, impact of spreading on the land; where it would be stored
- Impact on watercourses of manure management
- Odour from manure heaps; impact on bridleway users
- Manure injurious if eaten by other animals
- Site is in open countryside
- Impact on landscape

#### 4.2.3 **British Horse Society** Objects.

- Dismayed by the application
- BW4A is the access track to the Vinnals and is also the promoted Humphrey Kynaston Lyth Hill Circular Route
- Track is a recognised "safe" off road route affording great enjoyment to all non motorised users. (i.e. walkers, cyclists and horse riders), attracting visitors from outside the county
- Proposed development and possibility of further expansion will impact on the quiet nature of this route to the detriment of all users

#### 4.2.4 **Shropshire Way Association** Objects.

- aim of the Association is to maintain and promote the Shropshire Way
- development will have a detrimental effect on the Shropshire Way long distant path
- no artist's impression has been submitted
- proposal would totally obscure the beckoning Shropshire Hills for walkers
- buildings would be at least three times as high as the maize crop
- no indication as to how high the bund would be, its appearance and whether it would be landscaped
- adverse impact on walkers from construction and operational traffic
- adverse impact on safety of walkers
- condition of the access road and bridleway will suffer

#### 4.2.5 **Ramblers Associations – Shrewsbury Group** Objects.

- cumulative effects of the development - nature and scale is akin to an industrial development, which, in the context of the surrounding countryside, is wholly inappropriate
- location is a mere 3 km away from the boundary of the Shropshire Hills AONB, and arguably merits the same criteria in assessing its suitability for planning consent
- contrary to AONB Management Plan which acknowledges the necessity for development but states that it must be in ways which do not undermine the high quality environment of the AONB
- not a sustainable development, as is required within the AONB
- visual impact and traffic hazards – will be readily visible from close up, which is how walkers on the Shropshire Way will see it, particularly when approaching

from Exfords Green

- impact on safety of walkers due to frequent traffic movements both onto the site and across the farmyard, with lorries loading, unloading and reversing
- road access – increased number of traffic movements than when sheep were being transported to and from The Vinnals
- Long Lane has been identified as a suitable route for use by HGV vehicles, but this means they will be accessing it from Shrewsbury via the Pulverbatch Road, passing through the on-road villages of Hookagate Annscroft and Longden, and this road has the added problem that it does not feed into the Shrewsbury by-pass
- would add to local congestion on Longden Road where there is an industrial estate and two large schools
- although most deliveries will be undertaken during night-time hours, this may be of little consolation to residents living alongside the road

#### 4.2.6 Objections from members of the public

- inadequate roads unsuitable for HGVs
- narrow, bendy roads unsuitable as a traffic route
- prescribed route would be unenforceable
- unsocial hours of transport movements
- potential pollution from manure
- impact on watercourses
- impact on wildlife
- impact on Severn Trent Water facility
- impact on lanes used by walkers, riders, cyclists and local traffic
- noise and vibration
- contrary to planning policy
- costs of repairs to highways
- query where water would be obtained from
- likelihood of approved route not being followed
- impact on tourism
- impact on living conditions of local residents
- odour impact
- noise impact
- impact on property structure
- impact on hedges and trees

#### 4.2.7 A general comment has been received from the **Ramblers**:

- the application form states that the site cannot be seen from a public road, or right of way, but it is

Another general comments has been received:

- noise consultant report relies on fixed level of sound reduction; no mention of type of HGV; vehicles will be empty on one journey, then full, which will influence noise level; poor road surface will impact on noise levels generated; no account taken of speed of HGVs; levels higher in winter when hedges are thinned out; temperature, wind speed and humidity all affect noise levels; query whether residents should have to close their windows in high summer temperatures; WHO levels should not be ignored in face of commercial gain

**4.2.8** Letters of support have made the following comments:

- robust and well thought out application
- would support farming, encourage the next generation of farmers
- better to produce food in our own country
- waste would be used to help grow crops
- modern facilities are well run
- tractors and farm vehicles are to be expected in rural areas

**5.0 THE MAIN ISSUES**

- 5.1**
- Environmental Impact Assessment
  - Planning policy context; principle of development
  - Siting, scale and design; impact upon landscape character
  - Historic environment considerations
  - Highways access and traffic considerations
  - Ecological considerations
  - Drainage and pollution considerations
  - Residential and local amenity considerations

**6.0 OFFICER APPRAISAL****6.1 Environmental Impact Assessment**

**6.1.1** The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would provide 100,000 bird places, and as such it is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

**6.1.2** A formal Scoping Opinion was issued by the Council in April 2016, setting out what matters should be included within the Environmental Impact Assessment.

**6.2 Planning policy context; principle of development**

**6.2.1** Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF), and this advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

**6.2.2** The proposed development is located in an area of countryside, and Core Strategy Policy

CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.

6.2.3 The applicant's farming enterprises include cattle, sheep and arable farming. In terms of the economic and social dimensions to sustainable development, the application states that the proposed development constitutes the diversification of the existing family farming business, and that it would help to preserve the viability of the business for future farming generations by improving the profitability of the business. The application notes that agriculture plays a significant role in the vibrancy of local communities, and states that the proposal would result in one full-time employee.

6.2.4 National and local planning policies provide support for the development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of a poultry unit development in this location can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

### **6.3 Siting, scale and design; impact on landscape character**

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

6.3.2 Siting and alternatives: The applicant's farmholding includes buildings at Lawn Farm, Pulverbatch and also The Vinnals. The proposed poultry development would be located adjacent to these latter buildings, in line with policy MD7b. The Environmental Statement (ES) sets out potential alternative locations for the proposed development and the reasons why the current location was chosen. Land at The Vinnals would be used to produce grain for use as poultry feed, which can be stored within the existing adjacent crop storage buildings. Poultry manure can be used on the surrounding arable land. These factors would reduce the number of vehicle movements, and would improve the efficiency of the operation. The ES also suggests that the current site is beneficial in relation to alternatives given its distance from residential properties in terms of potential

impacts from noise and odour, and on residential amenity and landscape character.

6.3.3 Site location and context: A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the Environmental Statement. The site lies outside of the Area of Outstanding Natural Beauty, the boundary of which lies approximately 3km to the west. The LVIA assesses the value of the landscape around the site as medium, and the overall sensitivity of the landscape as medium.

6.3.4 The site slopes gently to the south between levels of around 119 metres AOD and 115.5 AOD. The proposed development would be constructed at a level of 115.5 metres AOD, with excavation material used in the creation of a bund along the north-west and south-west side of the site. It is anticipated that the principal views of the site are from relatively close range, particularly from the public bridleway that runs along the north-west side of the site.

6.3.5 Impact on landscape character: The LVIA notes that the proposed development would not introduce a new feature or different structure type into the local landscape as there are existing large scale agricultural units within the area. It is also noted that the site is well related to the existing buildings at The Vinnals. The LVIA considers that the proposed development would have a minor effect on the landscape character of the area, and that any adverse effects would be localised and limited to locations in close proximity to the site. Officers concur with this assessment, and agree that landscaping works would assist in assimilating the development into the landscape. The application site is located some 3km from the boundary of the AONB and it is not considered that the proposed development would adversely affect the special qualities of this designated landscape given the limited visibility of the site from that area.

6.3.6 Visual effects: There would be limited views of the development from residential dwellings, the closest of which would be approximately 380 metres away. Views from public roads would be limited by roadside hedges and structures. The main visual receptor would be the public bridleway that runs along the north-western side of the site. This bridleway forms part of a promoted long distance route, and the LVIA acknowledges that it is a receptor that is fairly susceptible to change. The concerns raised by objectors to the proposal, including by recreational groups, regarding the impact of the proposal on users of the bridleway are acknowledged. Officers agree that, due to the scale of the development, the proposal would have some adverse impact upon the enjoyment of the path by bridleway users. Nevertheless the proposed buildings would only be visible from a short section of this route, and visual impact would be mitigated by the provision of a bund to 120 metres AOD such that only the higher parts of the poultry development would be visible from much of the path. It should be noted that the buildings would not comprise an isolated development, given their proximity to other farm buildings. The LVIA suggests that the visual impact from this receptor would be moderate/minor. In conclusion Officers consider that the impacts of the proposal on landscape character and on users of the public bridleway would not be of such magnitude as to be considered unacceptable.

#### 6.4 **Historic environment considerations**

6.4.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be



demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.4.2 The submitted Heritage Impact Assessment confirms that there are no designated heritage assets adjacent to the proposed development site. Non-designated heritage assets that previously stood adjacent to the site, comprising the original farmstead at The Vinnals, have now been demolished. The Council's Historic Environment Officer has advised that the site has low-moderate archaeological potential. Should permission be granted a condition requiring a programme of archaeological work can be imposed, as recommended by the Officer. It is not considered that the proposed development raises significant issues in respect of historic conservation.

## 6.5 **Traffic, access and rights of way considerations**

6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.

6.5.2 Impact on public highway: Deliveries of feed and collection of birds would typically be by the larger 5 or 6 axle HGVs. Due to processor logistics and operational hours the bird thinning and depletion would commence at 2300 hours with two HGV movements per hour (one vehicle) and a total of 8 HGVs per operation. This would occur in one operation on 2 days of the crop cycle. The highways statement advises that there would be four days of peak activity during each cycle: the thinning of birds (17 movements over one day); crop clearance (17 movements over one day); manure removal (20 movements over two days).

6.5.3 In terms of the proposed HGV traffic route to and from the site, the applicant's highways consultant acknowledges that there is a weight limit in force along the Longden Road to the north-east of Annscroft. The applicant proposes that HGV movements would be routed to avoid this section of highway. The proposed route would be along Long Lane towards Longden Common, northwards through Longden village and then eastwards through Exfords Green to meet the A49 at Hunger Hill. It is proposed that such a routing agreement is secured through a Section 106 planning obligation. It is considered that, should permission be granted, this agreement would need to provide an auditable and enforceable mechanism to ensure that the agreed routing is adhered to.

6.5.4 The planning application proposes that, in order to provide improved passing facilities on the initial length of Long Lane from its junction with Longden Road, a passing place would be constructed. The Highways Officer considers that this would be acceptable. The Officer has also advised that the reconstruction of an existing widened area of carriageway on Long Lane would be appropriate. These highways improvements could be secured by planning condition.

6.5.5 Impact on public right of way: The access route to the site along the farm track is a public bridleway which forms part of a long distance promoted route known as 'The Humphrey Kynaston Way'. It is recognised that some of the HGVs associated with the proposed development would only use the track during night-time when the use of the route by recreational users would be minimal. Nevertheless the additional HGVs would be likely to increase the risk of conflict between vehicles and bridleway users. It is considered that, should permission be granted, a condition is imposed to require details of safety

measures and signage to be submitted for approval. This is in line with the recommendations of the Highways Officer.

6.5.6 The proposed development would result in some adverse impacts on the local area due to additional HGV traffic, and this would be likely to affect users of the public bridleway and other traffic using the local highway network. Nevertheless it is considered that the highways improvements and other conditions would provide mitigation for such impacts and that a refusal of the application on grounds of highways safety would not be sustainable.

## 6.6 **Ecological consideration**

6.6.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

6.6.2 Ecological assessment undertaken as part of the planning application consists of a Phase 1 habitat survey and a protected fauna survey, which also included an initial bat survey. These indicate that the only evidence of protected species within or immediately adjacent to the proposed development was badger and nesting birds. However there are also habitats that are suitable for use by bats, great crested newt and reptiles within or adjacent to the proposed construction areas.

6.6.3 The Council's Ecologist has raised no specific concerns in relation to direct impacts on protected species. Should permission be granted it is recommended that conditions are imposed to require: that the recommendations set out in the ecological report are adhered to; the provision of artificial bat boxes and bird nests; the submission of a lighting plan prior to the erection of any external lighting; the submission of a landscaping scheme; a pre-commencement badger inspection.

6.6.4 Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. An initial ammonia screening assessment was undertaken by the Environment Agency. This has considered impacts upon designated ecological sites in the area, and has taken account of other intensive farms that could act in combination with the proposal. All sites screened out below the relevant thresholds and the Council's Ecologist has confirmed that no further modelling is required. The Habitat Regulation Assessment matrix is attached as Appendix 1.

6.6.5 On the basis of the available evidence it is considered that the proposed development would protect and enhance the natural environment, and is therefore in line with Core Strategy policy CS17 and SAMDev Plan policy MD2 and MD12.

## 6.7 **Impact on water resources**

6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

6.7.2 Surface water drainage: The site is located within Flood Zone 1, indicating that the risk

of surface water flooding is low. Clean surface water from the proposed buildings would be collected in a mix of open and stone filled trenches and a piped system. This would discharge to an existing watercourse at greenfield runoff rates to ensure that there would be no adverse effects on the receiving downstream culvert/watercourse or outfall.

6.7.3 The Council's Drainage Officer has advised that this is acceptable in principle. Should permission be granted, this should be subject to a condition requiring the submission of revised drainage calculations and plan for approval.

6.7.4 Foul drainage: Dirty water from the clean out process would be collected through a sealed drainage system to an underground pumping chamber. Collected water would be spread on surrounding agricultural land. An isolating valve would ensure that dirty water does not enter the clean water drainage system. It is considered that this is suitable for this type of development. The Environmental Permit would provide detailed control over pollution prevention measures incorporated within the design of the development.

## 6.8 **Residential and local amenity considerations**

6.8.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

6.8.2 The proposed operation would require an Environmental Permit from the Environment Agency. This would control the detailed operational matters to prevent pollution of the environment, throughout the lifetime of the development.

6.8.3 Odour: The application is accompanied by an odour impact assessment which identifies potential odours sources, primary control techniques, residual emissions and predicted impacts. The main sources of odour are from ventilation from the broiler houses, and from poultry manure. The results of the modelling indicate that occasional odour would be perceived at the closest residential receptors, primarily during the last days of a crop and during cleaning of the poultry sheds when the ambient temperature is high and the wind blowing from a southern direction. The assessment report states that measures to reduce odour, such as optimised feeding regimes, are likely to be sufficient to reduce the impact to below the indicative benchmark at all receptors, particularly where odour causing events are scheduled to avoid weather conditions likely to result in an odour impact.

6.8.4 The Public Protection Officer has raised no concerns in relation to potential odour impact and does not anticipate any significant detrimental impact on residential properties from odour. The proposed development would be located approximately 380 metres from the nearest third-party residential property. It is considered that this is a sufficient buffer distance to limit odour to acceptable levels. It is acknowledged that some odour may be perceptible on occasions, but based upon the modelling assessment regarding frequency and level, Officers consider that this would not be unacceptable.

6.8.5 Noise: It is considered the distance between the site and residential properties is sufficient to ensure that noise from operations on the site does not adversely affect

residential amenity. The Public Protection Officer has no concerns in relation to on-site operations.

6.8.6 There is however concern over the potential impact on residential amenity from the noise from HGVs travelling to and from the site, particularly in relation to those dwellings situated along the access road. Para. 109 of the NPPF states that the planning system should contribute to and enhance the local environment by preventing development from contributing to unacceptable levels of noise pollution. Para. 123 states that planning should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It suggests that conditions can be used to mitigate adverse impacts arising from noise. World Health Organisation (WHO) guidance suggests that where noise levels exceed 45dB LAmax inside bedrooms in night time hours (2300 - 0700 hours) that effects on sleep could be noted

6.8.7 HGV movements to and from the site would include those associated with the collection of birds. In relation to night-time movements this would occur on two nights during each 36 day cycle. On each of those nights there would be a maximum of two movements per hour between 0200 hours and 0700 hours. These movements would occur on 14 nights per year.

6.8.8 The applicant's noise impact assessment looked predicted noise levels at three residential properties: a dwelling along the access route; Lea Haven (approximately 70 metres from the Lower Common to Stapleton Common road); and Bodell Farm (approximately 135 metres from the same road). The noise report predicts that, during the 14 nights per year of bird collections, the noise levels from HGVs would have an adverse noise impact at the three receptors assessed. The applicant's noise consultant suggests that, as the number of nights per year that poultry collections would occur is limited to 14, mitigation of HGV noise is not required. They do however suggest that nearby residents are informed of collection dates so that they are aware that HGV movements would be occurring at night. (report Feb 2016).

6.8.9 Updated noise information has been submitted by the applicant's noise consultant. This sets out noise levels that would be experienced at the three properties that are situated along the access route to the site, between the site and the Lower Common to Stapleton Common public highway. To reduce noise levels from HGV traffic the applicant proposes that the stoned track is tarmacked. Officers have some concerns over this, given that this may impact upon the users of the bridleway, including horse riders. Notwithstanding this, based upon the resurfacing, and an assumption regarding the noise attenuation provided by an open/closed window, the noise consultant states that maximum noise levels at each of these three dwellings would be above 45dB if there is an open window. It states that, if windows are closed, only the southernmost of these dwellings would experience noise levels at 45dB. As mitigation the noise consultant proposes that the applicant should inform neighbours when HGV movements will occur, i.e. on 14-16 nights per year, so that residents would have the opportunity to close their windows.

6.8.10 The Public Protection Officer has suggested open windows would not provide as much attenuation as suggested by the noise consultant, and as such it is likely that noise levels would be considerably higher than the 45dB maximum target level that would generally be accepted as suitable with windows open. In conclusion the Officer considers that, when night-time depopulation activities take place, sleep disturbance of residents at the

closest residential properties is likely to occur due to noise from HGV traffic.

- 6.8.11 Officers acknowledge that, for the majority of nights, there would be no HGV movements generated, and that such movements would occur for around 14-16 nights per year. The pertinent issue therefore is whether it is reasonable to expect residents to keep windows closed during such nights, particularly on warm nights, to seek to avoid sleep disturbance. Officers consider that night-time HGV movements would result in an unacceptable level of disturbance to residents of the closest dwellings, even with the tarmacking of the access road. As such the proposed development would be contrary to policies CS5, CS6 and MD7b, and paras. 109 and 123 of the NPPF.

## 7.0 CONCLUSION

- 7.1 The proposal for a new broiler unit at The Vinnals would have limited adverse impact on the overall landscape character of the area, particularly given the restricted visibility in the wider landscape, the topography of the area, and its positioning adjacent to existing farm buildings. The proposal would have some impact on users of the adjacent public bridleway, particularly in relation to visual effects and the consequent enjoyment of the route. However the landscaping scheme would minimise these impacts. Whilst there would be some residual impacts it is not considered that these would be unacceptable. The proposal raises no specific issues in relation to ecology, drainage, historic conservation or odour that cannot be addressed by planning condition. The proposal would have some impact upon the local highway network however road improvements and a routing agreement could be secured such that a highway objection would not be sustainable.
- 7.2 It is acknowledged that the proposal would provide benefits in terms of enabling the diversification of the existing family farming business and helping to sustain the existing agricultural operation. Nevertheless it is not considered that these benefits are sufficient to outweigh the harm that would be caused to residents in the local area from sleep disturbance from HGV movements. As such the proposal would be contrary to Core Strategy policies CS5 and CS6, SAMDev Plan policy MD7b, and paras. 109 and 123 of 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 give 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 1970.

## 9.0 Financial Implications

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

## 10. Background

### 10.1 Relevant Planning Policies

#### 10.1.1 Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

#### 10.1.2 SAMDev Plan

- Policy MD2 (Sustainable Design)

- Policy MD8 (Infrastructure Provision)
- Policy MD12 (Natural Environment)
- Policy MD13 (Historic Environment)

## 10.2 Central Government Guidance:

### 10.2.1 National Planning Policy Framework (NPPF)

## 10.3 Relevant Planning History: None.

16/00702/SCO Scoping Opinion for proposed poultry units SCO 19th April 2016

16/02752/EIA Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping PDE

11/05747/AGR Erection of a grain store PNAGR 18th January 2012

12/00370/FUL Erection of extension to existing farm building to provide grain storage GRANT 19th April 2012

SA/03/003/HRM Removal hedge on land at The Vinnals, Longden NOOBJC 29th August 2003

16/02752/EIA Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping PDE

SA/84/0527 Alterations and additions at the side to provide a single storey pitched roof lobby, bathroom, additional bedroom and living room extension. PERCON 2nd July 1984

SA/78/0477 Erection of a flat roofed single storey extension at the rear to provide kitchen, porch and lounge. PERCON 20th June 1978

## 11. Additional Information

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

The application ref. 16/02752/EIA and supporting information and consultation responses.

Cabinet Member (Portfolio Holder):  
Cllr M. Price

Local Member:  
Cllr Roger Evans (Longden)

Appendices:  
APPENDIX 1 – Habitat Regulations Assessment – Screening Matrix

**Appendix 1 - Habitat Regulation Assessment (HRA) Screening Matrix**

Application name and reference number:

16/02752/EIA  
 Proposed Poultry Units South Of The Vinnals  
 Lower Common  
 Longden  
 Shropshire  
 Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.

Date of completion for the HRA screening matrix:

8<sup>th</sup> July 2016

HRA screening matrix completed by:

Nicola Stone  
 SC Planning Ecologist  
[Nicola.stone@shropshire.gov.uk](mailto:Nicola.stone@shropshire.gov.uk)

**Table 1: Details of project or plan**

Name of plan or project	16/02752/EIA Proposed Poultry Units South Of The Vinnals Lower Common Longden Shropshire Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Name and description of Natura 2000 site(s) which have potential to be affected by this development.	<p><b>The Stiperstones &amp; Hollies SAC</b></p> <p>The Stiperstones and the Hollies SAC (601.46ha) represents a nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i>.</p> <p>Annex I Habitats that are a primary reason for selection of site:</p> <p><input type="checkbox"/> European dry heaths</p> <p>Annex I Habitats present as a qualifying feature but not a primary reason for selection of site:</p> <p><input type="checkbox"/> Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p><b>Midland Meres and Mosses (Ramsar phase 1)</b></p> <p><b>Bomere, &amp; Shomere Pools</b></p> <p>Bomere, Shomere &amp; Betton Pools Midland Meres and Mosses Ramsar Phase 1 (59.08ha), as a group, are particularly important for the variety of water chemistry, and hence flora and fauna, which they display. It is included within the Ramsar Phase for its Open Water, Swamp, Fen, Basin Mire and Carr habitats with the plant</p>



	species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i> .
Description of the plan or project	Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

We have identified the following effect pathways:

- Damage to the designated sites caused by aerial emissions

#### **Aerial Emissions**

The Environment Agency has provided pre-permitting application advice. The screening assessment undertaken by the Environment Agency has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm. The screening assessment has taken into account other intensive farms that could act in combination with the proposal. The Environment Agency has confirmed that based on the information the applicant has provided detailed modelling is not required to be submitted with the applicant's permitting application.

Shropshire Council, under Regulation 61 of the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the Ammonia Screening Output (provided by Kevin Heede via email dated 6<sup>th</sup> July 2016) to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Site/Ancient Woodlands in 2km.

All sites screen out below the permitting thresholds and therefore no further modelling is required to support this planning application.

#### **Conclusion**

**Providing works are carried out in accordance with the approved plans, and as agreed within an Environment Agency Permit, SC Ecology has concluded that the proposed development will not impact on the integrity of The Stiperstones & The Hollies SAC or Midland Meres and Mosses (Ramsar phase 1) Bomere, & Shomere Pools.**

#### **The Significance test**

There is no likely significant effect on European Designated Sites from planning application 16/02752/EIA.

### The Integrity test

There is no likely effect on the integrity of the European Designated Sites from planning application 16/02752/EIA.

### Conclusions

Natural England should be provided with SC Ecologist's HRA. Comments should be received prior to a planning decision being granted.

## Guidance on completing the HRA Screening Matrix

### The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,  
must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

### Habitat Regulation Assessment Outcomes

**A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.**

**If it is not possible to establish this beyond reasonable scientific doubt then planning**

**permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.**

#### **Duty of the Local Planning Authority**

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

**This page is intentionally left blank**

# Agenda Item 9



Committee and date  
Central Planning Committee  
27 October 2016

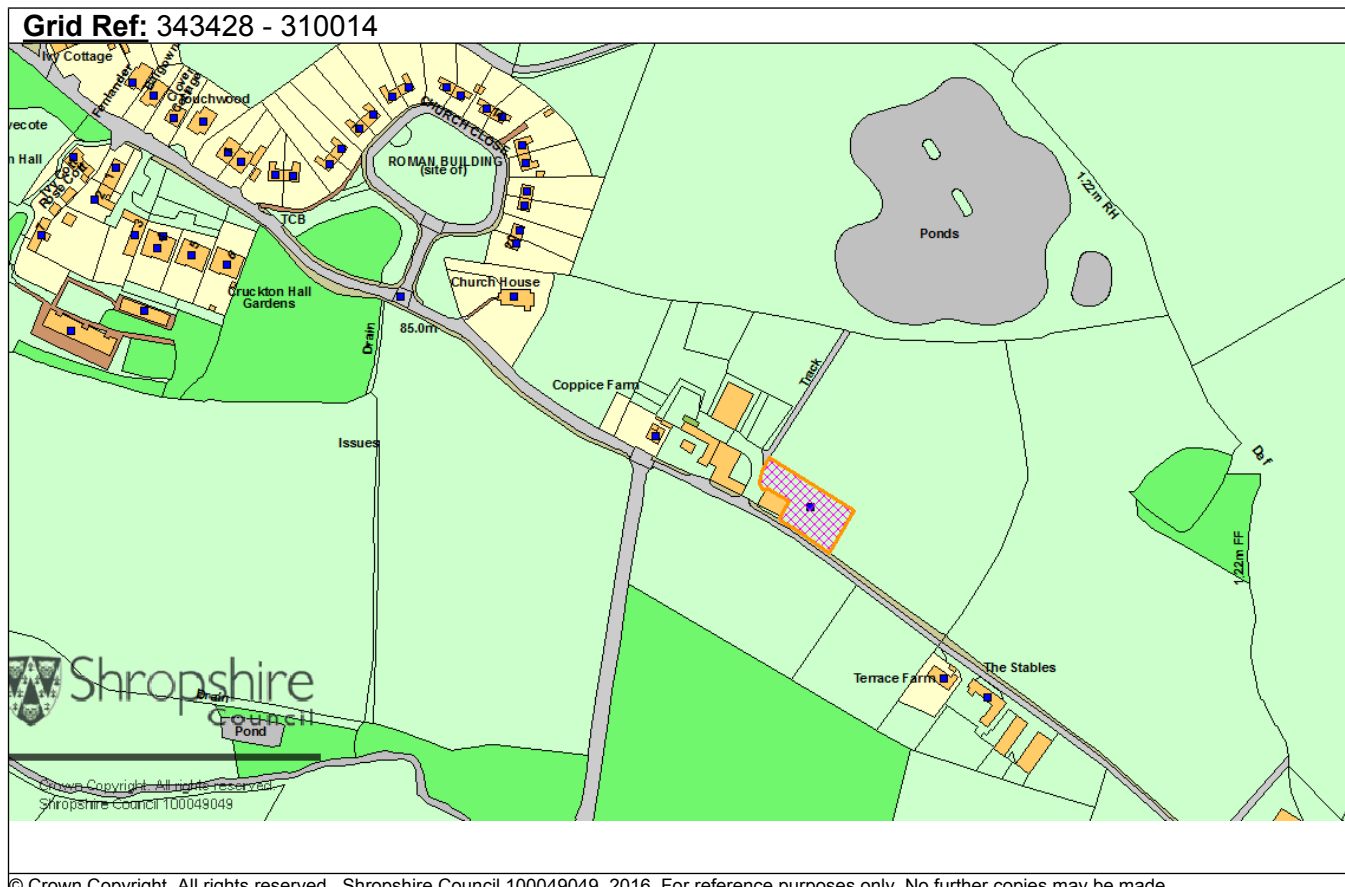
Item  
**9**  
Public

## Development Management Report

Responsible Officer: Tim Rogers  
Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 16/03379/FUL	<b>Parish:</b> Pontesbury
<b>Proposal:</b> Erection of 1No affordable dwelling and detached double garage	
<b>Site Address:</b> Proposed Affordable Exception Dwelling At Cruckton Shrewsbury Shropshire	
<b>Applicant:</b> Mr Neil Robinson	
<b>Case Officer:</b> Aileen Parry	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>



**Recommendation:- REFUSE planning permission.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of an affordable three bedroomed home providing 100 sq. m gross internal floor space, garage and associated curtilage space. The application site is 0.10ha.
- 1.2 The dwelling will consist of an entrance hallway, a utility, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the south east of Cruckton, adjacent to Coppice Farm which largely dates from the 20th Century with some more modern farm buildings. The grade II listed Church of St Thomas and Roman Villa Scheduled Ancient Monument are located approximately 180 metres to the north west with other designated assets located further to the north west and some distance away to the south.
- 2.2 The site is accessed via a short stretch of private drive which is accessed off the C classified Cruckton Crossroads to Cruckmeole Road and is approximately 700 metres to the north west of the village of Hanwood.

### 3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 Pontesbury Parish Council have submitted a view contrary to Officers recommendation for refusal based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

### 4.0 COMMUNITY REPRESENTATIONS – full comments can be viewed on the planning record

- 4.1 - Consultee Comments

4.1.1 SUDs

No objection. Informative recommended.

4.1.2 SC Affordable Housing

Have confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. And after considering his housing needs and personal circumstances can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable

home scheme has been satisfied.

4.1.3 SC Archaeology (Historic Environment)

Have no comments to make with respect to archaeological matters.

4.1.4 SC Conservation (Historic Environment)

No objection.

4.1.5 SC Highways

No objection – subject to the development being constructed in accordance with the approved details. Conditions and informatives recommended.

4.2 - Parish Council

Pontesbury Parish Council supports this application. The proposed position of the dwelling is such that it will enable the proposed occupant to supervise his adjacent business. The bungalow design fits in with the adjacent single storey farm buildings.

4.3 - Public Comments

Three neighbours have been consulted and a site notice forwarded for display. No public comments have been received at the time of writing this report.

## 5.0 THE MAIN ISSUES

Principle of development

Design, Scale and Character

Impact on Residential Amenity

Drainage

Archaeology

Conservation

Affordable Housing

Highways

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other

material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 The Type and Affordability of Housing Supplementary Planning Document (SPD) provides guidance with regard to affordable housing within Shropshire and details the policy criteria set out in relation to affordable plot exception sites. As an exception to normal policies controlling new housing development in rural areas the Council will allow the development of dwellings within and adjoining recognised settlements in the rural areas, including outside designated development boundaries, providing the relevant criteria in respect of suitability of the location, strong local connections and housing need are met and the dwellings remain affordable to subsequent occupiers in perpetuity through a section 106 agreement.
- 6.1.3 In considering this proposal due regard should also be paid to policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.1.4 The area is identified in SAMDev as being open countryside and outside any defined development boundary. In these areas Policy CS5 strictly controls development to only allow exception housing either for a rural worker or for a single plot exception affordable dwelling. The SPD on the type and Affordability of Housing further supports the principle of exception plots provided it complies with the requirements of the policy.
- 6.1.5 CS11 is closely related to the Type and Affordability of Housing SPD and seeks to meet the housing needs of local residents including permitting exception sites for local needs affordable dwellings on suitable sites subject to the criteria referred to above. In addition, exception sites are generally in locations that would not normally obtain planning permission for new housing development. CS11 allows for affordable housing in or and adjoining recognised named settlements, and subject to them being suitable in scale, design, tenure and prioritisation.
- 6.1.6 In terms of location exception sites must be demonstrably part of or adjacent to a recognisable named settlement. Where they do not lie within or adjacent to a settlement they will be considered isolated or sporadic development which would adversely affect the landscape, local historic or rural character and are not considered acceptable. Each case is therefore considered on its own merits.
- 6.1.7 This proposal is not within a named settlement but adjacent to the farm with close proximity to an agricultural building and is in part to the rear of that building. The proposed dwelling would also share an access with the farm and would be accessed directly off a private roadway rather than the public highway.
- 6.1.8 The close knit settlement of Cruckton is located approximately 170 metres north



west of the site with fields and the existing farm house and outbuildings separating them. This indicates that the site is detached from the defined settlement and will not therefore comply with the adopted policy. It is also noted that apart from the farmhouse and another farm some 117 metres to the south east of the proposal site, there are no other dwellings within close proximity of the site. As such in this case it is considered that the site has little association with other development and therefore is determined to be isolated and detached from the named settlement. Consequently it is considered not to be in accordance with the SPD or CS11 in terms of location for this type of development.

- 6.1.9 In addition policies CS5, and CS6 and the SAMDev Plan Policy MD7a are all relevant and seek to ensure an appropriate location and design for affordable plot dwellings with minimal impact on surrounding open countryside. The National Planning Policy Framework is a further policy consideration and aims to deliver a wide choice of quality homes and to widen opportunities for home ownership whilst creating sustainable communities. It further states that local planning authorities should be responsive to local circumstances in rural areas, particularly for affordable housing, including through exception site policies.
- 6.1.10 Core Strategy 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. And SAMDev Policy MD13: The Historic Environment 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.
- 6.1.11 The proposal is for the erection of an affordable three bedroomed home providing 100 sq. m gross internal floor space, garage and associated curtilage space within an application site of 0.10ha.
- 6.1.12 The Council's Housing Enabling Officer has assessed the proposal to ensure that the applicant meets the need criteria of the application. They have confirmed that the proposal satisfies the requirements of the SPD in relation to the build your own affordable home scheme.
- 6.1.13 Notwithstanding the above the proposed siting of the proposal is not considered to comply with elements of the adopted policies and advice contained within the SPD and CS11. Not only is the site not considered to be within or adjacent to a named settlement, but the proximity of the proposed dwelling to an existing agricultural building forming part of a working farm, and the use of a joint access are also of concern. Whilst this may be acceptable for the current applicant who has an association with the farm business, the Council has to have regard to the long term suitability of the site as an affordable dwelling i.e. for others not related to the business. The impact of the use of the farm on the amenity of such occupiers is likely to be significant and to therefore impact on its desirability as a separate unit of accommodation.

## 6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built 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, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

In addition, Policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.2.2 As this is for an affordable exception single plot dwelling it is also necessary to ensure the scale and size of the dwelling meets the strict criteria imposed on such dwellings in the SPD.

6.2.3 The proposed dwelling will measure approximately 13.5 metres wide, 10.2 metres deep at its maximum with a ridge height of 6.1 metres eaves of 2.5 metres. The internal floor space will be 100 sq. m gross. The garage will measure approximately 7.0 metres wide, 6.0 metres deep with a ridge height of 5.5 metres eaves of 2.0 metres.

6.2.4 The proposed site plot is situated on land to the south east of Coppice Farm means it will be a substantial distance from the listed building of Church of St Thomas and Scheduled Ancient Monument to the north west, and will be well screened by existing buildings, tree cover and vegetation, and is a rural location which can be identified on OS maps.

6.2.5 The scheme has been supported by both the Parish Council and Councils Housing Enabling Officer (in respect of the applicants eligibility for an affordable dwelling).

6.2.6 No objections have been received from the Councils Conservation Officer who has provided that the proposal is not considered to have an adverse impact on the nearby heritage assets, or those further into the settlement of Cruckton. They have also provided that it is not therefore considered that the proposal would be detrimental to the character or setting of the designated assets within Cruckton, and is therefore considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as local and national policies with regard to heritage assets.

6.2.7 The bungalow is simple in its design and provides an entrance hallway, a utility, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite. Its total gross internal floor area is 100 sq metres which meets the allowance in the policy. The height of the building will not exceed 6.1 metres.

- 6.2.8 The scale and design of the proposed dwelling is considered to accord with CS6 and MD2, however officers consider that the proposed double garage is not acceptable and that being approximately 5.5 metres in height it is too high and not in proportion to the dwelling.
- 6.2.9 In addition officers have concerns regarding the proximity of the proposal site to the farms agricultural buildings; that the proposal site is partly round the back of existing agricultural buildings; and that the site sharing an access with the farm will not have access directly off the highway.
- 6.2.10 Overall whilst the proposed design and scale of the dwelling is considered acceptable, its location away from the highway is out of keeping with the context and pattern of development in the area. Therefore the proposal is contrary to the SPD and policies CS5 and CS6 of the Shropshire Core Strategy.
- 6.3 Impact on Residential Amenity
- 6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Overall it is considered that the proposals impact on neighbouring amenity will be minimal and acceptable. It is also noted that no public comments have been received regarding the proposal.
- 6.4 Affordable Housing
- 6.4.1 The Council’s Housing Enabling Officer has assessed the proposal and has confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. And after considering his housing needs and personal circumstances can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme has been satisfied.
- 6.5 Drainage
- 6.5.1 The Councils Drainage Engineer has been consulted and has not objected to the proposal but has provided an informative for inclusion on any planning permission that may be granted.
- 6.6 Archaeology
- 6.6.1 The Councils Archaeologist has been consulted and has provided that they have no comments to make with respect to archaeological matters.
- 6.7 Conservation
- 6.7.1 The Councils Conservation Officer has been consulted and has provided comment that the location of the proposal to the south east of the farm means it will be a substantial distance from the Church of St Thomas and the Scheduled Ancient

Monument to the north west of the site. It will be well screened by existing buildings, tree cover and vegetation. As such the proposal is not considered to have an adverse impact on these heritage assets, or those further into the settlement of Cruckton. It is not considered that the proposal would be detrimental to the character or setting of the designated assets within Cruckton, and is therefore considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as local and national policies with regard to heritage assets.

## 6.8 Highways

6.8.1 The Council's Highways Engineer has been consulted and has no objection to the proposal subject to the development being constructed in accordance with the details submitted and have provided a condition and informatives for inclusion on any planning permission that may be granted to ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

## 7.0 CONCLUSION

**The proposed development is considered by officers to be in an inappropriate location which is not within or adjacent to the named settlement of Cruckton. Furthermore the site would not provide a dwelling with a road frontage to a public highway and due to the the close proximity to agricultural buildings and the shared farm access would not constitute a form of development which would be suitable for the provision of an affordable dwelling separate from the farmstead i.e. in perpetuity, as required by the relevant policy.**

**Officers acknowledge that the proposal is in accordance with policies CS6, CS17 and CS18 in terms of highways, conservation and drainage issues, but these do not outweigh the objection to the principle and location of the development.**

**The proposal is therefore considered to be contrary to the relevant parts of the SPD and policies CS5 and CS6 of the Shropshire Core Strategy and the application is recommended for refusal.**

## 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 three months 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:

National Planning Policy Framework  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS11 - Type and Affordability of housing  
 CS17 - Environmental Networks  
 MD2 - Sustainable Design  
 MD7A - Managing Housing Development in the Countryside  
 MD13 - Historic Environment

Relevant Planning History:

PREAPP/10/00043 Proposed excavation of a lake. PREAIP 27th January 2010  
 PREAPP/10/00722 Development at lake at Coppice Farm PREUDV 7th April 2010  
 10/04255/FUL Construction of angling lake and wildlife pool with car parking area and associated landscaping works GRANT 20th December 2010  
 11/00107/DIS Discharge of conditions 9 and 10 (Landscaping and method statement) attached to planning ref. 10/04255/FUL DISAPP 28th February 2011  
 PREAPP/15/00493 Single Plot Affordable Exception Site 20th November 2015  
 16/03379/FUL Erection of 1No affordable dwelling and detached double garage 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) Cllr M. Price
Local Member  Cllr Roger Evans
Appendices APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

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

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

**Informatives**

-

**This page is intentionally left blank**



## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

<b>LPA reference</b>	15/03230/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr & Mrs S Patterson
<b>Proposal</b>	Outline Application for the erection of 2 No dwellings (to include access)
<b>Location</b>	Land East Of Dunedin Little Ness Shrewsbury
<b>Date of application</b>	28.07.2015
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	05.01.2016
<b>Date of appeal</b>	09.03.2016
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	22.06.2016
<b>Date of appeal decision</b>	19.09.2016
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	14/01425/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mrs P A Roberts
<b>Proposal</b>	Outline application for the erection of a detached dwelling to include means of access
<b>Location</b>	Proposed Dwelling Adjacent Kariholme Nobold Lane Shrewsbury
<b>Date of application</b>	31.03.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	01.03.2016
<b>Date of appeal</b>	24.08.2016
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	16/02481/REF
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Tobin Aspinall
<b>Proposal</b>	Application under Section 73a of the Town and Country Planning Act 1990 for the erection of a boundary fence
<b>Location</b>	Willow Ridge Hexham Way Shrewsbury
<b>Date of application</b>	11.04.2016
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	29.06.2016
<b>Date of appeal</b>	29.07.2016
<b>Appeal method</b>	Householder Fast Track
<b>Date site visit</b>	13.09.2016
<b>Date of appeal decision</b>	17.10.2016
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	16/01327/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Sevenside Housing
<b>Proposal</b>	Outline application (all matters reserved) for residential development
<b>Location</b>	Monkmoor Trading Estate Monkmoor Road Shrewsbury
<b>Date of application</b>	29.03.2016
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	05.08.2016
<b>Date of appeal</b>	21.09.2016
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

## Appeal Decision

Site visit made on 22 June 2016

by **B Bowker Mplan MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

---

**Appeal Ref: APP/L3245/W/16/3146178**

**Dunedin, Lower House Farm Junction to St Martins Church, Little Ness, Shrewsbury SY4 2LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Patterson against the decision of Shropshire Council.
  - The application Ref 15/03230/OUT, dated 24 July 2015, was refused by notice dated 11 December 2015.
  - The development proposed is the erection of 2 dwellings including provision of access (outline)
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The appeal is for outline planning permission with all matters reserved apart from access. The appeal has been determined on this basis.
3. Following the Court of Appeal's judgment of 11 May 2016<sup>1</sup>, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issue below.
4. The Council published its Full Objectively Assessed Housing Need 2016-2036 document on 4 July 2016 and a Five Year Housing Land Supply Statement on 26 August 2016. Comments have been sought from the parties in relation to the effect of both of the documents on the appeal. Accordingly, both documents and submitted comments have been taken into account.

### Main Issue

5. The main issue is whether the proposal would result in a sustainable pattern and form of development, having particular regard to local and national planning policy and the effect on the character and appearance of the area.

### Reasons

6. Policy CS4 of the Shropshire Core Strategy (CS) seeks communities in rural areas to become more sustainable by focussing private and public investment

---

<sup>1</sup>*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

- into settlements such as Community Clusters and not allowing development outside settlements unless it meets Policy CS5. Little Ness is identified as part of a Community Cluster in the Nesses Parish by Policy MD1 of the Sites Allocations and Management of Development Plan (SAMDev).
7. However, the parties do not agree on whether the appeal site is located within Little Ness or the countryside for planning purposes. In addition, the policy maps provided appear to be for different settlements in the Borough. Notwithstanding the Council's view that the site occupies a countryside location, the appellant states this Community Cluster does not have a development boundary. As this point is uncontested, I have no reason to disagree with the appellant on this matter.
  8. SAMDev Policy MD3 supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. Paragraph 3.21 of the explanation to Policy MD3 explains that whilst the guideline is not a maximum figure, development exceeding by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill.
  9. SAMDev Policy S16 outlines a housing guideline of approximately 10-15 dwelling over the plan period for the parish, which the Council notes equates to about 2-3 dwellings for Little Ness. It is common ground between the parties that the relevant housing guideline has been exceeded for Little Ness with planning permission already in place for 8 dwellings.
  10. In such circumstances, part 2 of SAMDev Policy MD3 applies and requires consideration of a range of factors such as the number of dwellings relative to the guideline, and the benefits and impacts associated with the proposal. The appellant contends that the Council require windfall development such as the proposal in order to meet rural housing targets. However, the Council can demonstrate a five year housing land supply, which to my mind indicates that housing need is currently being met. The presence of a five year land supply also means that local policies relevant to the supply of housing are not considered out of date and attract full weight.
  11. The appeal site comprises a domestic orchard to the immediate east of the detached bungalow Dunedin. In combination with adjoining fields, the site positively contributes to a pleasant open and rural character that runs adjacent to the built form of Little Ness. A lane is to the front of the site and its roadside hedgerow extends across the north boundary of the site and beyond, being mostly unbroken by vehicular driveways, thus contributing to the area's rural character.
  12. The introduction of two dwellings in an otherwise open greenfield site would harm the site's positive contribution to the surrounding area's pleasant open and rural character. Whilst I acknowledge that the domestic orchard is not a landscape feature characteristic of the wider area, it nonetheless makes a positive contribution to the area's pleasant open and rural character.
  13. As Dunedin is the only dwelling in the nearby area that is south of the lane, the proposal would further extend the built form of Little Ness into the open countryside. Furthermore, the creation of an additional vehicular access on the south boundary of the lane would harm the rural character of the immediate vicinity.

14. Whilst the proposal would be screened by vegetation to the south and the site is relatively level, the proposal would remain visible from the section of lane to the front and north of the site. The proposal's resultant harm to the rural and open character of the surrounding area would not be mitigated by the presence of fields that adjoin the site, additional landscaping or by design details at the reserved matters stage.
15. I acknowledge that a number of benefits would arise from the proposal, which although modest in scale, attract weight in favour of the appeal. These include the proposal's contribution to housing supply, support to the sustainability of rural services and local economy, CIL revenue and creation of construction employment. In addition, I agree with the Council that the proposal would not have a harmful effect on the nearby heritage assets. I am also satisfied that the proposal would not comprise an isolated location in terms of its accessibility to Little Ness.
16. Regardless, based on the recent adoption of the SAMDev plan and the extent to which the housing guideline has already been exceeded, the proposal would be an unjustified development of an open greenfield site. I also note that paragraph 17 bullet point 5 of the Framework recognises the intrinsic character of the countryside. To these matters I attach great weight.
17. Consequently, the benefits noted above are outweighed by the proposal's harm identified to the character and appearance of the surrounding area and conflict noted with local and national planning policies. Taken as a whole, in this light, I cannot consider that the proposal would constitute sustainable development.
18. Therefore the proposal would not result in a sustainable pattern and form of development, having particular regard to local and national planning policy and the effect on the character and appearance of the area. Consequently, the proposal would be contrary to the requirements of SAMDev Policies S16 and MD3 and CS Policies CS4, CS5, CS6 and CS17. Insofar as they relate to this matter, combined these policies seek to ensure development takes account of settlement housing guidelines, comprises sustainable development, and is of an appropriate scale and design in order to protect and enhance the character of Shropshire's natural environment.

*Other matters*

19. An appeal decision at Land at the Cross, West Felton is referred to by the appellants in support of the appeal. Whilst I do not have the full details of this case before me, I note it pre-dates the adoption of the SAMDev plan, was for a different scale of development and reaches different conclusions regarding sustainable development. Moreover, I must judge the appeal before me on its own merits.
20. A report submitted by the appellants indicates that a pond close to the appeal site supports a small population of Great Crested Newts and that a licence would be required. There is insufficient information before me on the derogation tests that would be considered by the licensing authority. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider the matter further.

**Conclusion**

21. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

*B Bowker*

INSPECTOR

## Appeal Decision

Site visit made on 13 September 2016

**by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17<sup>th</sup> October 2016**

---

**Appeal Ref: APP/L3245/D/16/3155467**

**Willow Ridge, Hexham Way, Shrewsbury SY2 6QY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Tobin Aspinall against the decision of Shropshire Council.
  - The application Ref 16/01524/FUL, dated 8 April 2016, was refused by notice dated 29 June 2016.
  - The development proposed is erection of a boundary fence.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appeal development has already taken place. However, the planning application seeks permission for the erection of a boundary fence. I am determining this appeal in accordance with that description of development and the plans before me.

### Main Issue

3. The effect of the appeal proposal on the setting of the grade II\* listed former Church of St John.

### Reasons

4. The appeal proposal includes a timber fence which would sit on top of a retaining wall structure. It would surround the garden to the appeal property.
5. The former Church of St John sits close to the appeal site. Its significance is as a small chapel, with a 13<sup>th</sup> century core with later modifications and alterations. It was most likely formerly part of a larger building and complex being close to a historic wall which encloses one side of the open space to its front, some of which is currently being developed. Its sandstone random rubble walls, decorative western window, handsome timber door and plain tiled roof, together with some internal features including a simple bowl font and single early 17<sup>th</sup> century roof truss, contribute to its significance as a heritage asset.
6. Its former open and rural setting and distant relationship to the settlement of Shrewsbury and the intervening open countryside has been historically important to the listed building and remains so today. Whilst some development has taken place in the intervening space, the former Church of St John still has an intimate relationship with the surrounding open countryside. Skyline views to Shrewsbury are still present and contribute to its setting.

7. The proposal would include timber on a solid wall. It would have an urban appearance which would erode the remnants of the Church's former open and rural setting. It would be high with a mainly solid appearance and as it would be close to the church, it would interrupt the skyline views from it towards Shrewsbury. This would seriously diminish its historic visual relationship with that settlement and the intervening open countryside and its significance as a designated heritage asset.
8. The appeal development would fail to preserve the setting of the grade II\* listed former Church of St John and thereby would result in unacceptable harm to its significance. For this reason it would fail to accord with Shropshire Local Development Framework: Adopted Core Strategy (2011) Policies CS6 and CS17. Together, these aim for all new development to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. Other policies are referred to, but I have concluded against those most relevant to this appeal.
9. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I consider that the unacceptable harm identified would be notable, although in the context of the significance of the former Church of St John, less than substantial. Paragraph 134 of the Framework requires that where the harm identified would be less than substantial, the harm should be weighed against the public benefits of the proposal. I have taken into account the appellant's concern regarding the development underway close by at Sutton Grange, the need for privacy and to prevent the adverse effects of noise and dust from that development. I acknowledge that the appeal development would help achieve that and they would be benefits to the occupiers of the appeal site. However, no matters of public benefit are before me to outweigh the unacceptable harm identified.

### **Other Matters**

10. I have noted the appellant's concern that the noise and pollution from the development close by at Sutton Grange is seriously affecting their right to enjoy their home. However, the Council confirms that measures to deal with noise and pollution during construction have been put in place by provisions of that planning permission (Ref. 13/00893/FUL)<sup>1</sup>.
11. Whilst the appellant intends to plant a hedge in place of the fence once that development is completed, no such proposal is before me. I have determined the appeal on the basis of the development proposed, which is for a permanent fence.

### **Conclusion**

12. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

*R Barrett*

INSPECTOR

---

<sup>1</sup> Condition 6 to planning permission Ref. 13/00893/FUL