

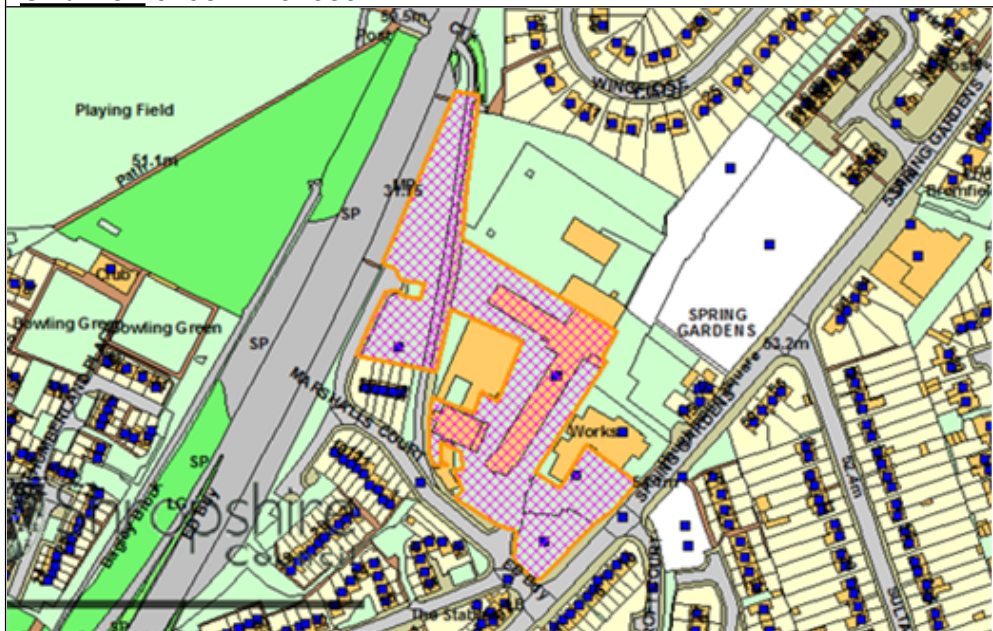
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 16/02872/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> 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		
<u>Site Address:</u> Flax Mill St Michaels Street Shrewsbury Shropshire SY1 2SZ		
<u>Applicant:</u> Historic England		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 349874 - 313832



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 Harlescott 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 environment¹ 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)².

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:

13th 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

Test 1 & 2: Mrs Jane Raymond

Technical Specialist Planning Officer

(01743 258723)

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 13th 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.