



Committee and date  
Central Planning Committee  
27 October 2016

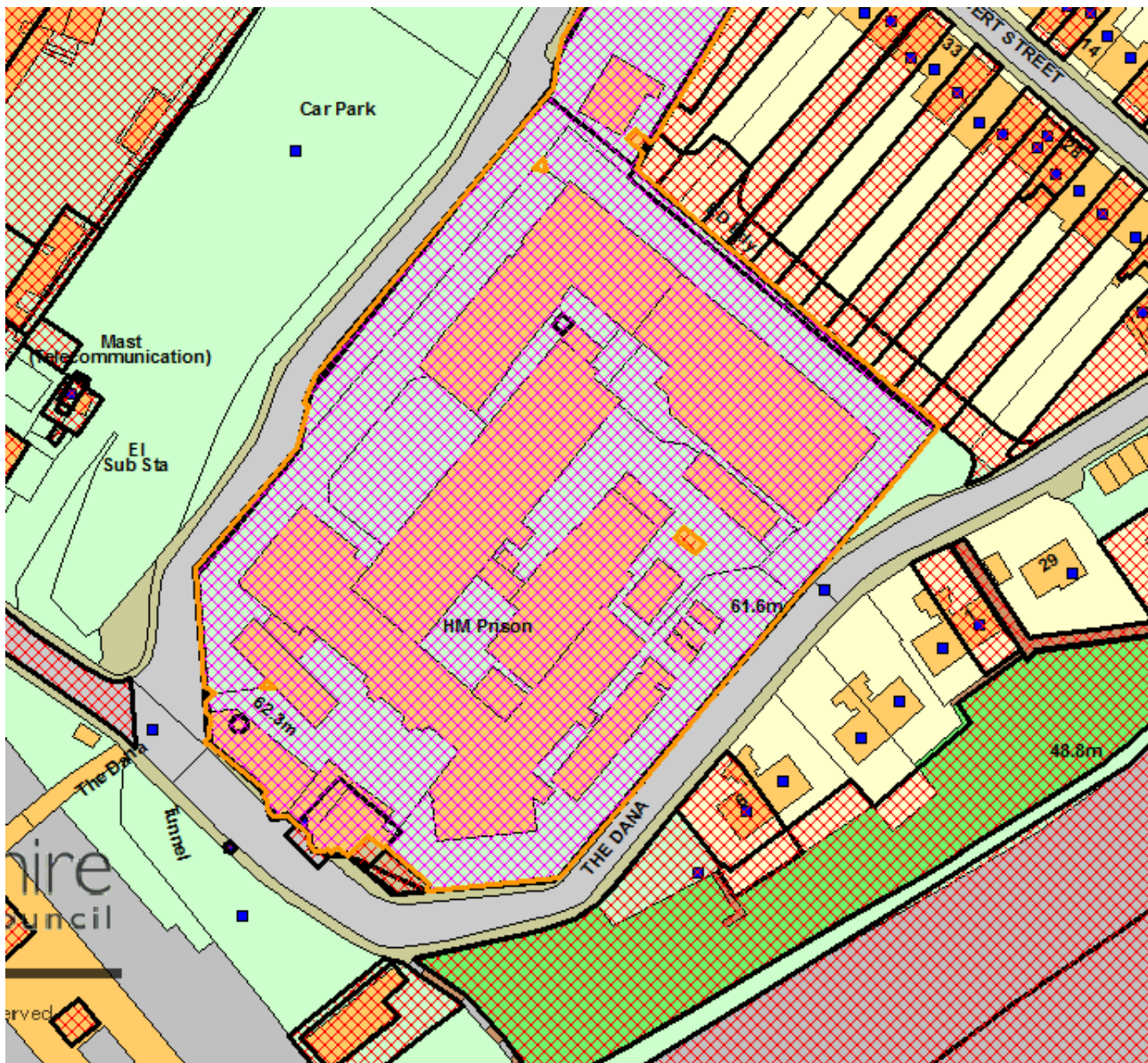
Item  
**7**  
Public

### Development Management Report

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#### Summary of Application

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



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

**REPORT**

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

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

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

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

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

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



**Bats**

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

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

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

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

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

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

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



- Human disturbance.

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

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

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

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

foraging;

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

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

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

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

#### Lighting informative

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

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

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

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

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

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

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

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

### **Birds**

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

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

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

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

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

### Informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition of buildings should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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

### **Landscaping**

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

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

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

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

	<p>A Heritage Statement and Design and Access and Heritage Impact Assessment have been submitted with the application to meet the requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Local Plan. It is understood that these will be supplemented as appropriate with additional information with subsequent Reserved Matters applications.</p> <p>In view of the above, and in relation to Paragraph 141 of the NPPF, it is therefore recommended that a programme of archaeological work, to comprise a watching brief during any ground works for the new build unit, be made a condition of any planning permission. An appropriate <b>condition</b> of any such consent would be: -</p> <ol style="list-style-type: none"> <li>1. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.</li> </ol> <p><b>Reason:</b> The site is known to hold archaeological interest.</p>
4.1.7	<p><b><u>Shropshire Fire And Rescue Service</u></b> – Comment:</p> <p>As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:  <a href="http://www.shropshirefire.gov.uk/planning-applications">http://www.shropshirefire.gov.uk/planning-applications</a></p>
4.1.8	<p><b><u>SC Highways</u></b> – Comment on the initially submitted Transport Statement:</p> <p>Parking demand in the locality is high and is a material consideration of this planning application. The Transport Statement (TS) however briefly considers the former prison site and states “The previous use of the prison site will have generated significant traffic, mainly staff, servicing and visitors.” It goes on to state that “We understand that staff and visitors often parked in local streets in the past.” What the report does not do however is to in any way quantify what that prison use parking demand generated. Whilst this may be difficult given that the prison closed some 3 years ago it is not helpful that the former prison use has not been considered insofar as parking demand is/was concerned.</p> <p>On-street parking beat surveys were carried out on the Friday 4<sup>th</sup> and Saturday 5<sup>th</sup> December, within the survey area shown on Plan 5 attached to the TS. As stated the methodology was agreed with the highway authority. Parking accumulation numbers were also carried out at the Howard Street Car Park on the basis that the applicant considers this car park could be available to support the developments parking demand. Whilst it is accepted that December is not an ideal month to carry out surveys, it is however considered to be a robust month.</p> <p>The on-street parking beat surveys indicated that the on-street parking demand is essentially at capacity. Whilst capacity did not reach 100% and parking spaces were</p>



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Highway Authority has reviewed the additional information submitted, and

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

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

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

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

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

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

The listing text follows:

*“GV II*

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

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

*Listing NGR: SJ4958712980”*

#### Methodology applied:

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

#### Policy context:

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

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

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

Design context:

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

Assessment:

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

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

Recommendation and conditions:

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



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

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

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

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

#### Sustainability/Ecology:

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

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

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

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

#### Comments on the Transport Assessment:

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

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

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

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

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

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

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

A problem and a solution:

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

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

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

Cycling:

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

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

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

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

Car parking:

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

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

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

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

### Heritage

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

### Amenity

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

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

#### Ecology

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

#### Design, Scale and Appearance

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



Need

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

Comments in support:

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

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

**Comments received from Councillor Alan Mosley:**

**Comments**

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

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

**Significant Objections**

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

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

## The Transport Plan

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

Rail and operated by a third party.

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

	<p>agree a suitable survey area within around the site and within the Castlefields area. The Howard Street pay and display car park was also included in the surveys, being the closest public car park to the application site.</p>
6.5.4	<p>This proposed mixed use development includes a range of elements such as student accommodation, open market residential units, a gymnasium/health club, business/workshop units, non-residential institutional uses (not specified), office space, café/restaurant and retail uses. It also proposes a walled garden that will be open to members of the public. The application was accompanied by a full Transport Statement (TS), which has been produced in respect of the following form of development:</p> <ul style="list-style-type: none"> <li>• Up to 120 student rooms</li> <li>• Up to 47 residential apartments (50 is stated on the application form)</li> <li>• A public gym facility of 980 square metres gross floor area</li> <li>• Up to 1900m<sup>2</sup> of conference/exhibition/flexible office space (Class B1 and D1 use)</li> <li>• Up to 450m<sup>2</sup> of A1/A3 space</li> </ul>
6.5.5	<p>The Highway Officer's comments on the TS are set out above in Section 4 and are incorporated as commentary in the following paragraphs.</p>
6.5.6	<p>The TS has since been revised during July and September 2016, following comments made by the Highways Officer, and acknowledges that the primary concern of a development in this location is the impact of extra parking on the surrounding streets, which are already close to or at capacity serving the existing needs of the local population. The TS sets out to demonstrate that the needs of the site can be met without impact on existing residents by:</p> <ul style="list-style-type: none"> <li>• Provision of adequate parking for private residents of the redeveloped site in car parks within the confines of the site itself.</li> <li>• Actively encouraging gym customers to the Howard Street Pay and Display car park, with the offer of a reduced rate for car parking.</li> <li>• Encouraging the limited number of site employees towards the Howard Street Car Park.</li> <li>• Using a student management plan to prevent students bringing cars to site. This is a system in place in many other Cities and will be rigorously enforced.</li> <li>• Suggesting that other Use Classes on the site will attract a low level of parking requirement (such as B1 Offices).</li> <li>• Accepting that residential apartments in the former Lancasterian School and the adjoining new build residential block (both outside of the Gaol wall) will have no car parking associated with the units when they are sold.</li> <li>• Offering financial assistance towards the setting up of a residents parking scheme so as to physically constrain other drivers from occupying on street spaces in the area.</li> </ul>
6.5.7	<p>The TS also states that re-development of the site will result in the following benefits:</p>

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

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

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

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



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

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

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

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

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

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

	<i>accommodation, are not included in overall housing supply statistics (however, all student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards housing provision in Local Development Plans). These cover university and college student, hospital staff accommodation, hostels/homes, hotels/holiday complexes, defence establishments (not married quarters) and prisons. However, purpose-built (separate) homes (e.g. self-contained flats clustered into units with four to six bedrooms for students) should be included. Each self-contained unit should be counted as a dwelling.”</i>
6.8.2	The key to compliance with the DCLG definition is the degree of self-containment. The proposed student accommodation will be mostly laid out in this cluster arrangement, thereby constituting ‘dwellings’ in line with the DCLG definition and also attracting New Homes Bonus, which represents a considerable boost to the local authority’s financial resources that could be invested locally.
6.8.3	For the purpose of housing land monitoring, housing forecasting and the Council’s Strategic Housing Land Availability Assessment, cluster flats are included in the housing land supply and are counted as one unit per cluster. This is in line with guidance from DCLG. The development would therefore make a modest contribution towards the housing supply. The precise level of contribution remains a matter to be determined at the reserved matters stage, but it is factor that weighs in the scheme’s favour.
6.8.4	Under different circumstances, a development of this nature would be expected to make a contribution towards affordable housing. However, the development relates to bringing back into productive use a listed building and the submitted confidential development appraisal shows that the quantity of new development including the change of use of retained buildings is consistent with delivering an unencumbered planning permission. The Housing Officer has commented on this and agrees that an affordable housing contribution is not warranted in this case due to the additional costs which would prejudice the viability of the development.
6.8.5	Other material planning issues raised in the various representations received following publicity have been covered elsewhere in this report.
7.0	<b>THE PLANNING BALANCE AND CONCLUSIONS</b>
7.1.1	Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point must be the Development Plan and then other material considerations must be considered. The Framework reaffirms the primacy of an up to date Development Plan in the decision making process.
7.1.2	The application is in outline form and is intended to establish the principle of redeveloping this site for the broad purposes contained in the application. The site lies within the defined development boundary for the town and constitutes

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



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

8.1	<p><b>Risk Management</b></p> <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.</li> <li>• The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.</li> </ul> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	<p><b>Human Rights</b></p>
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	<p><b>Equalities</b></p>
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	<p><b>Financial Implications</b></p>
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for</p>

the decision maker.
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## 10. Background

National Planning Policy Framework:

The following paragraphs are considered to be relevant:

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

Shropshire Adopted Core Strategy:

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

Shropshire Adopted SAMDev Plan:

Policies MD1, MD2, MD11, MD13 AND S16.

### RELEVANT PLANNING HISTORY:

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

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

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

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

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

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

## 11. Additional Information

View details online:

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)
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Cllr M. Price
Local Member Cllr Alan Mosley
Appendices APPENDIX 1 – Reasons for Refusal

## APPENDIX 1

### Reasons for Refusal:

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

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